

## LEGISLATIVE COUNCIL,

Friday, 17th July, 1874.

Resident Magistrate for the District of Melbourne: petition—Chairman of Committees—Jetty at Bunbury: in committee—Passage Money of Late Attorney General—Harbor Improvements: select committee report: in committee—Assent to Bills: Message from the Governor, No. 1—Miners Water Supply Bill: motion for committee stage—Postage on Newspapers: in committee.

The SPEAKER took the Chair at 6 p.m.  
PRAYERS.

## RESIDENT MAGISTRATE FOR THE DISTRICT OF MELBOURNE: PETITION

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid upon the table a memorial addressed to His Excellency the Governor from the landed proprietors, graziers, stockowners, and farmers of the Melbourne district, praying that His Excellency be pleased to appoint a resident magistrate for the District of Melbourne, or make other arrangements for the administration of justice; and moved, that the same be read.

The petition was received and read by the Clerk.

## CHAIRMAN OF COMMITTEES.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that during the temporary absence of Mr. Carey, Chairman of Committees, the Speaker be elected Chairman.

Question put and passed.

## JETTY AT BUNBURY.

In Committee.

Mr. STEERE, in accordance with notice, moved that of the sum placed on the Estimates for "Jetties," £1,000 should be apportioned towards the extension of the jetty at Bunbury.

After some conversation, Mr. STEERE consented to withdraw the motion pending the consideration of the Estimates in Committee, when the apportionment of the sum set down for jetties shall come under discussion.

Progress reported.

## PASSAGE MONEY OF LATE ATTORNEY GENERAL.

Mr. STEERE, in accordance with notice, asked the Colonial Secretary whether the passage money to England of the late Attorney General had been refunded to the colony.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that passage money to England of the late Attorney General (Mr. Walcott) had not been refunded to this colony, for the very simple reason that no passage money was advanced by the colony to that official for the purpose of proceeding to England. The passage money of the Attorney General from England hence, paid by this colony, had been refunded by the colony of Honduras, whence Mr. Walcott came here and whither he has returned.

## HARBOR IMPROVEMENTS.

Select Committee Report: In Committee.

Mr. STEERE moved that the report be adopted.

Mr. BICKLEY opposed the adoption of the report. He regretted having to do so, inasmuch as he was convinced that the question of harbor improvements was one that ought to be decided as speedily as possible; but the report before the House afforded matter for such grave consideration, and, moreover, presented so many inconsistencies, that he could not permit it to pass without expressing an opinion upon it. The plan recommended by the select committee for adoption was, so far as he could understand the report, a similar one to that which he himself had recommended at a previous session, but more expensive and less efficient. The inconsistencies of the report were numerous and manifest. In the first place, it was asserted that the most suitable plan submitted to the committee was a breakwater constructed of jarrah piles at present, but in such a manner that it might be hereafter filled with stone, and that such breakwater should be made with the sole view of its being such only. Judging from this, the plan whose adoption the committee recommended was simply a makeshift, and not a complete project at all. In the second place, it was stated in the report that, with the exception of the Hon. the Surveyor General, the committee were unanimously of opinion that the starting-point for a breakwater should be from Rous' Head. Now, he strongly contested that point. He found from the next paragraph that the question of siltage had not escaped the attention of the committee, who pointed out the necessity of the sandbank at North Fremantle being sheetpiled in order to prevent the accumulation of silt in the locality of the proposed starting-point. Here, then, was an admission, that in addition to the breakwater being constructed of jarrah piles, sheetpiling would have to be resorted to. With reference to the question of siltage, which the

committee said had not escaped their attention, that was the very question upon which they, the former select committee, had divided, and it was for that very reason that they had recommended the matter be referred for the opinion of some competent marine engineer. There could be no doubt that the question of siltage was one of the most difficult they would have to deal with in deciding upon any plan of harbor improvements. In several instances that had come under his own personal knowledge he had found that rivers debouching into the sea invariably resulted in their silting up, if not entirely yet to such an extent as to involve endless expense in clearing away the silt. He therefore looked at the question of siltage in connection with the plan before the House as a very grave objection to it. There was another very glaring inconsistency in the report, to which he had not yet alluded. In one paragraph it was stated that a majority of the committee had decided, upon a division, that no work should be commenced until a competent engineer had given an opinion by a personal inspection of the proposed site for a breakwater; but, notwithstanding this decision the committee, with one exception further on, recommended an humble Address be presented to the Governor requesting him to place £5,000 upon the Estimates for harbor works, and that in the event of the services of a particular engineer not being at once obtainable, a commencement should be made with the proposed breakwater without further delay. In other words, the committee recommended that an experimental work should be undertaken at an expense of £5,000, and that experimental work was to be a breakwater from Rous' Head, with reference to which starting-point there were a vast number of objections. One fatal objection was the fact that a breakwater in that locality would not admit of the mail steamers availing themselves of it. The committee, however, did not consider this a *sine qua non*, though it appeared to him that nearly the whole intent and purpose of providing harbor improvements was to enable us to accommodate the mail packets. At any rate, if we did not succeed in doing this, half the money expended on any scheme of harbor works would be thrown away. He therefore looked upon the final paragraph of the report as one to be condemned altogether. In his opinion Arthur's Head presented many advantages as a starting-point not possessed by Rous' Head; the inevitable result of a breakwater starting from the latter point would be a continual silting up of the locality, and we should have to be eternally tinkering with the river. There was a notable instance of this in connection

with the Clyde, in tinkering with which river a sum of something like four millions sterling had been expended, and expended in vain. £84,000 a year was spent in rendering it navigable, and available for shipping, and at last it had to be abandoned, and harbor works were constructed at Dumbarton instead. He therefore looked with a very chary eye indeed upon any proposal involving a probable expenditure of a large sum upon a river debouching into the sea, and strongly recommended Arthur's Head as a more desirable site for a breakwater. He would therefore, as an amendment upon the report before the Committee, move a resolution to that effect, and that any experimental expenditure in connection with harbor works be confined to that locality.

Mr. MARMION expressed his regret that the hon. member, Mr. Bickley, should have thought it necessary to rise to oppose the adoption of the report. The hon. gentleman had drawn an unfavorable comparison between the plan recommended for adoption by the select committee and the plan proposed by himself last session, asserting that the former was neither as cheap nor as efficient as the latter. Of course the hon. gentleman was entitled to his opinion on that point, as was any other hon. member; but he (Mr. Marmion) thought that many would agree with him in thinking that the plan recommended in the report before the Committee was equally as efficient as that placed on the table at a former session by the hon. gentleman himself. The hon. gentleman had alluded to several inconsistencies appearing in the report, and he (Mr. Marmion) was free to confess that there might possibly be several matters in it that might have been expressed somewhat more clearly and explicitly, but that was a fault that characterized a great number of reports placed on the Table of that House. The report under consideration, at any rate, had not been the only report on harbor improvements that had been difficult to understand; the hon. gentleman who prepared it had that consolation at least. With reference to the assertion that the proposed plan, if carried out, would be but a makeshift after all, he (Mr. Marmion) joined issue with him on that point; and, although he made no pretension to a knowledge of engineering, he had no hesitation in expressing an opinion that a breakwater, constructed on the principle and with the material recommended in the report of the select committee, not only would last as long, and a great deal longer, than any hon. member of that House could hope to, but would satisfy all our present wants, and our requirements for many years

to come. The probable result of referring the matter to an eminent marine engineer would be a recommendation to adopt some plan of harbor improvements far beyond our means to undertake and carry out. Moreover, the opinion of such a man would be only of theoretical value, and certainly not more reliable than the practical knowledge of persons who had been residing for years on the spot, and who were thoroughly conversant with the nature of the work required and the character of the locality where the proposed improvements were contemplated. With reference to siltage—that had been the bug-bear which had frightened so many committees on harbor works, and deterred us from commencing an undertaking of that nature; and the difficulties alleged to exist in connection with siltage had, in a great measure, originated in the opinion of those who knew very little about the matter. At any rate, the same difficulty would have to be contended against whether the breakwater, or any other solid work, started from Rous' Head as recommended in the report of the select committee, or from Arthur's Head, as suggested by the hon. member Mr. Bickley; while, as to the depth rendered available by the proposed structure it would be greater than what would be provided by a breakwater starting from Arthur's Head so that the hon. gentleman's objections on this point recoiled on his own plan against which they could be urged with much greater force. He thought the report was entitled to the favorable consideration of the House, and he hoped it would be adopted by the Committee as a measure calculated to bring the question of harbor improvements to a speedy and practical issue.

Mr. PADBURY said that, with all due deference to Mr. Bickley's scientific abilities, he considered himself quite as good an engineer as that hon. gentleman. Their colonial experience extended over the same period, for they both arrived in the colony in the same ship (laughter). Nothing would convince him (Mr. Padbury) but that the most suitable site for a breakwater to start from was Rous' Head; and if we were going to be deterred from undertaking the work because of difficulties presented by siltage we would never have a harbor worth the name. In the harbor at Port Adelaide, 30 years ago, the depth of water was not more than 3ft.; whereas it was now 19 1/3ft. and this depth had been obtained entirely by dredging. If the question of siltage was really such a tremendous obstacle in the way of the proposed breakwater as it was represented to be, we had already one dredge in the colony available for clearing away the silt, and if one was not enough, why, let them get

another. A breakwater from Rous' Head would tend very much to prevent the river overflowing its banks, and tend to keep down those floods which had often proved very disastrous to owners of land in the vicinity of the river on the Swan. As to the assertion made on the authority of Mr. Manning that the stone requisite for the breakwater was more available on the Arthur's Head side than on the opposite bank, other persons, who had equal opportunities of forming an opinion on the subject, would tell them that there was quite as good stone, and in sufficient quantity, in the vicinity of Rous' Head as in the neighborhood of Arthur's Head. Mr. Victor and Mr. Nicolay, both of whom had made an examination of the localities mentioned, would substantiate that statement; so that that objection fell to the ground. The fact of the matter was, the hon. gentleman who so stoutly and persistently advocated Arthur's Head as the starting-point of a breakwater was afraid that if the structure commenced at Rous' Head, Perth would reap the benefit instead of Fremantle. Now this was a very narrow-minded view to take of the matter.

The COLONIAL SECRETARY (Hon. F. P. Barlee) then rose, and before seriously addressing himself to a review of the report under consideration, indulged in some good-humored banter at the expense of those two eminent contemporary engineers, the hon. member for Swan and the hon. member Mr. Bickley, and, in the face of the wide divergence of opinion existing between men of such scientific attainments and engineering knowledge—knowledge and attainments equally profound both having arrived here in one and the same ship—was induced to ask, who should decide when such doctors disagreed? Seriously, he (Mr. Barlee) did not think that any question was ever brought under the consideration of the House with regard to which he but felt the necessity of approaching it in a spirit of caution and prudence, and he hoped no hon. member would deal with it in any other spirit, for it was a question fraught with the gravest importance—much graver than many possibly anticipated. As for himself, he was free to confess that he never approached the consideration of a subject with so much diffidence, surrounded as it was with many serious difficulties—difficulties which had been increased rather than lessened by the debate that had already taken place in connection with the report before the House. In the face of so much divergence of opinion as had already been manifested, even with respect to the most desirable locality for commencing harbor improvements, he did think the House should pause—and he earnestly asked

hon. members to pause—before arriving at any definite conclusion upon a question with regard to which individual opinions were so diametrically opposed. In exhorting the House to exercise every caution in approaching the consideration of the report under discussion, and in any remarks which might fall from him, as the exponent of the views of the Government, with reference to that report, he hoped it would not be thought that he was actuated by a desire to throw cold water upon it. With regard to the feeling maintained by the Government in reference to harbor improvements, he might honestly say that they were as earnest in the matter, and equally anxious that the question should be brought to a speedy and practical issue, as the most ardent advocate of harbor improvements in that House. This, he was in a position to affirm, was the feeling that animated His Excellency the Governor, and every member of his Government; anything therefore he might have to say on the subject would be advanced with an earnest desire to contribute towards the solution of the question before the Committee. It had been asserted that there were inconsistencies apparent in the report under consideration, and in this assertion he concurred. Having said that, he felt it was incumbent on him to point out where, in his opinion, those inconsistencies arose. Of course, he was not supposed to know who had drawn up the report, though he might possibly assume upon whom that responsibility had devolved; but it appeared to him that the hon. member who had been entrusted with that duty, had, with every desire to faithfully represent the result of the committee's deliberations, experienced great difficulty in presenting an exact statement of the views entertained by the committee, untinged by his own individual opinion in the matter. But, with regard to the inconsistencies of the report, he would first of all direct attention to a recommendation embodied in the third paragraph of the report, wherein it was stated—"Your committee are unanimously of opinion that the site for any harbor works to be constructed in Gage's Roads; that the most suitable plan for a breakwater is one constructed of jarrah piles in the first place, but in such a manner that it might be hereafter filled in with stone; and that such breakwater should be made with the sole view of its being such only, and not to have quays for loading and unloading, which could be afterwards constructed where found most convenient. A plan and details of a jarrah pile breakwater will be attached to this report for the information of your honorable Council,

and although your committee are in favor of a somewhat similar breakwater in principle, they would not advise its being carried out in detail till further information is obtained." So far as he could understand that paragraph, the majority of the committee meant to say that a jarrah pile breakwater should be constructed in Gage's Roads, but that no steps should be taken to carry out such a work until further information had been obtained relative to the proposed undertaking, or, in other words, until the professional opinion of some competent engineer had been first obtained. Another paragraph supported him in that view—"The question having been put by the chairman of your committee whether your committee should recommend that the construction of a breakwater should be proceeded with at once with such engineering experience as may be available in the colony, or whether, on the other hand, the work should be delayed until the opinion of a marine engineer from elsewhere could be secured, a division of the committee took place, with the following result:—For commencing at once, 3; for delaying for opinion, 4." From this he gathered that the majority of the committee, however anxious that no time should be lost before the work was commenced, were of opinion that it should be delayed until more reliable information than was now available had been obtained. In the face of this, he was sorely puzzled to understand the recommendation embodied in the very next paragraph—"but your committee with the exception of the Hon. M. Fraser, recommended that an humble Address be presented to His Excellency the Governor, requesting him to place upon the Estimates the sum of £5,000 for harbor works; and, should it be impossible to secure the services at once of an engineer from Victoria, that then without further delay, a commencement should be made with the proposed breakwater." That was to say, if we could not secure the services of a particular engineer without delay, the recommendation embodied in the previous paragraph "that the work should be delayed until the opinion of a marine engineer elsewhere could be secured" was to be rendered null and void, and the work was to proceed without obtaining any further information relating to it, and with such engineering experience as is available in the colony. But this is not all. The work was to be proceeded with "in accordance with such detailed plan as may approve itself to the Government." What he understood by this was—providing the professional services of a competent engineer could not be secured at once, the work was to be proceeded with,

without the aid of such professional assistance, but in accordance with a plan to be approved by the Government. In other words, the Government was to take the responsibility of the work, providing no engineering advice was obtainable on the subject. He would ask any reasonable man, whether it were likely for a moment that the Government would undertake such responsibility, or that the Governor would take upon himself to recommend the Secretary of State to sanction the construction of a work of such magnitude and importance under such circumstances—a work with regard to which His Excellency would not be in a position to state what would be the probable cost of carrying it out, or what would be the probable result when carried out. These were some of the inconsistencies which induced him to oppose the adoption of the report, in which, however, he was glad to find that justice was done to the Government in regard of their endeavor to carry out the recommendation of the select committee on harbor improvements of the last session, with reference to securing the opinion of a competent marine engineer from one of the other colonies—endeavors which had failed solely in consequence of the services of those engineers being required in their respective colonies, and not consequent upon any lack of zeal or exertion on the part of the official appointed to carry out the recommendation of the House. On one point the select committee whose report was then under consideration appeared to be unanimous, namely, that the site for any harbor works to be constructed should be in Gage's Roads. He was entirely in accord with the committee on this point, provided, of course, this opinion was supported by any reliable engineering authority to whom the matter might be referred. Beyond this, he would not venture to express an opinion upon the subject. Allusion had been made to the immense sums expended in the attempt to improve the navigation of the Clyde, but that perhaps was a comparison beyond us; a more equal comparison and a more striking case in point was to be found at Algoa Bay, of which he had been informed by Lieutenant Archdeacon, the Admiralty Surveyor. At Algoa Bay, as is the case here, it was found necessary to effect harbor improvements, and diverse were the opinions expressed as to the best plan for attaining the object in view. One party, however, who were in favor of the construction of a breakwater, carried their point, and the sum of £40,000 was raised by loan to carry out the work. When that amount was expended, it was discovered that another £40,000 would be required, and, by the time

that sum was very nearly spent, it was rendered evident that the work was utterly useless, consequent upon the silt that had accumulated in the locality of the breakwater, where vessels might be seen lying alongside high and dry. The structure was ultimately demolished, and the money expended upon it was, literally, money thrown into the sea. Shortly afterwards the opinion of a marine engineer as to the best plan for effecting the necessary harbor improvements, was obtained, and his advice was followed. Here, then, was an example from which we ought to learn a lesson—to pause ere we proceeded with any scheme of harbor improvements without first consulting some reliable authority, thoroughly versed in the art of marine engineering. Alluding to the evidence given by Lieutenant Archdeacon before the select committee whose report was then under the consideration of the House, Mr. Barlee said, that evidence had manifestly been obtained merely in answer to certain questions propounded to him by members of the committee, and could not be looked upon as conveying a fair expression of the opinion formed by that gentleman with regard to the whole question of harbor improvements. He (Mr. Barlee), from frequent conversations he had had with Mr. Archdeacon was fully aware what that opinion was, and he was authorized by him to express it. The opinion of Lieutenant Archdeacon—for whose opinion he had great respect, and assuredly it was one entitled to considerable weight—was that it would be almost insanity, an almost suicidal policy to adopt, to commence any extensive work of harbor improvements without having first secured the opinion of some competent marine engineer. As for himself (Mr. Barlee), he had very little interest in the matter one way or the other, and certainly was not wedded to any particular plan of harbor improvements; but he did not want to see the public funds of the colony squandered away on experimental undertakings which in the end might prove worthless; and he asked hon. members to pause before they gave their support to any scheme that had not been thoroughly and exhaustively examined and reported upon by a competent and reliable authority. In asking hon. members to do this, he was firmly and conscientiously of opinion that he was advocating the best interests of the port of Fremantle. He next came to the evidence of Mr. McKay, who, confessedly, was no marine engineer, and whose knowledge of the subject was confined to his experience as a contractor for harbor works elsewhere. Mr. McKay said he should not hesitate to construct such work as the breakwater recommended by the select

committee, without consulting an engineer. Of course, he would not hesitate, and he (Mr. Barlee) would have been much surprised if Mr. McKay, or any other contractor, had expressed any hesitation to undertake any public work likely to prove remunerative. That was just the value of his evidence. With regard to the question of siltage, which perhaps was the most difficult question to be dealt with in connection with the subject before the House, the select committee in their report had disposed of it in four or five lines, for the simple reason, in all probability, that no member of the committee was able to give an authoritative opinion on the subject. With reference to this question of siltage, he had been informed the other day by a gentleman who knew a great deal about harbor works, but whose name he was not authorized to divulge—had he been empowered to do so, hon. members would have freely admitted that his opinion was entitled to great weight; and what had he said? That the result of a breakwater, or any solid structure, constructed at the point recommended by the committee in their report would, in all probability, and in a very short space of time, cause such an amount of siltage that the mouth of the river would be entirely choked up, and then what would become of Fremantle? A course for the river must be had, and Fremantle might be ruined. He (Mr. Barlee) was not prepared to say whether this would be the result, or not; but supposing it were, who would have to bear the blame? The select committee recommended that, in the event of any delay arising in securing the services of a competent engineer, the Government should proceed with the work at once, in accordance with such detailed plan as might approve itself to them. Supposing His Excellency was induced to carry out such a recommendation, and the result of the approved plan was the swamping of Fremantle, vested interests and all, who would be blamed for the catastrophe? It would be unreasonable to expect the Governor to assume such a responsibility. Now, while making no pretension to any knowledge of engineering himself, common sense dictated to him that siltage was produced by the effects of wind and current. That, he thought, was an indisputable fact, with regard to which there could be no divergence of opinion. Admitting this, it must be further conceded that before fixing upon any site for a proposed breakwater it would be desirable that the probable effects of the combined action of wind and current in that locality should be carefully studied by those capable of doing so. It was a well-known fact that the course of the current in the neighborhood of the proposed breakwater was parallel to the shore, and

common sense told them that any solid structure crossing the current at a right angle from the shore must inevitably produce an accumulation of silt. An open pile breakwater would of course cause less siltage than a solid structure, but it was only reasonable to suppose that anything which obstructed the course of the current would cause siltage. Whether the accumulation would be greater than could be removed by means of dredging he was not prepared to say; whether it would be so great as to cause the mouth of the river to be closed up and the town of Fremantle inundated he would not pretend to decide; but he certainly did think these were questions that it would be worth while to spend a little money in obtaining reliable answers to, and the House would do well to pause until such answers had been given by an authority competent to do so. He repeated this caution over and over again, for he was thoroughly convinced of the necessity of caution in dealing with the very important question before the House; and he felt that, with the very best intentions on their part, they might force on a work that would do a great deal more harm than good to the harbor, and be the destruction and not the salvation of the port. He spoke earnestly and honestly in the interest of Fremantle when he said this, and he could conscientiously say that he was actuated by no other feeling—a feeling in which His Excellency and every member of his Government shared to the fullest extent. As an instance in point, to prove his argument that anything which obstructed the course of a current would cause siltage, he would remark that when he arrived at Fremantle 19 years ago, high tides used to flow under the present walls of the Custom House, boats were then moored where there is only dry land now at any time of tide, and it was evident that this had been caused by the construction of the old jetty and the adjacent boathouses. Let any hon. member look at the charts prepared by the Admiralty Survey Department, and study the banks that had accumulated between Cape Peron and Rottneest, and he could not fail to see the results that must inevitably follow the carrying out of any work from the shore across the prevailing current. The greatest care should be taken in forming any work, if practicable, to prevent the possibility of damage to the mouth of the Swan and the port of Fremantle—a damage easily done,—done possibly with the best intention, but not so easily remedied. One of the recommendations of the select committee was, that the services of a Victorian engineer should, if immediately available, be secured before the commencement of any work of harbor improvement; but, in the event of such services not being obtainable, he thought the

Committee might go a little further, and seek professional advice elsewhere. Probably it would not take much longer to get the opinion of a marine engineer in England, though it might cost a little more money. At any rate, of one thing the House might be certain, His Excellency, acting as he must do in accordance with the Royal Instructions, could not recommend, for the sanction of the Home Government, the undertaking of any public work of such magnitude as that then under consideration, unless he was in possession of reliable data with regard to the cost thereof and the probable results. He would candidly ask the House if it thought His Excellency was possessed of such information with respect to the proposed work then under consideration, and, if it would, in the absence of such data, place His Excellency in the invidious position in which he would be placed if the report before the Committee were adopted. Then, again with reference to the £5,000 asked for, he would say, where was it to come from? The House would remember that all available revenue had been proposed to be appropriated in the Estimates now under consideration, and that a vote had to be taken on each item on those Estimates. He thought there were few items that hon. members would wish to disturb, and it would be borne in mind that there were a large number of memorials for expenditure yet to be taken into consideration. He was of opinion that a resolution authorizing the Governor to expend a sum of £5,000 on any plan of harbor works approved by him would meet the purpose, and leave the sum to be provided for surplus revenue of this year, to be accounted for in another Estimate or provided hereafter from the loan that would be necessary for the general work. Mr. Barlee proposed the following resolution as an amendment on the adoption of the report, and hon. members would find this resolution embodied all that was in the report with the exception of carrying on the work without the opinion of a marine engineer:—

1.—That it is the opinion of this Council that no harbor improvements at Fremantle should be undertaken without the opinion of a competent marine engineer.

2.—That endeavors should be made to secure, with as little delay as possible, the services of one of the engineers employed by the Government of Victoria.

3.—That, should it be impossible to accomplish this object, the Governor be requested to secure the opinion of some competent marine engineer in England.

4.—That the first duty of such engineer be to report on the recommendation of the select committee, the report of which committee is now under consideration.

5.—That should such engineer see grave objections to carrying out the recommendation adverted to, he should then report on all other schemes that have been submitted to the Council.

6.—That if none of those schemes are in his opinion desirable, he should report what he believes would make a good harbor at Fremantle.

7.—That His Excellency the Governor be authorized to expend such sums as may be necessary to ensure the services of a competent engineer, and if the opinion of such engineer results in advising the Government to undertake any work at Fremantle, His Excellency be requested at once to convene this Council to consider the propriety of commencing such work.

Mr. BIRCH thought a great deal of time had been wasted in dealing with the question of harbor improvements, and he regretted to think that the select committee whose report was then under consideration should have had their labor in vain. In the face of what had just fallen from the Hon. the Colonial Secretary, he failed to see the necessity of appointing a select committee at all, for certainly nothing would result from their deliberations. Their report, however, it appeared to him, embodied three recommendations for the consideration of the Council—the site and the starting-point of the proposed harbor works; the nature of the work, a jarrah-pile-breakwater; and that the opinion of some competent engineer be obtained before the work is commenced. It was with the view of carrying out this last recommendation, he presumed, that the committee suggested that £5,000 be placed on the Estimates for the proposed undertaking; and if the Colonial Secretary had asked the House to agree to a vote for that purpose he thought that would have been all that was required for the present, and the select committee might have been saved their trouble. It appeared to him that we were just as near obtaining harbor improvements now as we were 20 years ago, and if we went on shilly-shallying about the matter as at present we would be no nearer obtaining the object in 20 years hence. The only question for the House to consider was—should a sum of money be placed on the Estimates to obtain the services of a competent engineer, whose

opinion should be given after a personal inspection of the proposed site for a breakwater? This was the question the House had to decide, and it ought to be decided in the affirmative, for harbor improvements were an imperative necessity, and must be effected without further delay, even if it involved increased taxation.

Mr. BURT concurred with the Hon. the Colonial Secretary as to the necessity of exercising great caution in dealing with the question before the House—a question fraught not only with importance but danger to the port of Fremantle; but as a member of the select committee whose report was then the subject of debate he joined issue with the hon. gentleman as to the alleged inconsistencies of the report. What were the real facts of the case? His Excellency the Governor, in the Speech with which he had opened the session, had alluded to the question of harbor improvements as one whose importance it was impossible to overrate, and His Excellency intimated that it would afford him much satisfaction to learn that the Council had arrived at some decision in connection with it, and that he would readily lay before the Secretary of State any well-considered scheme the House might adopt. To that end, the Hon. the Colonial Secretary tabled a motion for a select committee to take into consideration the report of the engineers of the Government of Victoria on the several plans for harbor improvements submitted to them, to report on further proposals of a similar nature, and to recommend for the consideration of the Council what measures should be adopted to bring that question to a speedy and practical issue. The select committee was duly appointed, and the result of their labors was the report then under the consideration of the House, a report that certainly was not open to the charge of inconsistency brought against it by some hon. members, but on the contrary reflected a great deal of credit upon the hon. gentleman whose misfortune it had been to draw it up. In it, the committee, first of all, recommended a site for any proposed harbor works; in the next place they suggested that the work should assume the form of a breakwater, starting from a given point; and in the third place they recommended that the structure should be made of jarrah piles. He saw nothing inconsistent in these recommendations, which, if adopted, would certainly bring the question of harbor improvements to a "speedy and practical issue," and that was the question the select committee had been appointed to consider. Having thus decided upon the site and the nature of the

proposed works, a majority further decided that, in their opinion, the work should not be commenced until a competent engineer had given an opinion by a personal inspection of the proposed site, and this they recommended the House to agree to. What more could the committee have done towards a speedy and practical solution of the question submitted for their consideration? The Colonial Secretary did not seem to like the plan recommended, and had said that the Governor would not take any action in the matter on the mere recommendation of the committee, without obtaining the opinion of a professional engineer; and, such being the case, it was altogether futile to appoint a select committee to consider the question at all. All their labors—and those labors were not inconsiderable; he could hardly wish any man a greater misfortune than to be appointed a member of a select committee on harbor improvements—were futile; but whether, by the adoption of the resolutions proposed by the Hon. the Colonial Secretary, the report before the House be rejected or not, he stoutly maintained it was not fairly open to any charge of inconsistency, but that on the contrary it contained recommendations which, if carried out, would bring the question of harbour improvements to a speedy and practical issue.

Mr. CROWTHER, having been one of those whose misfortune it had been to be on the select committee, thoroughly endorsed every word that had fallen from the lips of the hon. member Mr. Burt. The report had been set up as a target at which shots from guns of various calibre had been fired, the hon. member Mr. Bickley leading off with his popgun, and the Colonial Secretary winding up with a terrible charge of a more destructive nature. So far as he individually was concerned—and he believed the same applied to every member of the select committee—they had one and all done their utmost, so far as they were able, to carry out the object in view, namely, the recommendation for the consideration of the Council of such measures as would, in their opinion, tend to bring the question of harbor improvements to a speedy and practical issue. The report before the House very fairly represented that opinion, and if any inconsistencies existed it was in the minds of hon. members opposite and not in the report. If the work suggested by the committee were carried out, they would not be long without a practical solution of the harbor question. He urged upon the House not to submit to any further delay, for it was evident that the time had arrived when something must be done in the interests of the port of Fremantle.



The SURVEYOR GENERAL (Hon. M. Fraser); having explained the part he took as a member of the select committee, and given the reasons which induced him to disagree with some of the recommendations contained in the report,

Mr. STEERE said it would be futile on his part to endeavor to remove any haze or misconception from the minds of those who so misconstrued the report as some hon. members had done. He failed to see any inconsistencies in it. The committee having carefully discussed the numerous projects that had been placed before the Council at various times, decided upon a particular locality and a particular plan for carrying out the end in view, but suggested that, before the work which they recommended should be commenced, the opinion of some competent marine engineer should be obtained as to its practicability. The committee made no pretension to a knowledge of the art of engineering, and had therefore, very wisely, in his opinion, refrained from entering into details, and had merely confined themselves to affirming the principle of a plan which in their opinion would tend to a practical solution of the vexed question of harbor improvements. Every member of the committee had anticipated that one hon. gentleman (Mr. Bickley) would have a shot at the report, and in this they had not been disappointed, though the hon. gentleman by his line of attack had rendered himself liable to the same charge of inconsistency that he had brought against the report itself. Having assailed nearly every paragraph, he wound up, by emphatically condemning the whole report in consequence of the last paragraph wherein the committee stated that, although it would be desirable that there should be a sufficient depth of water for large steamers in any proposed harbor about to be constructed, they did not consider that that condition was a *sine qua non*. This was the ground upon which the hon. gentleman had condemned the site recommended by the committee, and yet the hon. gentleman himself persistently recommended another locality where the actual depth of water available was four or five feet less. The committee thought that a sufficient depth of water to accommodate large steamers in the proposed harbor was not an indispensable condition, inasmuch as the site in Gage's Roads recommended by the committee afforded sufficient depth of water for all ordinary purposes, and compared favorably in that respect with harbors constructed in other parts of the world, and which were available for the mail steamers, as for instance Colombo, where the depth of water was not so

great as in our own harbor. The question of siltage was undoubtedly fraught with great difficulties—difficulties beyond the ability of the committee to deal with. With reference to the opinion of Lieutenant Archdeacon as given in his evidence before the committee—an opinion for which he (Mr. Steere) entertained great respect—it was found to be directly opposed to an opinion expressed by the eminent marine engineer Sir John Coode in a report which the committee had an opportunity of consulting. As to the allegation that the report of the select committee was tinged with his (Mr. Steere's) own personal views, he did not think that was a fair statement for any hon. member to have made; for when the committee was nominated it would be in the recollection of hon. members that he had requested to be excused from serving on it, a fact which showed that he had no particular or preconceived views which he was desirous of advocating. The report was admitted by the committee to be a very fair statement of the result of their deliberations—deliberations which, at any rate, had resulted in some good, if only in the condemnation of Cockburn Sound as a harbor for the colony.

After some further observations from the COLONIAL SECRETARY (Hon. F. P. Barlee), the ACTING ATTORNEY GENERAL (Hon. G. W. Leake), the SURVEYOR GENERAL (Hon. M. Fraser), Mr. DEMPSTER, Mr. PADBURY, and Sir Thomas COCKBURN-CAMPBELL, the first of the series of resolutions moved by the Colonial Secretary was put to the committee.

Mr. LOGUE, as an amendment, moved the addition of the following words—"provided that such opinion be obtained within four months."

Amendment on the amendment put, upon which a division was called for, the result being as follows:—

Ayes ..... 11

Noes ..... 7

Majority for ..... 4

Ayes.	Noes.
Mr. Crowther	Mr. Broadhurst
Mr. Hurl	Mr. Glyde
Mr. Marnion	Sir Thomas Cockburn.
Mr. Padbury	Campbell
Mr. Dempster	Mr. Bickley
Mr. Logue	The Hon. M. Fraser
Mr. Monger	The Hon. G. W. Leake
Mr. Birch	The Hon. F. P. Barlee
Mr. Pease	(Teller.)
Mr. Humensley	
Mr. Steere (Teller.)	

Amendment on the amendment thus passed.

Resolution No. 1, as amended, agreed to.

The COLONIAL SECRETARY (Hon. F. P. Barlee), with leave, withdrew the remaining resolutions of his amendment.

Amendment, "That Arthur's Head is the preferable starting point for a breakwater, and that any experimental expenditure on such a work be confined to that locality," put and negatived.

Question put, "That the select committee report, together with an amendment, be agreed to," upon which a division was called for, the result being as follows:—

Ayes .....	11
Noes .....	6

Majority for	5
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Ayes.	Noes.
Mr. Padbury	Mr. Broadhurst
Mr. Logue	Mr. Birkley
Mr. Murrison	The Hon. M. Fraser
Mr. Dempster	Sir Thomas Cockburn
Mr. Pearce	Campbell
Mr. Birch	The Hon. G. W. Leake
Mr. Glyde	The Hon. F. P. Barlee
Mr. Crowther	(Teller.)
Mr. Monger	
Mr. Burt	
Mr. Steere (Teller.)	

Question thus passed.

#### ASSENT TO BILLS.

Message from the Governor—No. 1.

The SPEAKER announced the receipt of the following Message from His Excellency the Governor:—

The Governor has, this seventeenth day of July, in the year of Our Lord 1874, and in the 38th year of Her Majesty's Reign, been pleased, in the name and on behalf of the Queen, to assent to the following Acts, that is to say:—

"An Act to confirm the Expenditure for the services of the year 1873, beyond the grant for that year."

"An Act to amend the Ordinance 5th Victoria, No. 14, of 1841."

"An Act to regulate the exportation of Horses."

"An Act to provide for the preservation of imported Game, and (during the Breeding Season) of Native Game."

"An Act to amend the Elementary Education Act, 1871."

"An Act to facilitate the proof of Telegraphic Messages in Courts of Justice, and for other purposes."

"An Act to amend the Land Transfer Duty Act."

"An Act to amend an Ordinance to provide for the summary trial and punishment of Aboriginal Native Offenders in certain cases."

"An Act to provide for the Registration of certain Persons who shall be imported into Western Australia, or employed in any manner within the Territorial Dominion thereof."

Government House, Perth, 17th July, 1874.

#### MINERS WATER SUPPLY BILL.

Motion for Committee Stage.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Speaker do now leave the Chair for the purpose of further considering the Bill in Committee.

Mr. LOGUE moved, as an amendment, that it be considered in Committee that day six months. He did so inasmuch as the measure was uncalled for, and some of its provisions, if it became law, would prove exceedingly mischievous.

Mr. CROWTHER seconded the amendment, for the reasons he had assigned in opposing the motion for its second reading. The so-called disease of "lead-poisoning," the alleged prevalence of which had induced the Government to introduce the Bill as a remedial measure, was attributable to the negligence, laziness, and filthy habits of those who contracted it, and not to the want of an adequate supply of pure water. It was a remarkable fact in connection with the alleged ill-effects of the water provided at the mines that women and children, who constantly used it for drinking, and for purposes of ablution, never suffered any injurious effects, and surely if the water was, as stated impregnated with metal, and occasioned the disease designated "lead poisoning," the women who drank and otherwise used it would suffer as well as the men. If what was good for the goose was good for the gander, surely the converse of the apothegm was equally entitled to belief,—what was bad for the gander was bad for the goose (laughter).

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) opposed the amendment.

The COLONIAL SECRETARY (Hon. F. P. Barlee), after what had fallen from the two hon. members representing the districts which the Bill most immediately affected, said he would offer no objection to the amendment, but the responsibility would rest upon their own shoulders. The Government had done what they conceived to be their duty in

introducing the measure on the recommendation of a commission appointed to report on the subject, but if the House affirmed the amendment, he would offer no further opposition to the Bill being considered in Committee that day six months.

After some remarks from Mr. BIRCH and Mr. DEMPSTER, the amendment was affirmed, and the House resumed.

### POSTAGE ON NEWSPAPERS.

In Committee.

Mr. STEERE moved that the House go into Committee to consider the question of postage on newspapers. The Colonial Secretary and himself were the only persons present who were members of the Council when the newspaper postage was abolished some few years ago, and the proposal to do so had emanated from the Government. There was only one dissentient voice raised against the proposal, and the impost was abolished, under the belief that the free circulation of newspapers would have a beneficial tendency. Notwithstanding this, the Government had thought fit to reimpose the postage, and what he blamed them most for was the manner in which the reimposition was adopted, without in any way consulting the Legislature in the matter. In his financial statement last year the Colonial Secretary had distinctly informed the House that there would be no necessity to have recourse to any fresh taxation, and that all the extraordinary expenditure contemplated in connection with the Post Office Department would not exceed £72 10s., which, together with all other extraordinary expenditure, the House was informed over and over again would be met out of the current revenue of the colony, without necessitating one penny of extra taxation. Yet, in the face of this, and without any reference whatever to the Legislative Council, the Government had reimposed a tax upon newspapers. The financial statement was delivered in July or August, and the Government at that time must have been in possession of the facts which afterwards induced them to reimpose the postage fee. But, whether they were or not, he thought they were bound to consult the Legislature, and he did not think the excuse put forward by the Colonial Secretary the other evening was a satisfactory excuse, inasmuch as other matter—foreign to that for which the Council was specially convened, a few days before the postage was reimposed,—had been brought under the consideration of the House. The Council, notwithstanding the paucity of members in

attendance, was then asked to affirm a motion relating to the extension of the telegraph to Eucla, and it would have been but proper on the part of the Government if the question of the reimposition of postage upon newspapers, which they had then in contemplation, had also been submitted for the opinion of the Legislature. One good result, however, had attended the course pursued—the unholy alliance that existed between the Government and a certain local newspaper (cries of No, no, from the Government bench) had been abruptly terminated, and there was now one more public journal in the colony that expressed an independent opinion. He was quite certain that in the resolution he proposed to move, one member of the Government at least would be with him—the Hon. the Colonial Secretary, who it was understood was himself now part proprietor of a newspaper (laughter). The resolution he proposed to move was—That this Council regrets that the postage on newspapers was reimposed without its concurrence, and is of opinion that newspapers published in the colony should be allowed to circulate free.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake), as an amendment, moved the following resolution:—That newspapers printed in the colony may be posted in their place of publication for distribution in the colony, within one week from the day of publication, and not afterwards, gratis; that no such newspaper when once posted, or any newspaper printed out of the colony, be posted in the colony for distribution in or out of the colony, except on payment of 1d. for each newspaper; and that no postage be paid on foreign newspapers on their first receipt.

After a few words from Mr. BIRCH, the original motion was withdrawn, and the amendment was affirmed without a dissentient voice.

The Council adjourned at 10 p.m.

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### LEGISLATIVE COUNCIL, Monday, 20th July, 1874.

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Immigration: select committee report—Transfer of Land Bill: select committee report—Perth City Council Bill: first reading—Conveyance of English and Colonial Mails.

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The SPEAKER took the Chair at 6 p.m.  
PRAYERS.