

various clauses were agreed to without discussion or amendment.

Bill reported.

The House adjourned at five o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Wednesday, 17th July, 1878.*

Eucla Telegraph line : Recognition of the services of certain officers employed in construction of—Exploration of Northern Territory: Proposal by Mr. A. Forrest relative to—Closing of Telegraph Offices on Sundays—High School Act, 1876, Amendment Bill, 1878: first reading—Police Ordinance, 1861, Amendment Bill, 1878: first reading—Railways Bill, 1878: (second reading—Northern Districts Special Revenue Act, 1873, Amendment Bill, 1878: second reading; in committee—Estimates: further consideration of, in committee; re-committed—Point of Order—Boat Licensing Bill, 1878: third reading—Jury Act, 1871, Amendment Bill, 1878: third reading—Adjournment.

THE SPEAKER took the Chair at 7 o'clock, p.m.

PRAYERS.

EUCLA TELEGRAPH LINE: RECOGNITION OF SERVICES OF OFFICERS EMPLOYED IN THE WORK OF CONSTRUCTION.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), in the absence of the Hon. M. Fraser, in accordance with notice, moved, "That the House do now resolve itself into a Committee of the whole, to consider the claims of certain officers employed in the construction of the Eucla Telegraph line."

Motion agreed to.

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he need not trespass on the time of the Committee by dilating upon the services of the officers who were engaged in the construction of the overland line of telegraph to Eucla; a statement showing the claims of the various officers was already in the hands

of hon. members, who would no doubt agree with His Excellency the Governor and the Executive Council that those officers were deserving of some substantial mark of the approval of the Government for the good services they had performed. He would therefore move, "That the Governor be authorised to pay the sum of £280 17s. to Mr. C. D. Price, and £150 to Mr. J. C. Fleming, to recompense them for extra expenses incurred by them in travelling, and otherwise, in the course of the construction of the line of Telegraph to Eucla, and to give to the various officers employed on that service a bonus of three months' pay by way of recognition of the services rendered by them to the Colony, in the course of that construction."

MR. CAREY expressed surprise that any of the officers referred to should, now that the work was done, set up a claim in respect of equipment and stores, which he thought should have been made before the party started. He also noticed that the name of Mr. Horace G. Stirling was not included among the officers enumerated in the list of the Surveyor General as recommended for a gratuity. This he apprehended was merely an inadvertent omission, which would be rectified when the bonuses came to be paid.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): Certainly.

Motion agreed to.

EXPLORATION OF NORTHERN TERRITORY—PROPOSAL BY MR. A. FORREST RELATIVE TO.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), in the absence of the Hon. M. Fraser, moved, "That the House do now resolve itself into a Committee of the whole, to consider the proposal of Mr. A. Forrest to explore the Northern Territory."

Motion affirmed.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) craved the indulgence of the Committee whilst, in the absence of his hon. colleague the Surveyor General, he briefly sketched out the scheme which had been submitted to the Government by Mr. Forrest. He need

not dilate upon the importance of exploration in a Colony where so extensive an area of country still remained a *terra incognita*. The reports which had from time to time been received of the adaptability of our Northern territory for pastoral purposes, and of the other valuable resources with which there was every reason to believe that territory abounded, must convince hon. members, as it had the Government, that further exploration was desirable in that direction, not only with a view to the extension of settlement but also for the establishment of fresh industries. From the memorandum furnished to the Government by the Commissioner of Crown Lands, and which was already in the hands of hon. members, it would be seen that the climate of a great portion of the territory which it was proposed to explore was admirably suited for the cultivation of tea, coffee, sugar, rice, tobacco, or any other tropical or semi-tropical product. The non-success of the attempts at settlement which were made at Camden Harbor and at Roebuck Bay presented, in his mind, no barrier to the establishment in that portion of the Northern territory of horse-breeding and cattle-breeding stations, and no impediment to its successful settlement by both planters and stockowners. In fact, there was every reason to believe that the result of further investigation of the country proposed to be explored would—if not immediately, at any rate, in the future,—add materially to our trade, and contribute correspondingly to our revenue. Personally, of course, he was not in a position to speak with any authority gained by intimate acquaintance with the capabilities of the climate and soil of the territory which it was proposed by Mr. Forrest to explore; but judging from the opinion of those who were personally cognisant of the characteristics of the country, he thought the House would be fully justified in accepting Mr. Forrest's offer. The hon. member for the North, who knew the country proposed to be visited, would be in a position to furnish the House with further information as to its capabilities, and to express an opinion as to the desirability of carrying out the scheme of exploration which had been submitted to the Government. He would therefore, without further remark,

formally move "That the Government be authorised to expend a sum not exceeding £1,000 on the exploration of the district North of the 19th parallel of south latitude."

MR. HARPER said the territory which it was proposed to explore was about equidistant between the limit of the present settled district and Roebuck Bay; and although parts of it, so far as was at present known, were somewhat barren and rocky soil, still there was a large area of good alluvial land and of country fit for grazing, especially in the neighborhood of Fitzroy River. Referring to the land in this locality, Mr. McRae wrote of it twelve years ago, as a country generally well grassed and watered,—stony here and there, but having numerous creeks and a light alluvial soil. Following up the river a few miles, Mr. McRae found the country traversed well grassed, and possessing all the advantages of a good sheep country. He (Mr. Harper) had had many conversations with Mr. McRae about the land in this locality, and only a few days ago Mr. McRae told him that after twelve years experience of the country he had in no way altered his opinion as to its adaptability for pastoral purposes. It was also well known that portions of the territory proposed to be visited by Mr. Forrest were admirably adapted for plantations suitable for the growth of tropical productions. With regard to the proposed pastoral land regulations, sketched out in the memorandum of the Commissioner of Crown Lands, he thought, if modified at all, it should be in the direction of liberalising them. In order to induce settlement in the new territory, and to encourage cultivation, the land regulations must be framed on a liberal and enlightened scale; and, if this were done, he entertained no apprehension as to its future. Both the climate and soil—in those parts which were not suited for sheep—were well adapted for horse-breeding and cattle-breeding, and he had no doubt that once the country was opened up, a number of horse stations would be established there by Indian firms, provided the land regulations were of a liberal and encouraging character. In addition to the capabilities of the country for pastoral and breeding pursuits, no doubt, as

pointed out by the Commissioner of Crown Lands in his memorandum, the promising importance of the guano deposits on the islands and reefs existing on the coasts in this neighborhood would materially assist in bringing the country into note. One great obstacle to settlement was the hostile character of the aborigines, but as it was well known that pearl-shells were to be had all along the coast it was not at all unlikely that the natives now employed in the fisheries at Nickol Bay, in the service of the white population, would be prepared to enter the employ of those who went to the new territory. This country, once settled, would doubtless be visited periodically by pearling vessels, which were now precluded from doing so by reason of the dangers apprehended from attacks by unfriendly natives. He hoped the exploration and the survey of the country would be as thorough as possible, and that the surveying party would not be restricted in their operations for want of means.

MR. BROWN was very pleased to see that the Government had taken up this subject in earnest, and that it was their intention to propose the introduction of liberal land regulations in connection with the new territory—sufficiently liberal to induce persons to undertake the work of developing its resources. He was quite sure that under land regulations less liberal than those sketched out by the Surveyor General, the country would not be utilised in our time, which he thought was desirable, rather than that the country should be held by the present generation merely in trust for generations to come. He was quite satisfied that unless the land regulations which would be adopted for this new country were of such a character as were adapted for a tropical climate and soil, it would be useless expending any money in exploring the country. The probability was that the land was not suitable for agricultural pursuits of any kind, though possibly portions of it might be admirably suited for pastoral purposes, and the land regulations should be framed so as to be applicable to the character of the country. If this were done, he looked forward to seeing, some day, a very flourishing settlement in the region referred to. With reference to

the resolution before the Committee he thought it would be unwise to limit the Government to any particular sum for carrying out the work of exploration: he thought that, once undertaken, the work should be done thoroughly and satisfactorily, but at the same time economically.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said all the Government asked for now was that a sufficient sum be voted for the object in view. The House might depend that before anything was settled as to the land regulations of the territory to be explored, the report of the survey party would be placed on the Table of the House, with a view to elicit the opinion of hon. members on the subject. He thought it would be waste of time at present to enter into this question.

MR. BROWN asked if the recommendations embodied in the memorandum of the Commissioner of Crown Lands met with the approval of the Government?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): The Government entirely concur in the recommendations of the Commissioner so far as is at present known of the country to be explored.

MR. MARMION agreed with those hon. members who had suggested that the land regulations should be as liberal as possible, and he thought those recommended by the Commissioner of Crown Lands would be liberal enough.

MR. CAREY was somewhat surprised that the House should be asked to make special provision for this survey, as he understood that a considerable amount of money would be available from the grant for immigration. He noticed that Mr. Forrest, the projector of the proposed expedition, estimated the cost thereof at £800; at the same time he (Mr. Carey) was glad that the Colonial Secretary asked for £1,000, and he would not be at all surprised to find if the work could not be done for less than £2,000, at the rate they were now paying the survey party employed in the North district.

MR. BROWN thought it would be unwise to limit the Government to any particular sum, for a great deal of the success of the expedition must depend on the character of the seasons: if the party was favored with a good season

for the purposes of exploration and survey, no doubt the work could be accomplished for a less sum than £1,000; but as the success and the cost of the expedition must depend in a great measure on circumstances over which the Government had no control, he thought it would be better not to limit the vote to any specific amount. He would therefore move, as an amendment, "That the Government be authorised to spend such a sum of money as may be necessary for a thorough exploration of that portion of Western Australia North of the 19th parallel of south latitude."

MR. HAMERSLEY considered it would be wiser economy to limit the cost of the expedition to some definite sum; the amendment proposed by the hon. member for Geraldton virtually placed the Government in a position to go on with the work everlastingly.

MR. SHENTON also thought some definite limit should be fixed by the House as to the amount to be expended. He was quite prepared to support the original resolution.

MR. MARMION said he likewise thought it would be advisable that the Committee should name a sum (approximately) as the limit of the expenditure to be incurred. Mr. Forrest estimated the cost of the work at £800, and the Government had added twenty-five per cent. to this estimate. If the party were limited to a certain fixed sum, it would be more likely to cause them to be economical than if they had *carte blanche* to spend as much as they thought proper.

MR. CAREY said he would support the amendment. It would be a great pity the work, once undertaken, should not be completed for the sake of a £100, or so.

MR. BROCKMAN thought the House might trust that the Government would not spend more than was actually necessary in carrying out the work.

MR. CROWTHER considered that, if the expedition was worth undertaking at all, it should be carried out well and efficiently; and to that end he thought it would be better to leave the Government unfettered as to the precise amount to be expended, and trust them to do their best for the country.

MR. HARPER was of the same opinion.

MR. PEARSE said that, while reposing every confidence in the Government, he would still support the original resolution, for he considered it very desirable that the cost of the expedition should be fixed—approximately, at any rate.

SIR L. S. LEAKE said he also was in favor of the resolution submitted by the Colonial Secretary limiting the expenditure connected with the proposed expedition to £1,000. He supported the resolution, not from any want of confidence in the Government, but because he did think that some limit should be placed on the amount of money to be spent in connection with the work proposed to be done, more especially so in view of the sums now being paid for the work performed by the survey party in the North, which rates of payment appeared to him to be somewhat extravagant. It was all very well for hon. members to vote unlimited sums for the disposal of the Government, but he would like to know where the money was to come from. Mr. Forrest, the projector of the proposed expedition, who surely ought to know what it was likely to cost, estimated the outlay at £800, and he (Sir Luke) thought the House ought to be satisfied with the sum asked for by the Government.

MR. S. H. PARKER said he would support the amendment; at the same time he would not do violence to his conscience by saying that he had any particular confidence in the Government.

Question—That the words proposed to be struck out stand part of the Resolution—put, and a division called for, with the following result—

Ayes	...	...	8
Noes	...	...	9
Majority against ...			1

AYES.	NOES.
Mr. Glyde	The Hon. R. T. Golds-
Mr. Hamersley	worthy
Mr. Hardey	The Hon. H. H. Hocking
Sir L. S. Leake	Mr. Brockman
Mr. Marmion	Mr. Burt
Mr. S. S. Parker	Mr. Carey
Mr. Pearse	Mr. Crowther
Mr. Shenton (Teller.)	Mr. Harper
	Mr. S. H. Parker
	Mr. Brown (Teller.)

The amendment was therefore carried.

## CLOSING OF TELEGRAPH OFFICES ON SUNDAY.

MR. CAREY drew the attention of the House to the effect of the resolution passed on the 5th June last, with reference to the employment of the officers of the Postal Department on Sundays, its effect as regards the Telegraph Offices, and the public inconvenience it entailed, as such offices were now closed to the general public on Sundays. The resolution adopted by the House had been carried out to a greater extent than was ever contemplated by those who supported it, and the inconvenience resulting to the public was such that he had no hesitation in submitting the following resolution for the affirmation of the House: "That this Council, having taken into consideration that part of His Excellency's message (No. 2) of the 3rd July, 1878, in reply to the resolution of this House dated the 5th June, is of opinion that the arrangements made by His Excellency for carrying out the wishes of this House are productive of much public inconvenience; and this House humbly prays His Excellency to take such steps as to His Excellency may seem fit for remedying the same."

MR. BROWN, in seconding the resolution, said there could be no doubt as to the inconvenience resulting from the action taken in the matter by the Government, though possibly it would be difficult to find fault with their action, in view of the resolution adopted by the House. At the same time it must be said that it was never contemplated, by either the proposer of the resolution or by those who supported it, that the principle would have been carried so far as to suspend all telegraphic communication on Sundays. Possibly, if the House agreed to the resolution now before it, His Excellency might be induced to rescind the order which he had caused to be issued, and return to the *status quo*.

MR. CROWTHER thought it would be as well if the hon. members who had proposed and seconded the resolution now under consideration had referred to some special cases of hardship or inconvenience resulting from the issuing of the order referred to, and not contented themselves with generalities. He was not aware of any particular hardship or in-

convenience having been caused under the existing regulations, and he failed to see what great benefits would result to the public by reverting to the former order of things. He understood, however, that the Government, notwithstanding the general order issued, had not deprived themselves of the boon of telegraphic communication on Sundays, and he thought the governed were entitled in this respect to as much consideration as the Government.

The resolution was then put to the House and affirmed.

## HIGH SCHOOL ACT, 1876, AMENDMENT BILL, 1878.

This Bill was read a first time.

## POLICE ORDINANCE, 1861, AMENDMENT BILL, 1878.

Read a first time.

## RAILWAY BILL, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), in moving the second reading of a Bill to consolidate and amend divers Acts now in force relating to the survey, construction, and maintenance of railways, said the measure was to a great extent a re-enactment of the Bill passed five years ago, with some few alterations, which would enable the Commissioner of Railways to exercise certain powers which he did not at present enjoy, and which under the existing Act were vested in the managing body. The Bill was general in its application, as regarded all railways constructed in the Colony, out of the public funds.

Motion for second reading agreed to.

## NORTHERN DISTRICTS SPECIAL REVENUE ACT, 1873, AMENDMENT BILL, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), moved the second reading of a Bill to amend "The Northern Districts Special Revenue Act, 1873." The present Act provided that the sum payable in respect of a license for a vessel employed in the pearl shell fishery shall be at the rate of £1 per ton of the registered tonnage, in addition to which an export duty of £2 per ton was payable in respect of every ton of shells exported out of the Colony. Acting upon repre-

sentations and recommendations which had been made to the Government by the hon. member who represented the North district, it was now proposed to lower the fee payable in respect of a license and to increase the export duty. It was felt that the present law operated somewhat harshly in the case of unsuccessful pearlers, who had to pay £1 per ton on the registered tonnage of their vessels, whether they obtained any shells or not; and it was believed that a more equitable arrangement would be to increase the export duty from £2 to £4 per ton, which would make up any deficiency that might be caused by reducing the license fee for all boats to £1, instead of having it as at present £1 per ton. This was the principal feature of the Bill now before the House.

Motion for second reading agreed to.

#### IN COMMITTEE.

Clauses 1 to 8 inclusive—agreed to *sub silentio*.

Clause 9: "From and after 20th day of September next, the export duty or charge imposed by section nine of the said Act of 1873 shall, in lieu of Forty shillings per ton, be Four pounds per ton for all pearl shells other than the small pearl shells found at Sharks Bay and the shells technically known as dead shells, and for the last mentioned dead shells the export duty or charge shall be £1."

MR. MARMION thought some provision should be made calling upon the master of a vessel to declare the quantity of shells he had on board, unless a provision to that effect was already made in that portion of the old Act which it was proposed to incorporate with the present Bill.

MR. HARPER considered the amount of export duty proposed rather excessive, especially when it was borne in mind the service for which this impost was originally made, namely, to afford protection to the boats employed in the fisheries by the fitting out of a revenue vessel. Latterly this vessel had been employed more as a trader and a despatch boat between Roebourne and the Lacepede Islands, and it was scarcely fair to tax the pearlers to support a vessel so employed.

MR. SHENTON could not agree with the hon. member for the North that the proposed export duty was in any way excessive, especially bearing in mind the duty chargeable on sandalwood. The expenditure in connection with the latter, as regards the cost of labor, was much greater than the expenditure in connection with pearl shells. Moreover, under the present Bill it was the successful boats who would have to pay the heavier duty, whereas under the existing regulation the license fee was a very heavy tax on unsuccessful boats. The proposed new arrangement was undoubtedly much fairer than that now in force.

Progress was then reported, and leave obtained to sit again.

#### ESTIMATES—RE-COMMITTED.

*Customs Department*, Item one first-class Clerk and Gauger, £250, reverted to:

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, That the sum "£250" be struck out, and the sum "£300" inserted in lieu thereof, pursuant to the prayer of the address presented by the House to His Excellency the Governor, on July 16.

Motion agreed to.

*Medical Establishment*, Item £7092, reverted to:

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, That "Northampton, Resident Medical Officer, £100," be inserted at the end of the list of Medical Officers.

MR. SHENTON thought that the claims of the Victoria Plains district were far stronger than the claims of Northampton to a Medical Officer, the latter township being connected by telegraph with Geraldton.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the claims of Victoria Plains and Dundaragan would receive the consideration of the Government, and the hon. member would lose nothing by the mere fact of the item not appearing on the Estimates.

MR. SHENTON thought the claims of Northampton should be dealt with in the same manner, otherwise, if the item were placed on the Estimates, it would give that town a sort of pre-emptive claim.

Motion agreed to.

Question—That Medical Establishment, Item £7,192, stand part of the Estimates—put and passed.

*Harbor and Light Department*, Item "Fremantle Lighthouse keeper, £70," reverted to:

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, That the sum "£70" be struck out, and "£80" inserted in lieu thereof.

Agreed to.

Item "Champion Bay, 2 light-keepers, at £75 each, £150," reverted to:

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, That "at £75 each, £150," be struck out, and that "one at £100, and one at £80—£180," be inserted in lieu thereof.

MR. S. H. PARKER protested against these increases being brought forward at the then late hour of the evening, and in such a thin House, especially in view of the adverse expression of opinion elicited when the same items were under consideration the other night.

MR. CAREY also thought it very strange procedure on the part of the Government.

MR. CROWTHER: Whose fault is it that hon. members are not in attendance. Divide.

MR. CAREY: I wish to raise a Point of Order. I think it is a rule of Parliamentary practice that a question once disposed of cannot be brought forward again in the course of the same Session. This question (of increasing the vote before the Committee) has already been before the House this Session, and negatived, and I do not think it is competent for the hon. gentleman to bring it forward again.

THE CHAIRMAN OF COMMITTEES: If the hon. member wishes to raise a Point of Order, Mr. Speaker must be called.

#### POINT OF ORDER.

THE SPEAKER took the Chair.

THE CHAIRMAN OF COMMITTEES reported that a Point of Order had been raised by the hon. member for Vasse. On the 10th July inst., the question of "two light-keepers (at Geraldton), one at £100, and one at £75," had been put and negatived; but it had again been proposed that "two light-keepers

(at Geraldton), one at £100, and one at £80" be inserted. The hon. member for Vasse desired to know whether this was not to be looked upon as the same question twice offered, during the same Session?

MR. CAREY referred Mr. Speaker to *May*, p. 283, where it is stated that "it is a rule in both Houses not to permit any question or Bill to be offered, which is substantially the same as one on which their judgment has already been expressed, in the current Session." The item which it was now proposed to increase had already been before the House, and a judgment had been passed upon it: when submitted the other day it was negatived, on a division, by a majority of 14 to 4, and yet the Colonial Secretary offered the same question again, slightly modified certainly, but yet substantially the same.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) asked the hon. member to read a little further on in *May*—same page—where it said that however wise the general principle of this rule (that the same question may not be offered twice in a Session) might be, if it were too strictly applied, the discretion of Parliament would be confined, and its votes be subject to irrevocable error.

MR. CAREY: *May* goes further still, and says, that a resolution may therefore be rescinded, and an order of the House discharged, notwithstanding the rule referred to; but the question here is not the rescinding of a resolution, or the discharge of an order. Here a question which, substantially, has already been resolved in the negative, is offered again.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): I will go a little further still. *May*, page 284, says: "To rescind a negative vote, except in the different stages of bills, is a proceeding of greater difficulty, because the same question would have to be offered again. The only means, therefore, by which a negative vote can be revoked is by proposing another question, similar in its general purport to that which had been rejected, but with sufficient variance to constitute a new question." This is just what has been done in the present instance, and I would call your Honor's attention to the variance between

the question now proposed and that previously disposed of.

MR. CAREY: The question is, whether there shall be granted an increase of salary to the light-keepers at Champion Bay, which is substantially the same question as has already been resolved in the negative.

SIR T. COCKBURN-CAMPBELL: It appears to me that if the rule were strictly enforced, it would occasionally lead to a great deal of inconvenience. The logical effect of a strict application thereof would be that the votes of the House, however erroneous, would be irrevocable. If a Committee found they had committed a mistake, or that subsequent events or after-consideration led them to alter their opinion with respect to a vote, they would be placed in a very awkward dilemma, from which there would be no escaping if the rule referred to were strictly adhered to in all instances.

MR. SPEAKER: If a question has been offered and disposed of, the fact of hon. members altering their opinion would not alter the question, nor affect the rule, which appears to have been framed in order to avoid contradictory decisions. *May* is clear enough on the subject:—"It is a rule in both Houses not to permit any question to be offered which is substantially the same as one on which judgment has already been expressed in the current Session."

THE ATTORNEY GENERAL (Hon. H. H. Hocking): If that rule were too strictly applied, the discretion of the House would be very inconveniently confined, and an error inadvertently committed could not be rectified, however great a hardship or inconvenience the error might entail. Take, for instance, the item of "Medical Establishment, £7,092," which, on the question being put to the Committee 'that it stand part of the Estimates,' is affirmed. If, on a re-committal of the Estimates, it were found that it would be expedient to add another item, say of £100, to the vote, which would increase it to £7,192, and the usual question were put by the chairman, "That the item 'Medical Establishment, £7,192,' stand part of the Estimates," the Committee would be precluded from affirming the question, inasmuch as the House had already expressed judgment on the vote, as it originally stood.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): What would be the good of recommitting the Estimates, or of recommitting a Bill, if the House is to be precluded from qualifying or modifying a clause or a question?

MR. CAREY: If the same question could be proposed over and over again, a Session would have no end.

SIR T. COCKBURN-CAMPBELL did not think the rule was intended to apply to the Estimates, but to abstract resolutions.

MR. SPEAKER: On the contrary, I find that in passing Bills, a greater freedom is allowed in proposing questions, as the object of different stages is to afford the opportunity of re-consideration. Upon this principle, it is laid down in *May* p. 287, "That in every stage of a Bill, every part of a Bill is open to amendment, either for insertion or omission, whether the same amendment has been, in a former stage, accepted or rejected."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) quoting from *May*, p. 287—"On the 8th August, 1836, a clause was, after divisions, added on the report of the Pensions Duties Bill, to exempt the pension of the Duke of Marlborough from the provisions of that Bill. On the third reading an amendment was proposed, by leaving out this clause, and the question that it should stand part of the Bill was, on division, passed in the negative. In 1864, in Committee on the Poisoned Flesh Prohibition Bill, a clause was added providing that the Bill should not extend to Ireland. This clause was left out on the consideration of the Bill, as amended; and lastly, on the third reading, the Bill was re-committed, when a proviso was introduced imposing restrictions upon the operation of the Bill in Ireland." From this it will be seen that the rule is not always strictly applied, but may be evaded.

MR. S. H. PARKER: The hon. gentleman should have read the concluding sentence of the paragraph which he has been quoting, which is as follows: "But in Committee on a Bill, a new clause or amendment will not be allowed, in contravention of a previous decision of the Committee, unless there

"be some substantial variation in its purport."

MR. SPEAKER: It certainly appears to me that the question proposed by the Colonial Secretary with regard to the salaries of the light-keepers at Champion Bay, is substantially the same question as was resolved in the negative on the 10th July, and that therefore it ought not to have been offered again, during the current Session.

THE SPEAKER then left the Chair, and the House went into Committee on the Estimates, when

Progress was reported and leave obtained to sit again on Thursday, 18th July.

### THIRD READINGS.

The Boat Licensing Bill, 1878, and the Jury Act, 1871, Amendment Bill, 1878, were read a third time and passed.

The House adjourned at half-past twelve o'clock, a.m., on Thursday, 18th July.

### LEGISLATIVE COUNCIL,

*Thursday, 18th July, 1878.*

Late Inspector of Sheep, Champion Bay—Elementary Education Act, 1871, Amendment Bill, 1878: first reading—Bunbury Jetty—Facilities in looking for Strayed Stock—Messages from His Excellency the Governor (Boat Licensing Bill and Discoveries of Guano Northward of Lacedupe Islands)—Boat Licensing Bill, 1878: further considered in committee—Discovery of Guano Deposits: in committee—Ruling of Mr. Speaker on a Point of Order—Estimates: further reconsidered in committee—Loan Bill, 1878: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

LATE INSPECTOR OF SHEEP, CHAMPION BAY.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) gave the following

reply to the question asked by Mr. Carey, on the 16th July, with reference to the appointment of Mr. G. F. Eliot, as Inspector of Sheep in the Champion Bay District: Notification of Appointment, 22nd October, 1877; date of departure from Bunbury *per Rob Roy*, 11th November, 1877; reached Champion Bay, 14th November; remained at Champion Bay from 14th November, 1877, to 7th February, 1878; leave of absence commenced 5th February, 1878, owing to ill health; at the present time employed as a temporary clerk in the public offices, at Perth.

### ELEMENTARY EDUCATION ACT, 1871, AMENDMENT BILL, 1878.

MR. CAREY, in accordance with notice, moved for leave to introduce a Bill to amend the 26th Section of "The Elementary Education Act, 1871."

THE ATTORNEY GENERAL (Hon. H. H. Hocking), though not caring to vote against the motion, thought it was to be regretted that a Bill likely to lead to so much discussion, and dealing with a question with reference to which there possibly existed a considerable divergence of opinion, had not been introduced at an earlier stage of the Session.

MR. SHENTON did not think the House would be inclined to deal with the education question at present, especially as the section proposed to be amended had received the careful consideration of the Legislature when it was enacted.

The question "That leave be given to introduce the Bill" was negatived, on the voices, whereupon a division was called, with the following result:

Ayes	...	...	12
Noes	...	...	2

Majority for	...	10
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#### AYES.

Mr. Brown  
Mr. S. H. Parker  
Mr. Burt  
Mr. Pearce  
Mr. Marmion  
Mr. Glyde  
Mr. S. S. Parker  
Sir T. C. Campbell  
Mr. Harper  
Mr. Brockman  
Mr. Hamersley  
Mr. Carey (Teller.)

#### NOES.

Mr. Shenton  
Mr. Crowther (Teller.)

[The Colonial Secretary and the Attorney General were absent when the division took place.]