

as anyone could do the business, not excepting even the Crown Agents; for it must not be forgotten that the charges connected with the floating of the loan in the London market would not be the only charges which would have to be met, and he had no hesitation in saying that by the time they got the money out from London to this Colony, the charges for commission, brokerage, exchange, and other expenses, would not be less than from two to three per cent., a great deal of which would be obviated if the money were obtained through the local Banks.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) pointed out that if the money were raised in the Colony, a great deal of it would have to be sent out of the Colony for the purchase of the railway material in England, and there would be the same expenses to be incurred as if the money were originally raised in London and sent out here.

MR. S. H. PARKER thought it would be much more economical, and better in every way, that the loan should be raised through the local Banks; but he knew that, if the House insisted on that being done, the result would be,—they would get no loan at all; and it was only on that ground that he refrained from moving that the clause now before the Committee should be struck out.

The clause was then put and passed.

Clauses 6 to 10 inclusive,—agreed to *sub silentio*.

Clause 11.—“The Crown Agents shall, “subject to the approval of Her Majesty’s “Principal Secretary of State for the Colonies for the time being, place and keep “the moneys so remitted to them, or “so much thereof as may not be required “for immediate payment, on deposit at “interest in their names, with some Bank “or Banks in London or Westminster, “and shall hold all such moneys and the “accumulations thereon in trust, to apply “them, in the first place, in payment of “the interest for the current half year “upon the debentures for the time being “outstanding, and, in the next place, in “the formation of a sinking fund.”

MR. SHENTON suggested that that portion of the loan which would have to be spent in the Colony should be lodged, on fixed deposit, with the Banks here until required, as the interest given by

the local Banks was double what it was in England. The Colony would gain a great deal of money if this were done.

Clause agreed to.

Clauses 12 to 21 inclusive—agreed to. Progress reported, and leave obtained to sit again.

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

## LEGISLATIVE COUNCIL,

Friday, 19th July, 1878.

Treaty of Peace: Address to His Excellency the Governor—System of Classification of Clerks in the Public Service—Agricultural Rights, relative to cutting timber on Crown Lands—Extension of Privileges of Pastoral Leaseholders to Agriculturists—Vote of thanks accorded to Mr. C. D. Price—Increase of gratuity to Mr. C. D. Price—Destruction of Native Dogs—Loan Bill, 1878: further considered in committee—Harbor Improvements: Report of Sir John Coode; further considered in committee—Game Act, 1874, Amendment Bill, 1878: second reading; in committee—Message No. 7 (Land Titles Department)—Railways Bill, 1878: in committee—Northern Districts Special Revenue Act, 1873, Amendment Bill, 1878: in committee—Elementary Education Act, 1871, Amendment Bill, 1878: second reading—High School Act, 1876, Amendment Bill, 1878: second reading—Police Ordinance, 1861, Amendment Bill, 1878: second reading; in committee—Adjournment.

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

PRAYERS.

TREATY OF PEACE—ADDRESS TO HIS EXCELLENCY THE GOVERNOR.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said hon. members must have read with much satisfaction the telegram received in the Colony that day, announcing that a peace treaty had been signed at Berlin, and that a European war which at one time appeared imminent had, by the prudent and sagacious conduct of the Government of Great Britain and their representatives at the Conference, been averted. In view of this feeling of satisfaction which, in common with every member of the House, must be felt in the breast of every colonist, he begged to move, as an

expression of this feeling, that an address be presented by the House to His Excellency the Governor, in the following terms:

*"To His Excellency Major-General Sir  
"Harry St. George Ord, K.C.M.G.,  
"C.B., etc.:*

"We, the Members of the Legislative Council of Western Australia, in Council assembled, desire to express the gratification with which we have received the intelligence, this day communicated by Telegraph, that the Earl of Beaconsfield and Her Majesty's Government have, by their wise and prudent conduct of public affairs, procured the signing of a treaty, which removes the danger of the terrible infliction of war with which our country was threatened; and this House prays that Your Excellency will be pleased to communicate to Her Majesty's Government this humble acknowledgment which we the Members of this Council desire to convey."

MR. BROWN, in seconding the motion for the adoption of the address of congratulation, said he did so with a feeling of the proudest satisfaction that the representatives of Her Majesty's Government had, while securing for the various European powers the blessings of peace, also maintained the honor and prestige of the mother country.

Address agreed to, *nem. con.*

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) suggested that the resolution be telegraphed home by His Excellency the Governor, which was agreed to.

#### SYSTEM OF CLASSIFICATION OF CLERKS IN THE PUBLIC SERVICE.

MR. S. H. PARKER said that, in rising to move the resolution of which he had given notice, relative to the system of appointments to the public service and of promotion under the present classified system, his object was to get the matter discussed, rather than to get the House at this stage of the Session to commit itself to the resolutions that stood in his name. The subject, he might say, had already been under the consideration of some hon. members, during the past few days, and a meeting of classified clerks had been held in the Council

Chamber—at which meeting several members of the House were present—with reference to the system of classification now in vogue. The clerks who attended that meeting were, so far as he could gather, in favor of the abolition of the existing system; but as they were mostly senior clerks it was of course natural that they should regard the classification system with disfavor, they having already attained the maximum advantages derivable under that system. As, however, it was the duty of that House to consider the subject in all its bearings, and to regard the interests of the junior clerks of the service as well as the interests of the senior clerks, perhaps the Council would not be disposed to place undue reliance upon the expression of opinion elicited at the meeting referred to. He found that the subject of the Classification System was discussed in the House as far back as the Session of 1869, when objection was raised to it, and a pledge given by the officer then administering the Government that, before the Estimates for another year were brought forward, the system should be reconsidered, and some report made on the subject. At the next ensuing Session, a memorandum prepared by the Colonial Secretary (Mr. Barlee), dealing with the subject, was presented to the Legislative Council by His Excellency Governor Weld, who concurred with Mr. Barlee in thinking that a modification of the then existing system of classification would be advisable, and who approved of the suggestions made to that end by Mr. Barlee. In the memorandum referred to, the Colonial Secretary, after reviewing the more salient features of the system, proposed that the Classification System should remain in force thus far, *viz.*:—That the clerks should still be divided into classes; that such clerks should have a minimum and a maximum rate of pay—the latter to be arrived at by an annual increase of £10, subject to certificate of good conduct from the head of the department in which each clerk served; that a certain staff of clerks should be attached to each office, and not be removable therefrom, except on promotion, or for misconduct; that when vacancies occurred in a senior class, the Governor should appoint whom he pleased, whether a clerk in a junior class or not;

and that no clerk should have a right to promotion to a class superior to that in which he served, though he might be the senior in his class. These were the modifications proposed by Mr. Barlee, in 1869, approved by the then Governor, and adopted by the House, and were the basis of the system of classification at present in force. It was, however, notorious that the system was one which was frequently departed from, and that promotion did not always fall to those who were entitled to it. All this, of course, was prejudicial to the interests of the public service, and was naturally the source of discontent and dissatisfaction on the part of those officers whose claims were overlooked. Therefore, one of the resolutions which he was about to move was to the effect that promotion in future should be made in accordance with the principles of the system of classification in force. Another object which he had in view was to impress upon the Government the desirability of selecting officers already in the public service to fill any vacancies, or any new appointments, rather than outsiders. He was aware that a great deal must be left to the discretion of the Executive and of the Heads of Departments in a matter of this kind; but he thought that, where practicable, and where the interests and efficiency of the public service would not suffer thereby, the principle of filling vacancies with officers already in the service, rather than those who had no such claims, ought to be recognised. It was a principle which the House had affirmed over and over again, but which was frequently violated. He now begged to move, in accordance with notice, "That in the opinion of this House, it will conduce to the good of the public service of the Colony, and be just to the officers at present employed therein, were it distinctly understood—"*(a)* That promotion in accordance with the principles of the present classified system will in future be strictly adhered to;—*(b)* That officers in the public service will be selected to fill any vacancies that may occur in such service, or any new public appointments or offices that may be created."

MR. BROWN presumed that the object of the hon. member who had brought forward the resolutions was to elicit an expression of opinion on the part of the

House rather than any expectation that he would carry his resolutions. The subject, he believed, had already occupied the attention of several hon. members, including the representatives of the Government, and there seemed to be a general feeling that the present system had by no means been strictly adhered to. He himself had been under that impression until a few days ago, and, laboring under that belief, had been of opinion that the system should be abolished. When, however, the officers of the service themselves came to be consulted at the meeting referred to by the hon. member who had brought forward the resolutions, the result of that conference, at which the subject was thoroughly discussed, was to impress him with the belief that the impression he had previously formed was an erroneous one, and that the clerks did not consider that they were entitled to promotion as a matter of right, but that their advancement in the service was dependent on a certificate of good conduct from the head of the department in which they served, as proposed in Mr. Barlee's memorandum, which formed the basis of the present system of classification. This, it appeared to him, was as it should be, for he considered it would be very detrimental to the interests of the public service if the clerks regarded themselves as entitled to promotion as a matter of right, independent of their qualifications or good conduct. After what had passed at the meeting referred to, he saw no reason at all why the Classification System should be abolished, seeing that the officers of the service were not, as he had formerly thought, entitled to promotion as a matter of right, whether qualified for, or worthy of promotion, or not. If the House affirmed the resolutions submitted for discussion by the hon. member for Perth, it would be tantamount to saying that, in the opinion of the House, the Classification System had not been adhered to by the Government, which he thought would be unjust towards the Government. With regard to the resolution marked "*b*," he thought if the House were to affirm this, it would have an extremely detrimental effect upon the public service, for it would preclude the Government from going outside the service to fill

appointments requiring special qualifications and attainments. He presumed that the Government—it was their duty to do so—always had been in the habit of first considering the claims of officers already in the service whenever an appointment had to be filled up; and do what they would, it would be impossible, in the interests of the public service, to frame any system that would not leave patronage in the hands of the Government. The House and the country must rely upon them to exercise that patronage fairly and without prejudice, and fill all public offices with the best men available. He hoped the hon. member would withdraw his resolutions.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he had been glad to hear what had fallen from the leader of the elected members as regards the Classification System, with respect to which there appeared to have existed some misapprehension. He must, however, say that there were some points connected with the system which he could not regard with favor or unmixed admiration. It was all very well to say that it rested with the heads of departments to recommend the regulation increase of £10 a year in the case of the clerks serving in their respective departments; but, as a matter of fact, the increase was made, and looked forward to, altogether independent of any such recommendation. Moreover, the regulations merely provided that the head of the department should give a certificate of good conduct, which did not necessarily prove that a clerk who received such certificate was an efficient clerk. On the contrary, a clerk who discharged his duties in a perfunctory, and negligent, and inefficient manner, might very likely be entitled to a certificate of “good conduct,” which did not imply that he was an efficient public servant. A man might be a perfect noodle, and yet conduct himself in such a manner as to entitle him to the certificate required by the regulations at present in force, and which after all appeared to be nothing more or less than a mere matter of form. At any rate, he was aware of no single instance in which the annual increase of £10 had been withheld. Such a regulation it appeared to him was not calculated to ensure efficiency, nor to

foster a spirit of emulation and promote that *esprit de corps* which was so desirable an element in the public service. The clerks looked forward to their annual increase of £10, whether entitled to it or no; and this, in his opinion, was one of the main objections to the Classification System as now in force. In this respect, the system was certainly faulty. Nor indeed was this the only defect in the system, which if strictly adhered to would preclude heads of departments from going outside their own departments to secure the services of clerks requiring special qualifications. As a matter of fact, he himself had to go outside the classification list to get a Chief Clerk:—when he said this, he did not for a moment mean to cast any reflection upon the clerks in the classified list. With regard to the second resolution (that marked “b”), no doubt it was all very natural on the part of hon. members to recommend that all offices in the public service should be offered to those already in the service, rather than to outsiders, and the principle was unquestionably a just and equitable principle. But hon. members must be aware that exceptional cases would arise, and that there were offices to discharge the duties connected therewith required special qualifications, which might not be possessed by any clerk already in the service. Occasions might arise, as they had arisen, where the interests of the public service would suffer were this regulation strictly adhered to, and he thought it would be unwise to bind the Government hand and foot to such a rule.

MR. CROWTHER said his own opinion on the subject was this—do away with the Classification System altogether, or else have it strictly carried out, and not make “Jack of all trades” of the officers in the public service. At present all a clerk had to do to ensure his annual increase of £10 was simply to remain in his office during the regulation hours, paring his nails or otherwise equally industriously employed, while another did his work. This was not the way to stimulate public servants to exert themselves, or to promote a healthy spirit of emulation in the service. He was afraid that, in the past, promotion had not been so fairly meted out as it ought to have

been, but depended in a great measure on the number and influence of the friends which a man had at Court. In his opinion, it would be better to do away with the Classification System altogether, and let the Government and the heads of departments put their hands upon those clerks whom they thought would best suit the offices to be filled. It appeared to him they had a great deal too many clerks in the public service, too poorly paid; better have a few efficient clerks than a number of useless drones, and have the former paid liberally, according to their worth. The principle embodied in the second of the resolutions before the House had over and over again been affirmed by the House, and if the adoption of another resolution on the subject was likely to have any beneficial effect, he saw no objection to it. For the credit of the Government, he hoped that the next appointment to the police department would be made in conformity with the principle referred to, and not be conferred on an outsider. He hoped, further, that in future the Government would act more strictly in accordance with the principle of giving the best "billets" in the service to the best men in the service, and give those men the best pay they could possibly afford to give. That was the principle upon which he would like to see the public service of the Colony conducted.

MR. CAREY said that, whether a public servant was entitled to an annual advance of £10, or not, the increase was looked forward to as a matter of course, and it made no difference whether a clerk discharged his duties efficiently or otherwise. Such a system was not calculated to encourage the exercise of industry or to develop official abilities. He hoped the system of competitive examinations would be introduced into our public service at the earliest possible opportunity. With regard to the resolution marked "b," he hoped the principle involved would be adhered to by the Government, more strictly than it had been in the past. He quite concurred with the hon. member for Greenough that there were too many clerks in the service altogether. He would prefer fewer clerks, more efficiency, and more pay.

MR. S. H. PARKER said he had no desire to press his resolutions upon the

House, his object having been—as he stated when moving them—to elicit an expression of opinion on the part of hon. members with regard to the system of making appointments to the public service, and the system of promotion. After what had fallen from the hon. member for Geraldton—which probably represented the public feeling that prevailed outside, on the subject—he would, with the leave of the House, withdraw his resolutions.

Leave given, and resolutions withdrawn.

#### AGRICULTURAL RIGHTS RELATIVE TO CUTTING TIMBER ON CROWN LANDS.

MR. CAREY, in accordance with notice, drew the attention of the Council to the 93rd section of the Land Regulations of 1873, and the discrepancy that existed between that section and the form of the lease issued for such pastoral lands as the section referred to. The section was as follows: "A pasturage license or lease shall entitle the holder thereof to the exclusive right of pasturage over the land specified, and on the terms therein stated. *Such license or lease shall give no right to the soil or to the timber, and shall immediately determine over any land reserved, sold, or otherwise disposed of under those regulations.*" If hon. members would turn to the prescribed form of lease issued for such pastoral lands as were contemplated in the section which he had read, they would find that the lease recited that "the lessee, his executors, administrators, or allowed assigns, *may at all times during this demise, on any part of the said premises, fell, cut, and use any timber for his domestic and farm purposes, or for the construction of any buildings, fences, stockyards, or other improvements.*" Hon. members would observe the discrepancy between the section and the form of the lease: while the section gave the lessee no right to the timber on his premises, the lease empowered him to fell, and cut, and use any timber thereon. The same discrepancy was apparent in the 63rd section of the New Land Regulations, which likewise provided that a pasturage lease shall give no right to the soil or to the timber. The 94th section of the present regulations empowered the Com-

missioner of Crown Lands to insert in any lease a clause permitting the lessee to "cut such timber as might be required for domestic uses, for the construction of buildings, fences, stockyards, or other improvements,"—a provision which appeared to him entirely at variance with the next preceding section, which provided that a pasturage lease shall give no right to the timber—and a provision which on the other hand appeared superfluous in the face of the recitals in the prescribed form of the lease, which he had already cited. It was evident that the right referred to was intended to be conferred on the lessee, and under the circumstances, he begged to move the following resolution: "That, in the opinion of this Council it is desirable to give to all *bonâ fide* cultivators of land the same right to cut, on adjoining Crown Lands, such timber as may be required for the construction of buildings, fences, stockyards, or other improvements on the land, as already granted to lessees of pastoral lands, but not for sale or removal off the land." He thought the privileges conferred upon the lessees of pasturage lands, in this respect, should also be conferred upon *bonâ fide* cultivators.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said that, so far as he could see, he believed that in the new Land Regulations about to be promulgated the blot pointed out by the hon. member would be remedied; if not, he thought it was very desirable that it should be, and the House would observe that according to the 114th section of the amended regulations, the Home Government had waived (so to speak) its right to prepare the forms of lease, license etc. necessary for the purposes of the regulations, or such other forms as circumstances may require, vesting the right to frame them in the Governor-in-Council.

MR. CAREY said that, after the explanation afforded by the Attorney General, he begged to withdraw his resolution.

Resolution withdrawn.

#### EXTENSION OF PRIVILEGES OF PASTORAL LEASEHOLDERS TO AGRICULTURISTS.

MR. CAREY, in accordance with notice, drew the attention of the Council to the

92nd section of the Land Regulations, 1873, which provided that "the occupier of a depasturing lease shall have the right to purchase in the proportion of 10 acres to each 1,000 acres leased; each lot to contain 100 acres; and improvements shall be made in each allotment to the extent of £25; to be redeemed in five years, at 5s. an acre." The same provision was made in the 62nd section of the new Land Regulations. He saw no reason why the same privilege which this section conferred on the pastoral occupier should not be extended to the agriculturist, so long as the number of acres be limited to a hundred. He would therefore move, pursuant to notice, "That in the opinion of this Council it is desirable that the privileges granted to pastoral leaseholders by the 92nd clause of the Land Regulations of 1873, and the 62nd clause of the proposed Land Regulations, shall be extended to *bonâ fide* cultivators of Land, to the extent of 100 acres for each head of a family."

SIR T. COCKBURN-CAMPBELL said he saw no objection at the present moment to the extension of the privilege contemplated in the resolution; but the subject was a very important one, and he thought the House should not attempt to dispose of it in this off-hand manner. Before committing themselves to an alteration of this kind in the Land Regulations, he thought the question should receive careful and deliberate consideration.

MR. CROWTHER suggested that the subject be brought forward as a distinct motion at the ensuing Session of the Council, for, no doubt, it was a question of considerable importance.

MR. CAREY, thereupon, withdrew his resolution.

#### VOTE OF THANKS ACCORDED TO MR. C. D. PRICE.

MR. BROWN, in accordance with notice, moved, "That the cordial thanks of this House are due, and are hereby accorded, to Mr. C. D. Price, for the valuable services rendered to this Colony by the manner in which he conducted the duties entrusted to him in connection with the Survey and Supervision of the Eucla Telegraph Line."

SIR T. COCKBURN-CAMPBELL had much pleasure in seconding the

motion, expressive as it was of the Council's sense of the value of the services rendered by Mr. Price to the Colony, in connection with the very important undertaking entrusted to his supervision.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) was very glad to see such a motion tabled, but would have been still more pleased if it had embraced the services of the whole staff employed under Mr. Price's direction.

MR. BROWN, with leave, amended his motion, by adding the following words: "And this House wishes further to recognise the able and valuable assistance given to Mr. Price by the members of his party, which tended materially to enable him to carry this great work to a successful issue."

Motion, as amended, agreed to *nem. con.*

MR. BROWN and SIR T. C. CAMPBELL, at the desire of the House, then proceeded to conduct Mr. Price to the Bar, and upon his approach being announced by the Sergeant-at-Arms, honorable members rose, and

MR. SPEAKER having directed that Mr. Price be admitted to the Table, expressed the gratification he felt in conveying to him the vote of thanks accorded by the House for his valuable services in the construction of the Eucla Telegraph Line, and then read the Resolution as passed.

MR. PRICE thanked honorable members, through Mr. Speaker, for the honor conferred upon himself and party, and then withdrew from the Council Chamber.

#### INCREASE OF GRATUITY TO MR. PRICE.

##### IN COMMITTEE.

MR. CROWTHER moved, "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to increase the gratuity to Mr. Price, the leader of the Survey Party recently engaged upon the Eucla Telegraph Line, from £75 to £200, in consideration of the highly valuable and exceptional services rendered by that gentleman throughout the progress of the work;

"and that the services of Mr. H. S. Carey be recognised by increasing the gratuity to him from £60 to £100."

Motion agreed to, without discussion.

#### DESTRUCTION OF NATIVE DOGS.

MR. SHENTON, in accordance with notice, called the attention of the Colonial Secretary to certain regulations that were in force some years since to encourage the destruction of native dogs. Formerly a gratuity was given by the Government towards abating the nuisance and the havoc committed by these pests, and the practice of rewarding the settlers' exertions in this direction had the desired effect; but of late years the nuisance had become as great as ever, and sheep were destroyed by these dogs, not only in hundreds but in thousands. He thought the matter was one well worthy the consideration of the Government, and that the simplest plan would be to revert to the old plan of granting a gratuity in the shape of (say) half-a-crown for the tail of every native dog brought in to the police or the Resident Magistrate of a district. He thought the money derived from dog licenses might, for a year or two, be devoted to this purpose.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he thought the course adopted by the hon. member, of addressing himself to the Government on the subject, was a very proper and reasonable one. On behalf of the Government he might state that the matter would receive their careful consideration.

#### LOAN BILL, 1878.

##### FURTHER CONSIDERED IN COMMITTEE.

##### Schedule read:

For the completion of the Northern Railway and construction of the Eastern Railway, with Surveys for its extension ... ..	£140,000
For Roads ... ..	50,000
For Public Works, including cost of Steam Tug ... ..	10,000
Total ... ..	£200,000

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said: When the Bill was considered in Committee the other day, the hon. member for Perth asked

for some information relative to the amount proposed to be expended in the completion of the Northern Railway, and requested to be furnished with some particulars as to how the money was to be expended. At that time, I was not in a position to afford the hon. member the information which he was anxious to receive, and when we came to the schedule of the Bill, Progress was reported. I am now in a position to inform the House that the estimated sum required for the completion of the Northern Railway is £17,000, and that this amount will be made up as follows, as near as possible: £2,000, for the purchase of land for a goods shed; £2,500, road through Geraldton; £1,500, machinery for workshops; £4,000, deviation and alteration, original line, and bridge; £1,000, branch line to goods shed; £2,000, addition to contract, in consequence of defective specifications and drawings; and £4,000 for engines, required to work the heavy mineral trains—the present engines being left for passenger traffic, for which they are better adapted.

MR. S. H. PARKER thought it would be much better that this sum of £17,000 for the completion of the Northern Railway should constitute a separate item in the schedule. In the present form of the schedule, it would be competent for the Government to expend £100,000 on this line, and only £40,000 on the Eastern Railway. The Geraldton line appeared first on the schedule, and the other line appeared as if it was quite a secondary matter compared with the Northern line. He would move, as an amendment, That item "For the completion of the Northern Railway and construction of the Eastern Railway, with surveys for its extension, £140,000," be struck out, and that "For the construction of the Eastern Railway, with surveys for its extension, £123,000," be inserted in lieu thereof.

Amendment agreed to.

MR. S. H. PARKER further moved, That before the item "For Roads, £50,000" the following be inserted, "For the completion of the Northern Railway, £17,000."

Motion adopted.

Schedule, as amended, agreed to.

Bill reported.

## HARBOR IMPROVEMENTS: REPORT OF SIR JOHN COODE.

### FURTHER CONSIDERED IN COMMITTEE.

MR. SHENTON resumed the debate (adjourned 8th July), by asking leave to amend the resolution which he then proposed, by omitting all the words after "railway," so as to give the Governor greater discretionary power in the matter.

MR. MARMION objected to the proposed amendment, as he regarded any further discussion on the subject of the hon. member's resolution as waste of time.

The proposed amendment was not pressed.

MR. HAMERSLEY moved, as an amendment to the amendment proposed by Mr. Crowther (July 8th), That all the words after the word "that" be struck out, and the following words inserted in lieu thereof:—"This Council, "feeling that the present imperfect state "of the port at Fremantle is very detrimental to public interests, recommends "that a loan of £50,000 be raised to commence a construction similar to the plan "B in Sir John Coode's report, which sum, "if supplemented by any available convict "labor, would go far towards supplying "the lesser of the two admirable schemes "submitted by Sir John Coode." The hon. member said it was high time some definite steps should be taken to do something to improve the present harbor accommodation at Fremantle, and he did not know that they could do better than adopt the opinion of the eminent authority to which the subject had been referred. He did not think the House could improve upon it, and he failed to see why they should not turn the information furnished by Sir John Coode to account. When it came to be considered that the raising of £50,000 by loan for such a work would only involve an annual charge of £3,000, he did not think there was anything very dreadful in the contemplation of that additional charge upon the revenue, looking at the importance of the undertaking proposed to be carried out. They had squandered lots of money upon matters of much less importance and utility, and upon projects that were utterly useless; whereas here they had a work of national importance



and necessity, towards the carrying out of which £50,000 would—with the aid of convict labor—go a great way, and yield a good return. When it was considered that the present jetty only cost £6,000 or £7,000, and that to extend it would not cost much more, and would secure 20ft. of water, instead of, as at present, 10ft., so that not only the *Rob Roy* but the *Otway* and such vessels might go alongside—he did not know but that some of the wool ships might likewise be able to lay alongside; when they came to consider the great convenience which improved accommodation would give, and the increased facilities for loading and unloading it would afford, he thought the House would do well to give its serious consideration to the resolution which he had brought forward. He did not mean to say that those countries which were blessed with the greatest facilities for shipping were always the most flourishing and prosperous, but he thought it would not be denied that this Colony would be a great deal more prosperous than it is at present if we had a safe and commodious harbor at Fremantle, and improved facilities for loading and discharging vessels. A railway to the Eastern Districts would prove of very little use or advantage without harbor improvements—it would be “uncomestable,” in fact; and he thought they might as well begin at this end of the railway as the other. He believed that money expended on harbor works would yield a much better return than the money proposed to be expended on railway works. If this great undertaking were now shelved, and left for another generation, it would be a blot upon the character of the Colony, and he was happy to think that, so far as he was concerned, he would have no share in the disgrace which it would entail. If he stood alone in this matter, he would have the satisfaction of knowing that he had done his duty, in urging upon the House the necessity of providing harbor works of some utility at the port of Fremantle.

MR. MARMION opposed the resolution submitted by the hon. member for Toodyay, and said he rested his opposition to the hon. member's scheme upon the opinions of those who were better able to judge than he (Mr. Marmion) was. Years ago the same question had

been mooted in the House, and the matter had been referred to “eminent engineers” from the other Colonies, none of whom recommended the adoption of the scheme put forward by the hon. member for Toodyay, in favor of Owen's Anchorage. What was Mr. Doyne's opinions? That harbor improvements should be undertaken at Owen's Anchorage? No; but at Gage's Roads. The Council, with that peculiar hesitancy to accept the opinions of the authorities whom it consulted, further submitted the matter to another engineer, and, in 1873, the whole subject was referred to a Board, who were commissioned to go into the matter during the recess, and consisting of gentlemen whose opinions on such a subject were entitled to great weight. One of the schemes placed before that Board was that of Colonel Henderson for constructing harbor works at Owen's Anchorage, but the Board regarded the scheme as impracticable, as the passages leading to the anchorage could not be approached, except under very favorable circumstances indeed. At the next Session the matter crept up again, and a Select Committee was appointed to consider the question and to report to the House. In that report, the members of the Committee expressed themselves unanimously of opinion that the site for any harbor improvements at Fremantle should be Gage's Roads,—Captain Archdeacon, R.N., having expressed an opinion that it would be impracticable to make a good harbor at Owen's Anchorage. The Select Committee recommended that the opinion of some competent engineer from the other Colonies should again be obtained, and the result was that the House agreed to adopt the recommendation, and Mr. Wardell was sent for. Mr. Wardell, after a careful examination of the various schemes propounded, and a personal inspection of the localities, came to the conclusion that Gage's Roads afforded the only safe, commodious, and accessible anchorage at or near Fremantle. He now came to Sir John Coode's report, the latest authority consulted, and he found that Sir John endorsed the opinions of the other engineers consulted as to the best site for constructing harbor works—not Owen's Anchorage but Gage's Roads. The hon. member for Toodyay had, how-

ever, set up himself in opposition to all these authoritative opinions—in opposition to the views of the House for many years past—and in opposition to the opinions entertained by the majority of the colonists, and certainly by the majority of the inhabitants of Fremantle. The proposed works at Owen's Anchorage would afford no accommodation for the P. & O. Company's mail steamers, not one of which would be able to enter the anchorage. Years ago, that locality was used by the shipping as a winter's anchorage, but shippers became so disgusted with it that they deserted it in favor of Garden Island. During the last two or three winter seasons, however, the anchorage had again been resorted to, but the result was by no means one of unmixed satisfaction, for when the gales with which they had been visited during the past few days prevailed, no loading or discharging could be carried on there, and the wreck of a vessel recently stranded was to be seen there at that very moment. It appeared to him it would be an act of madness and unjustifiable presumption on the part of the House to set up its opinion against the enormous weight of evidence, professional and otherwise, which had been adduced on this subject. He hoped, therefore, that hon. members would agree with him that it would be far better to remain as we are for a few years longer, until we were in a position to undertake and carry out Sir John Coode's recommendations, rather than to go tinkering with harbor works at Owen's Anchorage. He regretted he did not feel himself justified at the present time in supporting the amendment of the hon. member for the Murray (Mr. Hamersley), for he thought there was a great deal in what the hon. member had said, and at a future Session he (Mr. Marmion) hoped to come before the Council with something like a definite scheme of harbor works, with a view to carry out the recommendations embodied in the report under consideration, that of Sir John Coode's.

MR. CROWTHER said the Government had now before it an offer for the formation of a safe and commodious harbor at Owen's Anchorage, with a line of railway to connect it with the port of Fremantle, and he hoped this opportunity of supplying a long-felt want would

not be missed. As to the opinions given by the "competent men" brought over from the "other side," on the subject of harbor improvements, he did not think the House would be inclined to place much reliance upon the reports of those gentlemen. As to Mr. Doyne, they knew what he did, and that nothing would go down with him but his own ideas. And as to the Committee or commission appointed in 1873, with one solitary exception no member of the Committee knew anything whatever about the subject they were called upon to inquire into, and with them it was "heads I am right, tails you are wrong." Next came Mr. Wardell, and a great deal of capital had been made from the opinions put forward by that gentleman—who was discharged the other day by the Berry Ministry, on the ground of alleged incompetency. He left this Colony within six weeks after his arrival here to report on the subject of harbor improvements, and he must have been a particularly smart man to have been able to form an opinion on the subject after a few days' stay at Fremantle. No great weight, he thought, could be placed on the opinions of these gentlemen, and the Colony seemed as far as ever from having what it had been crying out for, for years past—a safe and commodious harbor. This, he was afraid, they would never get without having resort to extraneous assistance, and this assistance was now offered to them. The Government had now before it an offer which involved no risk to this Colony, but which would give it, at Owen's Anchorage, every facility for the loading and discharging of vessels. This offer embraced what to his mind was about the only reproductive work the Colony had ever started. As to the mail steamers of the P. & O. Company not being able to avail themselves of the harbor accommodation at Owen's Anchorage, he did not think the House or the Government need trouble themselves about that, for these steamers were not likely to avail themselves of any harbor here, for any space of time, as their object was to economise time as much as possible and to avoid all unnecessary delays. Looking at the offer made by their South Australian friends to construct a safe and commodious harbor at Owen's Anchorage, on terms that could not be

regarded otherwise than fair and favorable to this Colony, he failed to see why on earth these people should not be allowed to make the experiment. If it did not prove a remunerative scheme, then in heaven's name let them keep it themselves; and, on the other hand, if it was found to pay, let the Government take it up, as they would be entitled to do, according to the terms proposed by the projectors.

MR. GLYDE was sorry he could not support any scheme having for its object the carrying out of harbor improvements at Owen's Anchorage. He had been intimately acquainted with that locality for many years past, and, in his opinion, it would be very unwise to incur any heavy expenditure in endeavoring to make a harbor there. The reason Owen's Anchorage was now occasionally made use of by the masters of vessels during the winter months was that captains felt themselves safer in anchoring there, in a clay bottom, than in Gage's Roads, where they might drop anchor in seaweed. As for facilities for discharging vessels, when ships could not be unloaded in Gage's Roads, very little indeed could be done in the way of discharging, at Owen's Anchorage. As he had told the Government years ago, he thought that if we had a steam tug available to take vessels over to Garden Island, nearly everything we required in the way of harbor improvements would be gained.

MR. BROWN thought the resolution brought forward by the hon. member for Toodyay (Mr. Shenton) was hardly necessary. It merely asked the Government to do what he (Mr. Brown) conceived to be their duty to do, without any resolution of the House, namely, to ascertain if the necessary wharfage accommodation could be provided at Owen's Anchorage. The Government surely need not be told that the "two schemes proposed by Sir John Coode" were beyond the present means of the "Colony." Therefore, he failed to see the necessity of the resolution submitted by the hon. member for Toodyay. With regard to the amendment of the hon. member for Greenough, he could hardly regard that as necessary, either; for, surely it was the duty of the Government, without being addressed on the subject by that House, to inquire into

the merits of the scheme of harbor works at Owen's Anchorage, submitted to them by the South Australian capitalists. As a matter of opinion, he thought it would be better that the Government should have its own harbors and railways, and not be dependent on foreign capitalists; at the same time he thought the scheme referred to by the hon. member for Greenough was one well deserving the consideration of the Government, though he did not see that it was at all necessary that the House should pass a resolution on the subject, unless there was reason to believe that there was no intention on the part of the Government to consider the proposal in any way. It appeared to him that the best thing the House could do was to negative all the resolutions placed before it, and leave the matter as it stood, in the face of Sir John Coode's report.

MR. PEARSE was surprised that the hon. member for Toodyay should, in the face of the opinion expressed by so eminent an authority as Sir John Coode, propose to expend any money in carrying out harbor improvements in the vicinity of Fremantle elsewhere than in Gage's Roads. He (Mr. Pearse) was decidedly opposed to the expenditure of public funds for any such purpose at Owen's Anchorage. He thought there was a great deal in what had fallen from the hon. member for the Murray, and that whatever expenditure of money in harbor works was determined upon, the site for such works should be Gage's Roads. As to the partiality shown by the masters of vessels to Owen's Anchorage, the secret was not to be found so much in the assumption that such great facilities were afforded there for discharging, as in the fact that Owen's Anchorage was nearer to Fremantle, and consequently more accessible than Garden Island.

MR. HARDEY said he would support the amendment brought forward by the hon. member Mr. Burt, believing as he did that it was undesirable, in the present financial condition of the Colony, to undertake the construction of any harbor works such as those that were dealt with in the report under consideration (Sir John Coode's). He thought the matter might safely be left in the hands

of the Government, as regarded any other scheme, and he had no doubt the project put forward by the hon. member for Greenough, on behalf of certain South Australian capitalists, would receive the consideration of the Government before next Session. There was one matter in Sir John Coode's report which had not been referred to in the course of the debate, and that was with respect to the improvement of the river from the bridge at Fremantle to the Bar. "Before leaving the subject of the river," Sir John Coode said, "I would desire to point out the necessity for taking early steps to prevent the further wasting of the North bank between the Bar and Fremantle Bridge by constructing in front of the existing groynes, a continuous training bank of rubble stone, commencing from a point of about 1,200 yards below the Bridge, and terminating just within Rous Head." To his (Mr. Hardey's) mind this was a very important recommendation indeed, for it must be patent to everybody that the banks of the river in this locality were being gradually washed away, and that eventually the sea must break through, unless some steps were taken to prevent such a catastrophe. Sir John Coode, in his report, also referred to the desirability—with a view to facilitate the ingress and egress of barges and other light craft—of curtailing the width of the river entrance between Rous Head and Arthur's Head, by forming a short work from the former in a South-west direction. He believed there were some rocks in the passage across the Bar which might be removed without entailing a great deal of expense, and prove very advantageous to barge and boat traffic.

MR. HAMERSLEY, at this stage, withdrew his amendment.

The following amendment (moved by Mr. CROWTHER on the 8th July), upon an amendment, was then put to the vote, and negatived on a division: "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to appoint a Special Commission to inquire into and report upon the scheme for Harbor Works at Owen's Anchorage submitted to the Government by certain Capitalists of South Australia, with power to call for

"persons and papers; Lloyd's Agent being one of the Commission."

Ayes	...	...	4
Noes	...	...	12
Majority against ...			8

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

Mr. Crowther's amendment upon the amendment of Mr. Burt was therefore negatived.

The following amendment upon the original resolution (moved on 8th July) was then put and agreed to: "This House, while acknowledging the able and careful treatment of the question of Harbor Improvements at the port of Fremantle in the Report of Sir John Coode, now under consideration, is of opinion that it is undesirable, in the present financial condition of the Colony, to undertake the construction of any of the works put forward by him."

The House then resumed.

#### GAME ACT, 1874, AMENDMENT BILL, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), in moving the second reading of this Bill, said its object was to vest in the Governor in Council the power, from time to time, to make regulations as to the close season, in various parts of the Colony.

Bill read a second time, without discussion.

Bill committed, and agreed to, without comment or amendment.

Bill reported.

#### MESSAGE No. 7—CHARGES AGAINST THE LAND TITLES DEPARTMENT.

SIR T. COCKBURN-CAMPBELL considered that the House must agree with him that it was but fair that the officer in charge of the Land Titles Department should be furnished with a copy of the charges brought against the administration of the department by the hon. mem-

ber for Vasse, in order to afford him an opportunity to rebut those charges. At the same time he was aware that it was not the wish of the House that the inquiry into the working of the department should be confined to the specific charges made by the hon. member for Vasse, but that a general investigation be made. To that end he would move—  
 “That this House directs that the Reporter of the House do furnish, for the information of His Excellency the Governor, a copy of the speech made by the honorable member for the Vasse, on the occasion of his moving his resolution to appoint a Select Committee to inquire into the working of the Land Titles Department, on the 8th July last; and further that this House humbly prays that His Excellency will be pleased to cause a general investigation to be made with regard to the conduct of the business of the Land Titles Department.”

Agreed to.

[A copy of the speech, as directed by the House, was furnished to His Excellency the Governor on August 1st, 1878.]

#### RAILWAYS BILL, 1878.

##### IN COMMITTEE.

This Bill was passed through Committee, with a few slight verbal amendments. [*Vide* “Votes and Proceedings,” p.p. 162-3.]

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

This Bill was further considered in Committee, and agreed to without amendment or discussion.

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

MR. CAREY, in accordance with notice, moved the second reading of a Bill to amend “The Elementary Education Act, 1871.” He might say in explanation of his introducing the Bill at this advanced stage of the Session that he had been in expectation the Central Board of Education would have made such an alteration in the by-laws as would have met the case, without the necessity for further legislation on the

subject. But as the Board had not done so, he felt constrained to bring forward the present Bill. The object of the Bill was to place the Assisted Schools on the same footing as the Government Schools as regards the minimum number of scholars required to entitle such schools to the grant in aid. At present, no Assisted School was entitled to a Government grant unless the number of scholars reached twenty; he proposed to reduce this number to twelve. Looking at the fact that the Colony was spending between £9,000 and £10,000 a year for providing education to the rising generation, and that the Assisted Schools tended to diminish this expenditure, he thought that every encouragement should be given towards the establishment of these schools, so that their number might be multiplied. Apart from this, he failed to see why there should be any distinction made between Government and Assisted Schools as regarded the minimum number of scholars entitling the schools to support from public funds. He now begged to move that the Bill be read a second time.

MR. BURT moved, as an amendment, that the Bill be read a second time that day six months. The question proposed to be dealt with had received the serious consideration of the Legislature when the present Act was framed, and he did not think that any amendment of an important character should be brought forward at the close of a Session, and without its being shown that there existed grave reasons for proposing such amendment. No such reasons had been adduced in the case of the present Bill. He had been a member of the Central Board of Education for some years past, and he was not aware that any complaint had been made by the parties most deeply interested that the existing limitation as to number of scholars had worked any hardship or injustice in the case of Assisted Schools.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) seconded the amendment, being entirely in accord with the hon. member Mr. Burt on the subject. He thought the House should not be called upon at the tail end of the Session to commit itself to any hurried legislation on a subject of such importance as an alteration in a system of education which admittedly had worked well, and, on the

whole, satisfactorily to all parties concerned. So far as he had seen of the working of the present Act, he did not think there was any ground for complaint, nor was he aware, as Chairman of the Central Board of Education; that any complaint had been made. As a matter of personal opinion, he would not have the Assisted Schools placed in every respect on the same footing as the Government Schools of the Colony, unless they were conducted on the same principle, and in conformity with the same regulations; to do so would be to place the two classes of schools in opposition and antagonism to each other. The Act, as at present in operation, was working very well, and he thought it would be a mistake to meddle with it.

MR. HAMERSLEY said he was rather in favor of the motion for the second reading of the Bill. He failed to see, so long as the Assisted Schools were recognised by the Government, why they should not be placed on the same footing, as regards attendance, as the State schools. They were subjected to the same regulations as to the standards of examination.

MR. MARMION did not think he should himself have been induced to bring this matter before the House, but inasmuch as it had been brought forward, he felt bound to support the motion for the second reading of the Bill. It did strike him as somewhat inconsistent that hon. members who were never tired of advocating economy and retrenchment, should offer any obstacle to the number of Assisted Schools being multiplied, bearing in mind that these schools did not cost the country nearly as much as the State Schools, although the same standard of instruction was provided in the former as in the latter class of schools. It might happen in some localities that the requisite number of scholars to warrant the opening of a Government School might not be available, but that, were the limitation as to the number of scholars necessary to entitle Assisted Schools to the grant-in-aid reduced to twelve, such a school would be opened in the locality. On the other hand, if the limitation as to the Government Grant remained as at present, the result might be that, lacking encouragement to open such school, the children in that neighborhood would be

deprived of all means of education. It appeared to him that in common fairness, and as a matter of economy, the principle of the Bill before the House ought to be affirmed.

MR. BROWN said if the Colony had adopted the system of denominational education he could understand the proposal made by the hon. member who had brought forward the present Bill; but as the educational system in operation in no way countenanced denominationalism—beyond that it recognised the conscientious scruples of the Roman Catholic community, by allowing them a certain amount out of the public funds for the support of their schools, but not so as to place them in a position to militate against the state schools—he failed to see that any principle was violated by the rejection of the Bill now before the House.

MR. CROWTHER said his experience of Assisted Schools went to show that they worked very well under the present system of education; the main object of these schools, however, appeared to be to fill the churches of the religious community to which they belonged, rather than to promote the cause of education.

MR. CAREY said he could see he was not likely to carry the measure through this Session, and he might therefore as well submit with as good grace as he could to the proposal contemplated in the amendment to shelve the Bill. If, however, he lived until next Session, he trusted he would meet with better success.

The amendment was then put and carried, the motion for the second reading being therefore negatived.

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

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved the second reading of a Bill to amend "The High School Act, 1876." The object of the Bill was to provide for the retirement of governors of the school from that post. The first clause rendered it lawful for any school governor, by writing under his hand, addressed to His Excellency, to resign his position as governor; and any such office holder who absented himself

from the Colony for a period of six months would be deemed at the end of such period to have retired from the post of governor, to all intents and purposes.

Bill read a second time, without discussion.

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

MR. BROWN moved the second reading of a Bill to further amend "The Police Ordinance, 1861," with regard to the law as to Sunday trading. Under the present Act, passed nearly twenty years ago, butchers, bakers, greengrocers, and some other trades were allowed to keep their shops open during a certain part of the day on Sundays—a privilege granted when the circumstances of the Colony might be said to have justified such a concession. But these circumstances no longer existed; nor did the necessity for the shops of the classes of tradesmen referred to being opened on Sunday, exist. Some of these shops, though ostensibly opened for the legitimate purposes of trade, transacted other business, of a different character, and the present Bill had been brought forward, by request, to put a stop to all Sunday trading, except as regarded apothecaries. He understood that in Perth, the butchers, and bakers, and greengrocers did not generally avail themselves of the provisions of the Act which permitted them to open their shops during some part of Sunday; but it was done in other places, where these shops were kept open not alone for the purposes of selling what might be termed the necessaries of life, but also other commodities. He did not think the public convenience would suffer in any way if the Bill before the House became law.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) regretted to see the Bill brought forward at all, for he did not believe in making people either religious or sober by Act of Parliament. Possibly, the question of Sunday trading so far as it was dealt with in the present Bill was not one of much importance, except as a matter of principle; and he failed to see the necessity for the Bill. As, however, he believed he was not likely to be supported in his opposition to the measure, he would not go so far as to move its

rejection, but would content himself with a protest.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) had at first regarded the Bill as a bit of satire on the recent general order with regard to the officers of the Post Office and Telegraph Department; but it appeared the hon. member was in thorough earnest in the matter, and the Government was not disposed to offer any obstacle in the way of the attainment of his desire to suppress Sunday trading.

Bill read a second time.

**IN COMMITTEE.**

The Bill passed through Committee without discussion or amendment.

The House adjourned at half-past one o'clock, p.m.

**LEGISLATIVE COUNCIL,**

*Monday, 22nd July, 1878.*

Message (No. 10) from His Excellency the Governor (negotiations with Messrs. Lilly & Co., re steam service)—Message (No. 11), re Search for Guano Islands, on North-West Coast—Balance of revenue, Savings Bank fund, etc.—Bunbury Jetty—Message (No. 12), (Treaty of Peace, Congratulatory Address)—Loan Bill, 1878: third reading—Eastern Railway Bill: second reading—Game Act, Amendment Bill, 1878: third reading—Railways Bill, 1878: further considered in committee—Northern Districts Special Revenue Act, 1873, Amendment Bill, 1878: recommitted—High School Act, 1876, Amendment Bill, 1878: in committee—Police Ordinance, 1861, Amendment Bill, 1878: third reading—Adjournment.

THE SPEAKER took the Chair at seven p.m.

PRAYERS.

MESSAGE NO. 10—NEGOTIATIONS WITH MESSRS. LILLY & CO., RE STEAM SERVICE.

MR. SPEAKER announced the receipt of the following message from His Excellency the Governor:

"Referring to the Address of Your Honorable House, dated 5th June,