

LEGISLATIVE COUNCIL,

Tuesday, 3rd January, 1871.

Public Works and Loan—Local Boards Bill: select committee report—Railway and Telegraph Bill: third reading—Sale of Fermented and Spirituous Liquors Bill: recomittal: third reading—Estimates: in committee.

The SPEAKER took the Chair at 4 p.m.
PRAYERS.

PUBLIC WORKS AND LOAN.

Mr. STEERE, in accordance with notice, moved that the House do resolve itself itself into a Committee of the whole, to consider the question of public works, and the raising of a loan to undertake the same. He said he thought it was the general opinion among members that they should not separate without trying to initiate public works. From the Secretary of State's despatch which was read a few days ago, they had heard that the Home Government would not consent to a loan of £100,000, or even to a loan of £25,000, without first receiving some further information on the subject. The sum of £25,000 would not be of much use to the colony, and he certainly would rather have seen it come up to £100,000. There are works however which might be undertaken with the small amount, and they are works which all might agree to as being necessary, and he had no doubt the Secretary of State will concur with them. Among the useful public works, he might name a sea jetty at Fremantle which would cost £20,000. Hon. gentlemen should remember that that would be a remunerative work and would not only benefit the town of Fremantle but prove a benefit to the colony at large. A lighthouse at Champion Bay, which would cost £1,624. A lighthouse at the Irwin which would cost £250. There was another small work viz.: the extension of the head of the Bunbury jetty, which would cost £500. He was told of another work which if carried out would be of great benefit to the inhabitants, and that was a sea wall at the mouth of the Murray River. The next work was the removal of the lighthouse at Albany at a cost of £573. But this was what he might call an Imperial work. These works he had named were works of absolute necessity, and he had no doubt the Secretary of State would sanction a loan for their construction and they could depend upon the Governor strongly recommending it. There was an impression abroad that something larger should be undertaken than the work he had named. The construction of railways in this colony was advocated, but he did not like to recommend so large an amount as would be required for constructing

them. He would recommend waiting until they had seen the working of the timber companies who are introducing railways and learn whether they pay. If the Thompson road engine which it was proposed to introduce answered, they would not require railways at all. He would wish it to be understood that he would not vote against a larger loan to make the proposed railway. It was proposed to construct a railway from here to the Eastern District. That work would cost about £120,000, or about £2,000 per mile, and he questioned very much whether a railway could be constructed for that amount per mile, and besides, he was afraid the Secretary of State would not sanction so large a loan. In his opinion, it would be better to commence a railway at Guildford so many miles towards the Eastern District; that is a work he would rather see carried out. He hoped hon. members would support him, and come to a determination that the work named be undertaken; he would propose and address from the House to the Governor on the subject, and he had no doubt the Secretary of State would approve of a loan.

Mr. McKAIL was surprised to hear that the removal of the lighthouse to Breaksea Island was proposed. He had never heard of it.

Mr. STEERE understood it was a work required.

Mr. McKAIL said the extension of the Albany jetty only was required.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the work was about to be undertaken at the request of masters of vessels.

Mr. McKAIL stated that as agent for a steam company he could say he never heard any masters of vessels complain.

Mr. SHENTON, in seconding the motion of the hon. member for Wellington, said he was quite aware that it was a subject that required the attention and serious consideration of the members of the Council. The first work was the jetty at Fremantle as proposed by the Government at a cost of £20,000, if made it would be a convenience and benefit to the whole colony. He concurred generally with the works proposed by the hon. member for Wellington. He believed the inhabitants in the north would be satisfied with a lighthouse at Champion Bay for the present. As to railways to the Eastern Districts he thought it was rather early in the day and as they were about to introduce Thompson's road engine he thought they should wait until they saw whether they answered before going into the matter of railways.

Mr. NEWMAN rose and said that the despatch from the Secretary of State respecting a loan which was read the other night must have taken members by surprise. The Secretary of State must have thought the colony was very small, and no doubt it was a small colony in a certain sense, but he saw around him five or six gentlemen who could get £25,000 tomorrow as a loan if they wanted it; if the Governor told the Secretary of State that fact it might induce him to listen to our demand more than he does now. With regard to the works which had been suggested by the hon. member for Wellington, most of them had been fully discussed the other night, and on that occasion when he gave his approval of the sea jetty at Fremantle, he was greeted with cheers from the Hon. the Colonial Secretary, but they were cheers thrown away. He was a firm believer in the river and nothing but the river. Public opinion, however, was not with him, so the next best work was the sea jetty at Fremantle. With the jetty as proposed he did not agree to, but he had no doubt the gentlemen who did the work of drawing the plans, &c., did so as well as the work could be done; unfortunately, however, like all professional men they have their own views and forget that when once it is built it cannot be removed. Year after year when it is erected people on business and otherwise will have to walk to the extreme south west point of Arthur's Head to get to the jetty, and this he contended was a mistake. The only object of the gentleman who proposed the plan was to reach deep water with as little length of jetty as possible; they lost sight completely of the conveniences of the public as long as the jetty will be used. He considered a much more desirable point of departure for a jetty was between the tunnel and the old jetty, and he did not believe it would cost any more, as a reference to the plans now before the House would convince hon. members. Of course he only gave his opinion as a man of business in Fremantle. The hon. gentleman concurred with the works that had been enumerated by the hon. member for Wellington, but he contended that works of more importance should be undertaken. He was in favor of a larger loan for a railway, because if it was now agreed to, it would take more than 12 months before a spade could be put in the ground. He considered that a proposition to make railways would even induce people in the other colonies to consider and turn their attention hither, and perhaps send in tenders for their construction. He was in favor of a large loan.

Mr. DRUMMOND agreed with Mr. Newman. He thought they should undertake more gigantic works, and he thought a railway should be undertaken. The colony was in a position to pay both the principal and interest on a loan. He considered the Secretary of State's despatch had done more harm to the colony than anything for some time past and placed it in a much lower position than it was ever placed before. He considered that no time should be lost in taking measures to secure a loan.

The ATTORNEY GENERAL (Hon. R. J. Walcott) was certain that if they could satisfy the Secretary of State that the colony could pay the interest on the capital borrowed, and form a sinking fund to pay off the principal, there would be no difficulty in raising a million of money if they wanted it.

The SPEAKER considered the House should place His Excellency the Governor in a position to shew their wishes to the Secretary of State regarding public works, but he did not think a sum of less than £100,000 would be of any use. He agreed with the work suggested by the hon. member for Wellington. They could only spend the money of course on works that were necessary, and the balance he would like to have to spend as they would like, perhaps on railways. He would however not ask for less than £100,000. When the House went into the Estimates they could increase the taxation so as to pay the interest. The credit of the colony was such that he believed the colony could borrow money at 5 per cent. He considered the colony was in a position to borrow the money as well as to repay both the principal and interest. He thought no time should be lost in securing a loan.

Mr. McKAIL was of opinion that districts in which the money was spent should tax themselves for the purpose of repaying it and not to expect other districts that do not enjoy it to pay the amount.

Mr. GULL was glad that a subject of such great importance had engaged the attention of the colony. He thought no time should be lost in securing a loan and he was quite of opinion that the colony was in a position to pay the principal and interest. He was in favor of the works that had been suggested, but did not agree with the hon. member for Albany that districts should tax themselves. A public loan should be a public loan in every sense, and the whole colony should be liable.

Mr. McKAIL hoped the money would not be spent on towns, as it would only benefit publicans and storekeepers.

The ATTORNEY GENERAL (Hon. R. J. Walcott) did not think the hon. member for Albany could understand the Constitution of the House. The House was not a House of delegates but a House of representatives; hence he (Mr. McKail) should work for the good of the whole colony and not for the particular interest of his own district.

Mr. LOGUE did not understand the difference between a House of delegates and a House of representatives. He was there to represent the district that sent him, and he certainly would do so.

Mr. MARMION observed there was a good deal of indecision among hon. members as to a loan. After the remarks that had fallen from the Hon. the Colonial Secretary and the despatch of the Secretary of State, that had been read, something definite should be arrived at. He thought a good deal of time was lost in discussing matters to which no effect was given, though he willingly admitted that the discussion eventuated in many good and useful proposals. He suggested that £100,000 be asked for and £25,000 be guaranteed during the sitting of the Council.

Mr. STEERE did not think it was desirable to ask for a loan of more than £100,000, and tomorrow he would bring in a Bill on the subject of public works. He then moved the adjournment of the debate.

The ATTORNEY GENERAL (Hon. R. J. Walcott) seconded the motion.

Question put and passed.

LOCAL BOARDS BILL.

Select Committee Report.

Mr. STEERE moved that the adoption of the report be postponed until tomorrow.

Question put and passed.

RAILWAY AND TELEGRAPH BILL.

Third Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

SALE OF FERMENTED AND SPIRITUOUS LIQUORS BILL

Recommittal.

The ATTORNEY GENERAL (Hon. R. J. Walcott) moved to recommit the Bill for the purpose of amending it.

Question put and passed.

In Committee.

The ATTORNEY GENERAL (Hon. R. J. Walcott) moved to add a few words to the

Bill which were necessary to make it complete. The amendment was agreed to and the addition made.

Bill reported, with a further amendment.

Third Reading.

Mr. STEERE moved that the Bill be now read a third time.

The Bill was read a third time and passed.

ESTIMATES.

In Committee.

Resumed debate.

Item: Government Geologist, £900.

Mr. LOGUE asked the Hon. the Colonial Secretary as to the purpose of the amount allocated for travelling allowances.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that it was the same as that given to surveyors to enable them to travel about the country.

Item agreed to.

Item: Office of Works, £809 18s. 4d.

Mr. NEWMAN considered that some toll should be levied to pay the salary of the caretaker of the Mandurah ferry.

Mr. SHENTON moved that the item—Caretaker Mandurah Ferry, £20—be struck out.

Mr. STEERE seconded the amendment.

Amendment agreed to.

Mr. STEERE moved that the amount for forage paid to the Clerk of Works be reduced from £66 18s. 4d. to £50.

The COLONIAL SECRETARY (Hon. F. P. Barlee) objected and could not see why all members of the Government should not be treated alike. What was done to one member of the Government should be done to another.

Mr. NEWMAN objected to the position taken by the Hon. the Colonial Secretary. It was distinctly said that after the Governor's forage the item should be reduced to £50 per annum.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that there was no motion before the House to that effect, but he heard it mentioned.

Mr. GULL considered £50 per annum enough to keep a horse. The Hon. the Colonial Secretary lead the House to understand that the Surveyor General was going on special duties; hence the reason the amount for forage in his case was not interfered with for the present.

Mr. LOGUE voted for the Surveyor General because he was misled or he misunderstood the Hon. the Colonial

Secretary, who said that the amount for forage allowed for grooming, shoeing, and purchase of horse, &c. He was informed today that such was not the case.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the hon. member for Geraldton understood him perfectly.

Mr. DRUMMOND would support the allowance at the present rate after the explanation given by the Hon. the Colonial Secretary.

Mr. NEWMAN was sorry to be called upon to again differ with the Hon. the Colonial Secretary, and called the hon. gentleman's attention to the conduct of the Imperial Government with reference to forage.

The COLONIAL SECRETARY (Hon. F. P. Barlee) reminded the hon. gentleman that the House was not legislating for Imperial but for local services.

Mr. BROWN considered that a man could keep three or four horses at the same expense as regards looking after as well as he could one. Hence when it became a question respecting one horse only, the matter assumed a different aspect.

Amendment put, "That the amount for forage to the Clerk of Works be reduced from £66 18s. 4d. to £50," upon which a division was called for, the result being as follows:—

Ayes 9
Noes 8

Majority for 1

Ayes. Mr. Logue Mr. Newman Mr. Moore Mr. Monger Mr. Gull Mr. Bussell Mr. McKail Mr. Shenton Mr. Steere (Teller.)	Noes. The Hon. F. P. Barlee The Hon. R. J. Walcott The Hon. M. Fraser Mr. Phillips Mr. Drummond Mr. Marrison Mr. Brown The Speaker (Teller.)
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Amendment thus passed.

Item, as amended, agreed to.

Item: Customs Department, £1,985.

Mr. STEERE moved that one third-class clerk be struck out and the sum reduced by £90.

Mr. SHENTON seconded the amendment.

Mr. DRUMMOND enquired how long the clerk had been in office.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it was a new appointment rendered necessary by the increase in work. He was satisfied the appointment was necessary.

Mr. NEWMAN said it was singular that a decreasing revenue should require additional clerks in the customs. The Government did not act like private persons. When their

business was failing they reduce their establishments.

Amendment agreed to.

Mr. LOGUE could not see why the sub-collector at Champion Bay should not receive the same amount of salary as the sub-collector at Albany.

The COLONIAL SECRETARY (Hon. F. P. Barlee) explained that the difference was to assimilate the salaries.

Mr. STEERE moved that the item—Sub-collector at Albany, £100—be reduced to £50.

Amendment put, "That the item—Sub-collector at Albany, £100—be reduced to £50," upon which a division was called for, the result being as follows:—

Ayes 2
Noes 14

Majority against 12

Ayes. Mr. Logue Mr. Steere (Teller.)	Noes. The Hon. F. P. Barlee The Hon. R. J. Walcott The Hon. M. Fraser Mr. Phillips Mr. Drummond Mr. Brown Mr. Newman Mr. Moore Mr. Monger Mr. Gull Mr. Bussell Mr. McKail Mr. Shenton The Speaker (Teller.)
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Amendment thus negatived.

Item, as amended, agreed to.

Item: Post Office, £2,516 10s.

The COLONIAL SECRETARY (Hon. F. P. Barlee) asked for an increase in this establishment for the purpose of carrying on the work connected with the electric telegraph. He moved that a sum of £205 be added to make the total £2,721 10s.

Amendment agreed to.

Item, as amended, agreed to.

Item: Harbor Master, £2,500.

Mr. NEWMAN inquired who was the officer to carry out the provisions of the Passenger Act.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the duty was performed by the Superintendent of Water Police.

The SPEAKER inquired if the salary of the port pilot was increased £25.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it had been increased that amount to bring it up to the salary given the pilot at Rottnest.

Mr. NEWMAN moved that the amount for the port pilot be struck out altogether. He did not consider the appointment necessary; the duties could be performed by the Harbor Master. The Government seemed determined to have their pound of flesh

regardless of the public as to whether they could give it or not; Government officers were regarded as if they were not an integral part of the community, but he would insist upon their being looked upon and treated as such. He objected to the appointment because he did not consider it was required and the duties could be performed by the Harbor Master.

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that that was the first time for the past 16 years that he was told he took no interest in the colony and that his only object was to secure the salaries of officials. He utterly repudiated the assertion, and declared that no man in the colony had the true interest of the colony more at heart than he had. He considered the appointment absolutely necessary as they could not expect a gentleman occupying the position of the Harbor Master to discharge the duties of a pilot though they were done under his supervision.

Amendment put, "That the item—Harbor Master's Department, port pilot, £150—be struck out," upon which a division was called for, the result being as follows:—

Ayes	7
Noes	10
	—
Majority against	3

Ayes.	Noes.
Mr. Logue	The Hon. F. P. Barlee
Mr. Newman	The Hon. M. Fraser
Mr. Moore	The Hon. R. J. Walcott
Mr. Monger	Mr. Phillips
Mr. McKail	Mr. Drummond
Mr. Shenton	Mr. Marmion
Mr. Steere (Teller.)	Mr. Brown
	Mr. Gull
	Mr. Bussell
	The Speaker (Teller.)

Amendment thus negatived.

Mr. STEERE moved that the sum of £50 for assistant pilot at Rottneest be struck out as that office could not be necessary.

The COLONIAL SECRETARY (Hon. F. P. Barlee) was of the same opinion.

Mr. NEWMAN remarked that the second pilot in Fremantle could take that post when necessary.

Mr. DRUMMOND would vote for the sum being struck out, as he could not see any difficulty in one ship following another when coming into harbor. (Great laughter.)

Amendment agreed to.

Item, as amended, agreed to.

Item: *Judicial*, £6,586 ls. 8d.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said in framing the Estimates he had made a mistake in the salary of the Resident Magistrate at Champion Bay. The

amount should therefore be £100 more than printed. He moved that £100 be added.

Amendment agreed to.

Mr. LOGUE requested to know the duties of the clerk to the Chief Justice.

The ATTORNEY GENERAL (Hon. R. J. Walcott) explained they were many and various, and it would be an insult to the office of the Chief Justice to ask him to become his own scribe.

Mr. LOGUE wished to know if he did work worth £90 per annum.

The ATTORNEY GENERAL (Hon. R. J. Walcott) asked the hon. gentleman to try it for a week. (Laughter.)

Mr. LOGUE mentioned the matter as the clerk was the Chief Justice's own son, who was also in an attorney's office, and there was an impression that there was no necessity for the office.

Mr. NEWMAN presumed the clerk attended the Supreme Court as well.

The ATTORNEY GENERAL (Hon. R. J. Walcott): He does.

Mr. STEERE moved that the item—Forage to 11 Magistrates, £736 ls. 8d.—be altered to read, "Forage to 10 Magistrates."

Amendment put, "That the item—Forage to 11 Magistrates, £736 ls. 8d.—be altered to read 'Forage to 10 Magistrates,' upon which a division was called for, the result being as follows:—

Ayes	12
Noes	4
	—
Majority for	8

Ayes.	Noes.
Mr. Drummond	The Hon. F. P. Barlee
Mr. Marmion	The Hon. R. J. Walcott
Mr. Logue	The Hon. M. Fraser
Mr. Brown	Mr. Phillips (Teller.)
Mr. Newman	
Mr. Moore	
Mr. Monger	
Mr. Gull	
Mr. Bussell	
Mr. McKail	
The Speaker	
Mr. Shenton	
Mr. Steere (Teller.)	

Amendment thus passed.

Mr. STEERE moved that the figure of £736 ls. 8d. be reduced to £500.

The COLONIAL SECRETARY (Hon. F. P. Barlee) strongly opposed the motion and condemned it as an act of gross injustice.

Mr. NEWMAN was again in opposition. Forage was not given to magistrates as salary. He would vote in favor of the reduction.

Amendment put, "That the figure of £736 ls. 8d. be reduced to £500," upon which a

division was called for, the result being as follows:—

Ayes 9
Noes 8

Majority for 1

Ayes.	Noes.
Mr. Logue	The Hon. F. P. Barlee
Mr. Newman	The Hon. R. J. Walcott
Mr. Moore	The Hon. M. Fraser
Mr. Monger	Mr. Phillips
Mr. Gull	Mr. Drummond
Mr. Russell	Mr. Marmion
Mr. McKail	Mr. Brown
Mr. Sheaton	The Speaker (Teller.)
Mr. Steere (Teller.)	

Amendment thus passed.

Item, as amended, agreed to.

Progress reported, and leave obtained to sit again.

The Council adjourned at 6.30 p.m.

LEGISLATIVE COUNCIL,

Wednesday, 4th January, 1871.

Representation of the People Bill: select committee report—14th Victoria, No. 6, Amendment Bill: in committee—Mrs. Peter Brown: application for assistance—Messenger for the House—Survey Department—Management of Convicts—Wild Horses and Cattle Nuisance Bill: second reading: in committee—Local Boards Bill: select committee report—Public Loan Bill—Estimates: in committee.

The SPEAKER took the Chair 4 p.m.

PRAYERS

REPRESENTATION OF THE PEOPLE BILL.

Select Committee Report.

The COLONIAL SECRETARY (Hon. F. P. Barlee) enquired about the progress of the select committee appointed to consider the franchise and the property qualification of members.

Mr. STEERE said that in consequence of the large amount of committee business he had to perform, he found it impossible to consider that question at present, but at the next meeting of the Council he would present the report of the committee, without fail.

14th VICTORIA, No. 6, AMENDMENT BILL.

In Committee.

Resumed debate.

Clauses 1 and 2—

Mr. DRUMMOND said that when on Wednesday last he asked permission to withdraw the Bill he had introduced, he was in considerable doubt as to whether he would bring it forward again, reflecting upon the

dire results which would follow from it—according to what had fallen from the Hon. the Colonial Secretary and the Hon. the Attorney General. He had made alterations in the Bill he now brought forward, as he had no desire whatever to take any power from the Governor. He would not again repeat what he had already said on this subject. He believed that the Bill, as amended, would prove a remedy for what he considered a great injustice under the 14 Victoria No. 6. According to the rules and regulations given to ticket of leave men, if they have been guilty of any offence and have been convicted thereof before one or more justices of the peace, their ticket is thereupon revoked. His object was that a similar course of proceeding should be pursued in cases of immoral and disorderly conduct. The information regarding such matters is always, or nearly so, received through the police, and he contended that the magistrates in the districts were much more competent to judge of a man's conduct than either the Governor or the Comptroller General. Magistrates now sent men down for offences of a disorderly and immoral nature, but he could not say whether they had that power or not, yet it is done. He would read his amendments. After the word "shall" the clause shall read thus:—"Be lawful for the said Governor to revoke the ticket of leave of any convict, for any immoral or disorderly conduct, who shall have been duly heard in his defence upon the charge preferred against him by one or more justices of the peace for the said colony, who shall make a report in writing to the said Governor of the nature of such charge. Clause 2.—It shall be lawful for any one or more justices of the peace to hear and determine any such charges of immoral conduct preferred against any ticket of leave holder; and he or they are hereby empowered and directed to make a report in writing as aforesaid." He would add a few more words. In many instances where men were convicted and sent to the establishment for a certain time, additional punishment had been imposed upon them by the Comptroller General, which he thought very unjust.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that he had already given his opinion on this Bill, and he saw no reason to retract anything he had said on that occasion. The same objectionable matters were now before them, only in a different shape. The Governor has now the power to revoke the ticket of any ticket of leave man on the report of the magistrate, or indeed of any other person. He would not object to the clauses, because they only enact what is now done shall still be done.