

## Third Reading.

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

The Bill was read a third time and passed.

## PARLIAMENTARY DRAFTSMAN.

The ATTORNEY GENERAL (Hon. R. J. Walcott) suggested that to secure Bills being drafted as members would like, a Parliamentary Draftsman should be appointed, and he knew a very efficient person for the purpose—looking at Mr. Brown. (Great laughter.)

Mr. BROWN good humoredly replied that when he had studied Wallace on Statutes he would accept the office. For the distinguished services of the Hon. the Attorney General, he proposed that that gentleman be presented with a piece of plate.

## ADJOURNMENT.

The COLONIAL SECRETARY (Hon. F. P. Barlee) pointed out to the House that the business of the session was nearly at a close.

The Council adjourned at 5.30 p.m.

## LEGISLATIVE COUNCIL,

Monday, 16th January, 1871.

Papers Tabled—Assent to Bills: Messages from the Governor, Nos. 11 and 12—Message from the Governor, No. 13—Assent to Bills: Message from the Governor, No. 14—Public Loan Bill: Message from the Governor, No. 15—Representation of the People Bill: Message from the Governor, No. 16—Transmission Home of Newspapers—Destruction of Native Dogs Bill: second reading: in committee—Clarkson v. Sheriff: Message from the Governor, No. 17—Destruction of Native Dogs Bill: in committee—Local Boards Bill: third reading—Absconding Debtors Bill: third reading—28th Victoria, No. 4, Amendment Bill: third reading—Police Ordinance, 1861, 35th Section Repeal Bill: third reading—Aboriginal Natives.

The SPEAKER took the Chair at 4 p.m.

## PRAYERS.

## PAPERS TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee), by command of His Excellency, laid upon the Table of the House, despatches from the Secretary of State to His Excellency the Governor relative to jarrah timber, light railways, and the transmission Home of newspapers, and moved that they be read.

Question put and passed.

The Clerk read the papers as follows:—

Downing Street, 5th Nov., 1870.

SIR,—I have to request that you will issue such instructions as will ensure that for the future as a general rule, only the two best Newspapers, one of which

should represent each side of public opinion, are forwarded to this Department, in addition to the Government Gazette.

I have also to request that the Newspapers forwarded from time to time, may be accompanied by a schedule shewing the dates of their issue, as well as their title.

I have, &c.,

(Signed) KIMBERLEY.

Governor Weld, &c., &c.

Downing Street, 24th Nov., 1871.

SIR,—I have the honor to transmit to you for your information, copies of letters from Sir William Lisle, and Professor Frankland, to whom I forwarded the specimens of the Jarrah Timber of Western Australia, which was enclosed in a recent private letter which was addressed by you to Mr. Monsell.

I have, &c.,

(Signed) KIMBERLEY.

Governor Weld, &c., &c.

Extract from a letter from the Governor of Western Australia, to Mr. Monsell:—"I enclose a specimen of an 8-inch spar of our timber, which, I think, would be worth while to show to the Metropolitan Board of Works (I wish you would enclose it to them), for sewage or embankment purposes. Ordinary wood is destroyed in the sea here in a few months, this has stood twenty-one years."

42 London Square, July 12, 1870.

Dear Sir,—Will you obligingly say to Lord Granville, in reply to your letter of the 28th ultimo, that I have carefully examined the specimen of Jarrah wood, and I have read the extracts of the letter to my friend Mr. Monsell in the letter addressed to him.

The main point in the question is this, has this wood anything chemically in its nature which enables it to resist the attacks of the Teredo Navalis? If it has, and it could be obtained in any volume, it would be of great value in our sea works.

His Lordship will recollect that at Brighton and all along the coast wherever there are wooden piers and piles—the piles are of Fir timber—are covered with large headed nails; that is to enable the timber to resist the attacks of this sea worm, which it does very imperfectly, and besides is very costly. Oak, and the harder woods, resist the

attacks of this worm much longer; but if timber on our shores is left without protection, it is sooner or later destroyed, becoming completely honeycombed; it is the same in France, and, I believe, in India to a very great extent.

It is of no use asking the opinion of Architects and Engineers on this point; the right course to take is to submit the specimen, which I return, to some first-rate chemist to ascertain whether there is any peculiar acid, or other substance in the wood calculated to prevent the attacks of the worm, because the wood itself does not appear to be much, if at all harder than our common Baltic timber.

If the Government choose to consult a chemist, I beg to suggest one of the following names: Professor Frankland, Royal Institute, Professor Williamson, University College; Professor Miller, King's College.

I am, &c.,

(Signed) W. LITE.

The Right Hon. W. D. Monsell, M.P.,  
&c., &c.

College of Chemistry, 315 Oxford St.  
W.,

12th November, 1870.

Sir,—In reply to your letter of the 20th July, enclosing a piece of Jarrah wood from Western Australia, and requesting I would give Lord Kimberley my opinion as to whether there is any peculiar acid, or other substance in this wood calculated to resist the attacks of the *Teredo Navalis*, I have to say that upon a careful examination of the specimen, I have been unable to find any specific substance which can be credited with the effect referred to. The singular immunity from attack which this wood enjoys, is probably due to the odour or taste which it possesses, and which, though by no means remarkable or repugnant to the human senses, is probably strongly so to those of the *Teredo*.

The Persian insect powder is a remarkable instance of this kind; it is made from a species of Chamomile flower; the odour of this powder is faint, and rather pleasant than otherwise, and is not poisonous; nevertheless it is so repugnant to the taste of all kinds of insects that the latter flee from it with all speed; even the sluggish "Aphis" (Plant Louse) becomes lively and

hastens away when a trace of the powder is placed near it.

I am, &c.,

(Signed) E. FRANKLAND.

Sir F. Rogers, Bart, &c., &c., Colonial Office.

Downing Street, Nov. 10, 1870.

Western Australia—No. 69.

Sir,—I have the honor to transmit to you herewith, for your information, a copy of a printed paper respecting the construction of Light Railways, recently presented to both Houses of the General Assembly of New Zealand.

I have, &c.,

(Signed) KIMBERLEY.

Governor Weld, &c., &c.

The enclosure is a copy of the correspondence between the New Zealand Commissioners and Sir Charles Fox & Sons on the subject of cheap lines of railway, with memoranda of the details of cost, mode of construction, nature of materials, &c., of various lines constructed or in course of construction by the latter upon the following principles:—

That they shall be suitable for working speeds of 25 miles an hour, including stoppages. That the pressure of rolling shall not exceed 4 tons by any wheel upon the rail. That the materials used be those of the country which they pass through. The cost of various lines constructed on their system has been as follows:—The Queensland railways—materials chiefly sent from England; ordinary labor, 6/ to 7/ per day; average cost per mile, £6,550.

The railway from Conjeveram to Arcunum—Land and portion of roadbed given by Government. Materials chiefly sent from England; cost per mile £3,900.

The Canadian railways—Only rails; part of rolling stock and fittings sent from England; cost per mile, including land and steel rails, £2,900.

The Government railways of Norway—Rails and other materials sent from England; cost per mile, through easy country, £3,270; through heavy country, £4,660 to £5,312.

The working cost of these light lines is much the same as ordinary railways; but in consequence of low speeds and light rolling stock, there is a most important saving in wear and tear, both of permanent way and rolling stock, on

these light railways. The general average cost of construction of the 3ft. 6in. gauge through ordinary country may be estimated at £3,000 per mile.

#### ASSENT TO BILLS.

Messages from the Governor—  
Nos. 11 and 12.

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

The Governor was pleased, on the eleventh day of January, in the year of Our Lord 1871, and in the 34th year of Her Majesty's Reign, in the name and on behalf of the Queen to assent to the following Acts; that is to say:—

*"An Act to appropriate the sum of One Hundred and Two Thousand and Ninety-eight Pounds, Seventeen Shillings, and Sixpence, out of the General Revenue of the Colony, for the Service of the year One Thousand Eight Hundred and Seventy-one."*

*"An Act to repeal certain Ordinances for imposing Duties on imported Goods, and for exemption of certain Goods from Duties; and to make other provisions in lieu thereof."*

Government House, Perth, 16th January, 1871.

The Governor was pleased, on the thirteenth day of January, in the year of Our Lord 1871, and in the 34th year of Her Majesty's Reign, in the name and on behalf of the Queen to assent to the following Acts; that is to say:—

*"An Act to amend the Law relating to Bankruptcy and Insolvency."*

Also, *"An Act for the Punishment of Fraudulent Debtors, and for other purposes."*

Government House, Perth, 16th January, 1871.

#### COMMISSION OF ENQUIRY INTO THE DEFALCATIONS OF THE TREASURER AT CHAMPION BAY.

Message from the Governor—No. 13.

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

The Governor, in reference to Address No. 6, asking for correspondence between the Secretary of State and the Government in reference to the report of the Commission of Enquiry appointed by him to enquire into the defalcations at Champion Bay, informs the Council that

he is still in correspondence with the Home Government on the conduct of the business of the Audit and Treasury in this Colony, and he believes it will be for the advantage of the public service that the correspondence should be completed before laying any part of the papers before your Honorable House.

Government House, Perth, 16th January, 1871.

#### ASSENT TO BILLS.

Message from the Governor—No. 14.

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

The Governor has, this sixteenth day of January, in the year of Our Lord 1871, and in the 34th year of Her Majesty's Reign, been pleased, in the name and on behalf of the Queen to assent to the following Acts; that is to say:—

*"An Act for the regulation of Coasting Vessels and Cargo and other Boats entering the Ports and Harbors of this Colony."*

*"An Act to amend 'The Scab-in-Sheep Ordinance, 1866.'"*

*"An Act for more effectually abating the Wild Horses and Cattle Nuisance."*

*"An Act to amend 'The Public Pound Ordinance, 1861.'"*

Government House, Perth, 16th January, 1871.

#### PUBLIC LOAN BILL.

Message from the Governor—No. 15.

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

The Governor has had under his consideration a Bill entitled "A Bill to authorize the raising of money for certain purposes," which has been presented to him by Mr. Speaker.

From papers which have been laid on the table of your Honorable Council, the Council has been made aware that in a Despatch dated August 16th, 1870, the Governor requested that he might be authorized to assent to a loan not exceeding £100,000, or such lesser sum as might seem advisable, for public works. And that by a Despatch dated November 2nd, 1870, Her Majesty's Principal Secretary of State for the Colonies, in the absence of detailed information as to the proposed works (which the Governor could only give after proposals had been adopted by the Legislative Council), replied that he

could give no general assent to the raising of a loan for these purposes, and proceeded to say that under no circumstances could he authorize the maximum amount named, but would be willing to consider the expediency of a loan of £25,000, or perhaps a somewhat larger sum, on receiving a full report from the Governor on such works as the Council might consider desirable, and which could not be provided for out of the revenue; mention being made of their relative urgency.

On this despatch being communicated to your Council, it at once became evident that no such proposition as that made by the Earl of Kimberley could be carried by the Government through your House. On the other hand, circumstances had altered since the date of the Despatch written by the Governor on the 16th of August: the revenue had felt the depression resulting from the late bad seasons and other causes, and a slight increase of taxation had become necessary, to meet current expenditure and carry on ordinary works; but nevertheless a good average harvest and other encouraging symptoms had induced the Governor to modify his opinion that further taxation could not be supported, and he had reason to believe that in order to obtain a loan, an increase of taxation, approaching the level of other Colonies, might be approved by the representatives of the people; and that should such be the case, possibly Her Majesty's Secretary of State might be inclined somewhat to extend the limits he prescribes in his Despatch.

The Governor therefore reserved himself to learn the views of the Council, and left the matter for the time in the hands of the non-official members who had taken it up.

The action of the non-official members had resulted in the passing of a Bill to enable the Governor to issue debentures, secured on the general revenues of Western Australia, for such sum or sums of money, not exceeding one hundred thousand pounds sterling, as may be required for all or any of certain specified works.

But the general revenue of Western Australia and the expenditure voted by the Legislative Council being nearly equal, no balance remains to pay the interest and sinking fund; and to go into the market without shewing that ample

provision has been made to cover the interest and sinking fund, is a course only calculated to defeat its own ends, and to damage for years to come the credit of the colony.

It will be observed that the Earl of Kimberley especially requires that the relative urgency of the works should be reported on. The Council has not afforded the Government any definite expression of its opinion on this point, nor has it given any indication of the data upon which it has decided upon certain works and has excluded others of great importance to the Champion Bay and Albany districts,—districts which add largely to our revenue, and whose interests should not be lightly disregarded.

On the other hand, the sum of £76,753 is proposed to be set apart for a railway from Fremantle, *via* Perth and Guildford, towards the Eastern Districts of York, Northam, and Toodyay. The Governor is desirous of being informed as to the precise scheme which is proposed by the Council for his consideration; he is not aware whether the Council has calculated this sum to be sufficient to connect Fremantle, Perth, Guildford, York, Northam, and Toodyay, or whether by the use of the word "towards" it is desired to indicate that a railway is to be carried to some intermediate point, and that a further loan is desired to complete the line to the Eastern Districts; it will therefore be necessary that he should be informed upon this subject, and that the landward terminus should be designated, and that he should be furnished with such calculations as in the opinion of the Council may satisfy Her Majesty's Secretary of State that they have given the subject full and business-like consideration, and which may further convince him that the work will be reproductive, and a general benefit to the colony.

It must, moreover, be borne in mind that the Council has voted a considerable sum of money for the purchase of a Thompson's Road Engine. The Governor is not fully satisfied, with his present information, whether that Engine will fulfil the expectations formed of it by the Council or no, and the Government has impressed caution in this matter on the Legislature; but should it do so, and be found able to work on our roads, as anticipated by the Council, it will afford a far cheaper

mode of communication and of conveyance than Railways.

The Governor wishes, also, to be informed whether the Council has decided on rejecting proposals for constructing Railways on the guarantee system, and whether they disapprove of paying for such Railways by grants of land. Such proposals, should the Secretary of State assent, are at least worth consideration: and a due regard for the interests of the taxpayer leads the Governor to suggest to the Council whether it be wise to increase the burthens of the people in order to attain objects which may prove to be within our reach without such sacrifices. Should the Council decide on entertaining such proposals, subject to the approval of Her Majesty's Secretary of State, the Governor desires to be informed whether the Council is of opinion that it is still desirable to raise a loan of £76,753 for Railways.

The Governor therefore suggests, that in order to put the proposals of the Council into a practical shape, their Bill should be accompanied by a detailed and business-like report, entering fully into the matters he has pointed out to them; and on receiving such report, with an intimation of such amendments as they may be ready to consider if sent down to them, the Governor will be placed in a position which will enable him to judge of the objects of the Council, and how far those objects are in themselves desirable and conformable to the policy of Her Majesty's Secretary of State.

Government House, Perth, 16th January, 1871.

#### REPRESENTATION OF THE PEOPLE BILL.

Message from the Governor—No. 16.

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

The Governor returns "A Bill to amend the Representation of the People, and to alter the Property Qualification of Members of the Legislative Council," for the further consideration of your Honorable House.

The original Bill, as proposed by his Government, sought to remedy a defect in the wording of the Imperial Act 13th and 14th Victoria, Chapter 59, which excluded conditional pardon holders from the power of voting, which it was

doubtless intended by that Act that they should possess.

It also proposed to abolish the Qualification of Members, a qualification which limits the choice of the electors to a very few individuals, and virtually creates an oligarchy.

These amendments proposed in the Government Bill are in accordance with the action taken in other colonies that possessed a constitution similar to ours previous to the establishment of Responsible Government, and it might be hoped would receive the assent of the Home Government.

Your Honorable Council, however, referred the Bill to a Select Committee, and has materially altered its character. The first-mentioned provision it has retained but has coupled with it a condition that no person who has been attained or convicted of Treason, Felony, or other infamous offence in any part of Her Majesty's dominions, shall be capable of being elected as a member or of sitting or voting in the Legislative Council.

This proviso is, in the Governor's opinion, called for by regard to the public interest in this country, where persons who have been convicted of Felony or other infamous offence exercise a considerable influence over public opinion, and may one day under Responsible Government, aspire to fill the highest positions to the detriment of the free class and of the whole public service; but, on the other hand, such a provision may appear inconsistent with that principle of British law which assumes that a convict's punishment expires with his sentence, and that an *ex post facto* disqualification ought not to be imposed on him; and consequently although the Home Government have assented to such enactments in Colonies possessing Responsible Government, it is doubtful whether, in our case, they will assent to it. Unless, therefore, the Council desires to risk the rejection of the whole Bill, it is the Governor's opinion that it would have been wise to have submitted this branch of the question as a separate substantive measure for the decision of Her Majesty's Government.

In the present state of the colony it appeared to the Governor that the choice of the people is restricted to so few that holders of paid offices and contractors need not necessarily be excluded should the people themselves wish to elect

them. Such appears to have been the opinion of the framers of the Act 13th and 14th Victoria, Chapter 59, who had, nevertheless, in view Colonies even then possessing far more men of wealth, leisure, and education than Western Australia; and it must be remembered that under our present form of Government there are safeguards against undue Government influence which do not exist under Responsible Government, when a premier backed by a majority is practically omnipotent; and it must further be borne in mind that the present reduction in the qualification of Members, as proposed and adopted by the Council, does not even now afford any very large field of selection, and still excludes most professional men and a large part of the most highly educated, as well as of the hardest working members of the community. But whichever view the Council may take upon this question, it appears desirable that they should take a consistent view. If constituencies are forbidden to return gentlemen born in the colony, elected to fill other offices of trust, possessing property in the colony, adding to its wealth and prosperity, simply because they also fill some government office, upon what ground can government contractors, possibly for immeasurably larger sums, and over whom the Government may exercise a far greater influence, be permitted to sit in the Legislature, vote the sums for which they themselves will contract, and afterwards, possibly, should they fail in carrying out their contracts satisfactorily, bring their parliamentary votes and influence to bear upon the Government of the day, to the manifest injury of the public service?

The Governor requests the Legislative Council to take these points into serious and calm consideration, and he recommends either that section 5 in the Bill as it stands be omitted, or that, carrying out the principle, the following clause be added to the Bill.

"Any person, who shall, directly or indirectly, himself, or by any person whatsoever in trust for him or for his use or benefit or on his account, undertake, execute, hold, or enjoy in the whole or in part any contract or agreement for or on account of the public service, shall be incapacitated of being elected or of sitting or voting as a member of such Council during the time he shall execute, hold, or enjoy any such contract or any part or share thereof, or any

benefit or emolument arising from the same; Provided, always, that nothing herein contained shall extend to any contract or agreement made, entered into, or accepted by any incorporated company, or any trading company, consisting of more than six persons, where such contract or agreement shall be made, entered into, or accepted for the general benefit of such incorporated or trading company; Provided, also, that if any person being a member of such council shall enter into any such contract or agreement or having entered into it shall continue to hold it, his seat shall be void."

Government House, Perth, 16th January, 1871.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the several Messages that had been read be taken into consideration, after the Order of the Day, *seriatim*.

Mr. LOGUE moved, as an amendment, that they be taken into consideration to-morrow.

Amendment put and passed.

Motion, as amended, put and passed.

#### TRANSMISSION HOME OF NEWSPAPERS

The COLONIAL SECRETARY (Hon. F. P. Barlee), with leave, asked Mr. Steere, as the Leader of the Opposition, which newspaper in the colony he would accept as expressing the views of his side of the House. He did so in relation to the last despatch read,—that only two newspapers, expressing the sentiments of each side of the House, should be sent Home. As Mr. Steere was the leader of the elected side of the House, he asked for an answer.

Mr. LOGUE suggested, before answering the question which paper the Opposition would adopt, it should be stated which paper the ministerial side of the House adopts.

Mr. STEERE had no objection.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that of the papers published in the colony it was required by the despatch to send Home only two, in addition to the *Government Gazette*. As to which of the papers represented the Government side of the House, he had no hesitation in saying that the *Inquirer and Commercial News* did so, as, taken all in all, it was the most conservative paper published in the colony. During the present session the proceedings of the House has been fairly brought to the notice of the colonists; its general tone was

fair, and it was conducted with a fair amount of ability. The Government had no hesitation in accepting that paper as the exponent of their opinions. The hon. gentleman then proceeded to review the three other papers published in the colony—the *Perth Gazette* and *W.A. Times*, the *Herald*, and the *Express*. The *Perth Gazette*, the hon. gentleman said, could not be accused of being partial to the Government. In that paper appeared the “talk under the trees,” where gentlemen were in the habit of meeting and debating important things, and that paper occasionally afforded Government officers an opportunity of ventilating their opinions on public matters. As to the ability with which it was conducted, he would leave that to gentlemen who knew the paper longer than he had, but he would say that it was not always consistent. He did not know, however, whether the Opposition would take that paper as representing their opinions. He would now turn to the *Herald*, which paper was said by some to represent the Opposition members of the Council. That paper displayed a considerable amount of talent in its columns, but it also manifested a large amount of versatility, and there was not a member of the Government who had not from time to time figured in its columns, and been subject to abuse. It was a paper that took a great deal of credit to itself for what it had done,—for what measures it had been the means of introducing,—and generally dealt in self-laudation. He would, however, state that he had heard an hon. member of the Opposition assert that a leading article in the *Herald* had completely changed the opinion of the House on the education question. (Cries of Name! Name!!) The hon. member for Greenough was the person, and he made the assertion in the presence of the Governor.

Mr. SHENTON did not say that the article changed the opinion of the House; he was speaking individually.

The COLONIAL SECRETARY (Hon. F. P. Barlee) was aware that the hon. gentleman did not wish to assert so much, and he understood him. He would, however, leave it to the hon. member for Wellington to say whether that journal represented the opinions of the elected members or not. In reading some of the leaders of that journal he felt he must say that at times he thought someone had been meddling with the type. For instance, when he read in that journal that the Colonial Secretary winced under the bitter sarcasm of Mr. Steere and the seathing irony of Mr. Newman, and how he (the Colonial Secretary) treated the young and promising member for Greenough, he was

constrained to believe that the Editors were only poking fun at the hon. members themselves. The *Express* was conducted by two non-conformist clergyman, and he understood that the journal was intended to raise the moral tone of journalism in this colony. It began well, but latterly it had changed its tone, and had followed in a maudlin way the *Fremantle Herald*; but as compared with the *Herald* it was as “brandy and soda water,” but the *Express* was soda water without the brandy. Having said this much, he would ask the hon. member for Wellington which of the papers he would suggest to be sent Home as the exponent of the views of the Opposition.

Mr. STEERE said that no newspaper in this colony expressed his views more than another. He was quite aware that the *Inquirer* got all its inspirations at the office of the Hon. the Colonial Secretary. As to the paper that got the “talk under the trees,” he could not say whether it expressed the views of the Opposition or not. No paper in the colony represented his opinion more than another.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that he had received from the hon. member the answer he anticipated. He had had the credit of a great amount of inconsistency, but when the Government took upon themselves to send Home another paper, beside the *Inquirer*, it would be said that they had sent home the wrong one.

Mr. LOGUE made a remark to the effect that none of the papers represented the opinions of the elected members.

Mr. MARMION observed that it would appear discreditable to the press if it went abroad that not one of the three papers represented the opinions of the Opposition.

After a few remarks from Mr. LOGUE and the Hon. the Colonial Secretary, Mr. STEERE said that none of the papers, more than another, represented his opinions.

#### DESTRUCTION OF NATIVE DOGS BILL.

##### Second Reading.

Mr. BUSSELL moved that the Bill be now read a second time.

A friendly contest took place, during which Mr. Brown informed the Attorney General that he had studied for some purpose Wallace on Statutes.

The Bill was read a second time.

##### In Committee.

After some discussion in Committee, progress was reported and leave obtained to sit again.

## CLARKSON v. SHERIFF.

Message from the Governor—No. 17.

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

The Governor informs the Council that the Sheriff has been cast in damages in the Supreme Court in an action "Clarkson v. Hillman." The action arose out of the seizure of certain property believed by the Sheriff to be the property of Mr. Durlacher, a defaulter to the Crown, against whom a Writ of Extent had been issued.

The Governor, on the petition of Messrs. Clarkson, directed the Attorney General to bring their case forward, putting the facts before the Court in an impartial manner. He took this unusual course because no lawyer could be found willing to take up Messrs. Clarkson's case. As soon as the facts were brought before the Governor, he saw that Messrs. Clarkson had a strong *prima facie* case, and he considered that the first duty of the Crown was to enable justice to be done, to take no undue advantage of any private person, nor to hold property claimed by any such person because such person might be unable to find a legal adviser to enable him to put his case forward.

In the earlier stage of this case the Sheriff applied to know whether he might consult the Crown Solicitor. He was answered, by direction of the Governor, that the Governor saw no reason to object to this course. The Sheriff, however, further reminds the Governor that he obtained express verbal authority from the Governor, owing to the illness of the Attorney General, to consult the Crown Solicitor, and to be guided by his advice.

This advice, it would appear by the recent decision of the Supreme Court, has led to the loss which must now either fall upon the Country or upon the Sheriff.

The Governor cannot admit that the Country is bound in all cases to hold officers harmless for liabilities incurred through mistake made in the execution of their public duty; but in this case, as the Sheriff was acting under the advice of the Crown Solicitor, who at that time was performing some of the duties of Attorney General owing to the illness of the latter officer, and as no personal misconduct is imputed to the Sheriff, the Governor recommends the

Legislative Council to authorize him, by resolution, to make such payment as may be necessary to hold the Sheriff free from personal loss.

Government House, Perth, 16th January, 1871.

## DESTRUCTION OF NATIVE DOGS BILL.

In Committee.

Resumed debate.

There was some further discussion in the Committee stage and then progress was reported and leave obtained to sit again.

## LOCAL BOARDS BILL.

Third Reading.

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

The Bill was read a third time and passed.

## ABSCONDING DEBTORS 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.

## 28th VICTORIA, No. 4, AMENDMENT BILL.

Third Reading.

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

The Bill was read a third time and passed.

## POLICE ORDINANCE, 1861, 35th SECTION REPEAL BILL.

Third Reading.

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

The Bill was read a third time and passed.

## ABORIGINAL NATIVES.

Mr. SHENTON, with leave, moved that a certain memorandum, which he read, relative to the natives of this colony be printed.

Question put and passed.

The Council adjourned at 6 p.m.