

The amendment submitted by Mr. Marmion was then put, and a division being called for, there appeared,—

Ayes 7

Noes 8

Majority against ... 1

AYES.
Mr. Brown
Mr. Hamersley
Mr. Higham
Sir L. S. Leake
Mr. Shenton
Mr. Stone
Mr. Marmion (*Teller*.)

NOES.
Lord Gifford
The Hon. A. C. Onslow
Mr. Burges
Mr. Burt
Mr. Grant
Mr. Randall
Mr. Venn
Mr. Steere (*Teller*.)

MR. STEERE moved some verbal amendments in clauses 14 and 20, which were agreed to without discussion, as was also a proposal to add the following words to the latter clause,—“Such value to be based upon the fair and usual price charged for the erection of a three-rail fence in the case of country and suburban lands, and of a four-rail or paling fence in town allotments.”

Clause 23 (reverted to)—“All sums of money adjudged by any Court of Petty Sessions to be paid by any party pursuant to this Act for erecting or repairing any fence dividing any land, if not paid within one calendar month from such adjudication, may be recovered under a warrant (as in the schedule to this Act annexed), signed by the said Magistrates, directed to any constable or Sheriff's Bailiff to levy the same by distress and sale of the goods and chattels of the said party so ordered to pay said sum of money, together with all costs and charges attending the same. Provided always, that, in any case the party so adjudged to pay shall not have sufficient goods and chattels out of which such sum so ordered to be paid may be levied, such constable or Sheriff's officer shall certify the same under his hand on the back of such warrant; and the party in whose favor such order shall have been made shall be entitled to register the same in the office for registering deeds in Western Australia on payment of a sum of two shilling and sixpence; and the amount of such order, and all costs and expenses attending the same, together with the sum of six per cent. per annum till paid, shall be thenceforth a charge on the said land of the party making default.”

MR. STEERE moved, “That all the words between ‘All,’ in the first line, and ‘be,’ in the fourth line, be struck out, and the following be inserted in lieu thereof:—‘All moneys adjudged by any Court of Petty Sessions to be paid by any party, pursuant to this Act, may, as to moneys recoverable under the provisions of section four, or any instalment of the same, if not paid within the several periods defined in such section, and as to moneys otherwise recoverable under this Act if not paid within one calendar month after such adjudication—’”

Question put and passed *sub silentio*.

MR. STEERE moved, “That the words ‘in case,’ in line 34, be struck out, and the following words be inserted in lieu thereof:—‘Whenever it shall appear to the said Magistrate that the issuing of any such warrant of distress as aforesaid would be ruinous to the party so ordered to pay the said sum of money together with all costs and charges attending the same, then in such case no such warrant shall be issued, or if—’”

Amendment put and passed without discussion.

Clause 23, as amended, agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Wednesday, 7th September, 1881.

Vote for sinking Wells Eastward of Newcastle—Murchison and Ashburton Surveys—Vote for Wells between Murchison and Gascoyne Rivers—Development of Eastern Districts: consideration of Select Committee's Report—Reply to Message No. 22, re Railway to King George's Sound—Message No. 25: correction in Oyster Fisheries Bill—Message No. 26, re Transfer of W. A. Timber Co's. Concessions—Message No. 27, re Exhibition at Perth—Reply to Message No. 24, Re-transfer of Loan Moneys temporarily used—Fencing Bill: third reading—Adjournment.

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

PRAYERS.

VOTE FOR SINKING WELLS EAST- WARD OF NEWCASTLE.

IN COMMITTEE.

MR. SHENTON, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates the sum of Two hundred pounds, for the purpose of sinking wells to the eastward of Newcastle." The hon. member said he had to offer an apology for bringing forward a motion for a money grant so late in the Session, after the Estimates had been dealt with, but the fact of the matter was, he had only the previous evening received a resolution adopted at a meeting of settlers connected with the Toodyay District, requesting Government aid for this purpose. Unless these wells were sunk, a large quantity of sandalwood which had been already cut to the eastward of Newcastle could not be carted in.

THE COLONIAL SECRETARY (Lord Gifford) said the Government was quite in accord with the object in view, but he thought it would be better that the amount asked for should be taken out of the unexpended residue of the Roads Loan, rather than out of current revenue. He would therefore move, "That the words 'place on the Estimates' be struck out, and the following words be inserted:—'expend from the remaining portion of the Roads Loan.'"

The amendment was agreed to, and the address adopted.

MURCHISON AND ASHBURTON SURVEYS.

IN COMMITTEE.

THE COLONIAL SECRETARY (Lord Gifford) moved the following resolution: "That this Council acknowledges the necessity of the survey between the Murchison and Ashburton rivers, when undertaken, being carried without delay to a satisfactory completion, provided the total expenditure does not exceed the estimate of £3,900." As had been explained the other day by the Commissioner of Crown Lands, when in Committee of Supply, the amount placed on next year's Estimates for these surveys (£1,950) was only a moiety of the estimated cost of the work, and all that the present resolution contemplated was

this,—that, providing there were funds available at the next Session for completing the work, the other moiety should be included in a Supplementary Estimate, so that the surveys might be completed without interruption, without the necessity of withdrawing the staff from the field, and having to send them to work again to complete the survey, which, of course, would entail additional expense.

MR. STEERE hoped the noble lord who had submitted the resolution would withdraw it, for it was a most unconstitutional thing to ask the House to pass a vote on the Estimates for two years running, which, in reality, was what the noble lord was asking them to do. It put him in mind of the action of Prince Bismarck, in trying to induce the German Reichstag to render him independent of them for a couple of years, and, certainly, it was the first time he had ever heard of a British assembly of representatives being asked to pass Estimates two years in advance. Not only that, he considered the resolution, as at present worded, utterly worthless, as it did not bind the House to vote the amount asked for, even although the resolution were passed.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) did not think the hon. member for Swan understood the resolution in the way it was intended to be understood. It was not binding upon the Council, as the hon. member rightly observed, nor was the House now asked to vote the money, but simply to empower the Government to carry on the work to completion, without having to withdraw the survey party from the field. He had already informed the House that the amount placed on the Estimates for next year would not do more than cover about half the expenditure which these surveys would entail, and that it was no use commencing them, unless funds would be forthcoming to complete the work.

The resolution was then put and carried.

WELLS BETWEEN MURCHISON AND GASCOYNE RIVERS.

IN COMMITTEE.

MR. BROWN moved, "That an Humble Address be presented to His Excel-

"lency the Governor, praying that he "will be pleased to place upon the Estimate the sum of £200, for the purpose "of providing wells on the sea coast route "between the Murchison and Gascoyne "Rivers." The hon. member said that during his recent visit to the North District, several settlers had pointed out to him the absolute necessity of this being done, both in the interests of the public and of the proposed survey.

MR. GRANT, in seconding the motion, said the sinking of these wells was undoubtedly a work of dire necessity. Communication at present was almost impossible between the Murchison and the Gascoyne, and precious lives had been sacrificed in the attempt to traverse the distance.

THE COLONIAL SECRETARY (Lord Gifford) said the Government fully recognised the necessity of providing wells on this route, but as the Roads Loan at the present time was more elastic than the revenue, he must ask the hon. member to allow his resolution to be amended, as there were no funds available, out of General Revenue, for this work, though possibly the money might be forthcoming out of the unexpended balance of the Roads Loan. He was not in a position to say, positively, that it would, but he firmly believed so. He would therefore move, as an amendment, to strike out the words "place upon the Estimates the sum of £200," and insert the following words:—"to expend a sum not exceeding £200 from the Roads Loan, should such amount be available."

MR. BROWN, while prepared to accept the amendment, felt bound to again express his opposition to the principle involved—that of diverting any portion of the Roads Loan to other purposes than that for which it was raised. Having thus expressed his objection, if the Government wished to accept the responsibility of the diversion, let them do so, by all means; that was their business, and not his own.

The amendment was agreed to, and the resolution, as amended, adopted.

DEVELOPMENT OF THE EASTERN DISTRICTS.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser)—in moving

that the House should take into consideration the Report of the Select Committee (*Vide* Council Paper A10) appointed to consider what steps may be advantageously taken to further the settlement and to develop generally the natural resources of the Eastern Districts, which subjects had been placed before the Council for discussion, by Message from His Excellency the Governor, at the last Session of the House—said he felt that his task was a light one, as the report itself embodied in a concentrated form the result of the Committee's deliberations. Hon. members would observe that the report dealt with a variety of subjects, and if these subjects had not been treated as exhaustively as the Committee would have wished, the cause was to be found in the difficulty of obtaining information, rather than in any inclination on the part of the Committee to shirk their duty. As a matter of fact, great difficulty was experienced in obtaining any reliable information calculated to assist the labors of the Committee; and although the subject had been before the country now for some months, and was one of the utmost importance to the districts more immediately concerned, very little interest appeared to have been taken in it by the settlers themselves, for, although he believed the columns of the press had been open for communications on the subject from those practically acquainted with the natural resources of these districts, very few settlers had come forward to suggest any solution of the problem. The Committee, however, had collated some useful information on a variety of topics, which he trusted would be of assistance to the House in dealing with the question, and in arriving at a decision as to the best course to pursue in order to attain the object which they had in view. With reference to one of the most important considerations to which the Committee devoted their attention—the character, value, and extent of the Crown estate in these districts, they found that, in order to obtain more reliable information on this subject than was at present available, it would be necessary to have a reconnaissance made of the topography of the district, before it could be said exactly what extent of land was available for future settlement. He

need hardly point out that, unless it could be shown that the Crown possessed large areas of unalienated land suitable for settlement, it would be useless to expend any money with a view to the introduction of immigrants to settle upon the land. Opinions at present appeared to differ considerably as to the quality of the unalienated lands in these districts, and one of the first steps which the Committee recommended should be taken was, that all Crown lands hitherto unalienated, within a certain radius of the proposed railway, should be surveyed. The Committee, it would be observed, had been favored with the views entertained on this subject by three well-known colonists—Mr. J. H. Monger, Mr. Andrew Dempster, and Mr. Thomas Burges, who, he presumed, possessed as intimate a knowledge of the country as any persons could have; and the Committee had placed great reliance upon the accuracy of the information thus obtained. It would be noticed that the Committee also proposed a scheme for the acquisition of lands already alienated, but they had refrained from making any elaborate proposals on this subject at present, deeming that it would be premature on their part to do so. He was not aware that he need say any more on the subject at this stage. There was a great deal in the report calling for discussion, and no doubt hon. members would give it all that consideration which the importance of the subject entitled it to.

On the motion of Sir T. COCKBURN-CAMPBELL, the debate on the report was adjourned until Friday, Sept. 9th, when it was further adjourned until the following Monday.

RAILWAY TO ALBANY ON THE LAND GRANT SYSTEM.

On the Order of the Day for the consideration of the Message received from His Excellency the Governor on the previous day, forwarding a Despatch from the Secretary of State approving of the proposal to construct a railway to King George's Sound, on the Land Grant system,—

THE COLONIAL SECRETARY (Lord Gifford) moved the following resolution: "This Council learns with much satis-

"faction that the Secretary of State is
"prepared to assent to the construction
"of Railways on the Land Grant system.
"This House concurs in Your Excellency's Message No. 22, but would
"respectfully suggest that, before taking
"steps to place the scheme before capitalists in England, an examination of
"the proposed route should be made by
"professional persons, and that a report
"upon it should be obtained from competent authority. In order to save
"expense, this House would suggest that
"such flying survey be undertaken by
"officers in the employ of Government." The noble lord said he was sure the House would cheerfully recognise the fact that the reply received from the Secretary of State on this subject was a most satisfactory one to this Colony. It would be observed from Lord Kimberley's Despatch that His Lordship would be prepared to sanction any scheme of the kind contemplated, if brought forward by responsible and competent persons, on terms which, on examination, might appear to the Secretary of State to be reasonable and advantageous to the Colony. The first thing to be done would be to ascertain the character and quantity of the land along the extent of country which the proposed railway would traverse. Hon. members would recognise the absolute necessity of this being done before the project could be brought under the notice of capitalists. If they were to enter the money market with a scheme like this, without being thoroughly prepared with every requisite information on the subject, so that capitalists might see what was asked of them, and what prospect there was of the undertaking proving a remunerative one, it would be better not to go into the market at all. If the proposal were submitted to capitalists at home, with no more detailed information as to the character of the country which the proposed line was intended to traverse, than we could offer them now, the result would be that the scheme would be utterly nullified, and, he might say, that not only would this particular scheme be condemned, but the result as regards any future proposals of the kind, emanating from this Government, would be disastrous. What was now proposed to be done, the initial step towards the develop-

ment of the present scheme, was to have a survey of the country undertaken by competent and responsible officers, which, when completed, could be sent home with other particulars relating to the proposed route. It was unnecessary for him to dilate upon the advantages which would accrue to the Colony should this magnificent project be carried out, and he would therefore simply move the resolution which he had already submitted, and which he thought was one that would commend itself to hon. members generally.

MR. STEERE, in seconding the resolution, said the steps which it was proposed should be undertaken were altogether in accord with what he himself would have suggested, namely, that before taking any action to bring the matter under the notice of capitalists in England, a survey of the country should be first made. He thought it would be very premature indeed to send a delegate to England, with the meagre information now available. In fact, he was doubtful of the necessity of sending a delegate home at all, as suggested in His Excellency's Message; he thought the whole matter might be arranged by means of correspondence. No capitalists would ever embark in such an undertaking as this without first ascertaining what were the chances offered of its proving a remunerative speculation, by a personal inspection of the country on the part of their own accredited agents, no matter how elaborate might be the reports sent home from the Colony. At any rate, it appeared to him they could not do better at present than adopt the steps contemplated in this resolution, and collect as much reliable and useful information as they could, before deciding upon what further steps should be taken to bring the scheme to the notice of capitalists at home.

MR. BROWN was pleased to find that the Government recognised the desirability and the necessity of having the country through which this railway is intended to pass thoroughly examined before proceeding any further in the matter, and also that it is proposed to have a rough survey of the route made. He was, however, not at all satisfied that the course proposed to be adopted by the Government with regard to the contemplated

survey—namely, that it should be undertaken by their own officers—was the best course to pursue, under the circumstances. This survey would probably occupy a considerable time, and if the officers engaged upon it were taken away from other work, of very pressing necessity, in other parts of the Colony, it would lead to a great deal of irritation and disappointment. This was a subject with regard to which the House at present was in possession of no information, and, before he gave his consent to the resolution now under consideration, he should like to be assured that the ordinary work of the Survey Department would not suffer if this flying survey were undertaken by officers at present in the employ of the Government. He did not lose sight of the fact that, for next year, the House had only voted £1,000 for defraying the expenses connected with all the surveys to be conducted throughout the whole of that part of the Colony south of the Murchison river—which appeared to him a very small sum indeed. Generally speaking, that House had voted the smallest possible amount which it could—he was going to say, in decency, do—for the surveys of the land in this Colony, and he knew there was a general feeling throughout the country that more ought to be done in this direction than was being done at present, and that survey should follow selection and purchase more rapidly than was the case at present. Probably, the reason why the Government proposed that the survey in connection with this contemplated railway should be undertaken by officers already in the employment of the Government was, that the House would not be prepared to pass a vote for this special service. If that was the view entertained by the Government, he would, personally, prefer that an amount sufficient for this purpose should be placed on the Estimates, and that the survey should not interfere with the ordinary work of the department. The hon. member for Swan said he saw no necessity for sending a delegate home, to further the object in view. He disagreed with the hon. member on that point. He thought, if a thoroughly good delegate were appointed—a man of sense, a man of presence, a man of weight, and of tone, one who thoroughly understood what he was about—such a

man would be likely to do a great deal of good, in carrying out the scheme into fruition. He did not think, however, that, with the scant information now in our possession, it would be desirable to send a delegate home at present, until the country had been examined and surveyed. When that was done, he presumed that the present resolution would authorise His Excellency to incur the expense of sending a delegate to England, with a view to bring the matter to a prompt issue.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said no doubt it would be more desirable that special provision should be made for carrying out the proposed survey, rather than that it should be undertaken by the present staff of surveyors, for, as the hon. member for Geraldton had pointed out, the department would undoubtedly be very much pushed next year to carry on the necessary work in the country south of the Murchison, and it would be waste of words on his part to point out that they could not expect to overtake such an important work as that contemplated in this resolution, and, at the same time, carry on the ordinary surveys; and he hoped his right hon. colleague the Colonial Secretary would, before the close of the Session, see his way clear to submit some arrangement under which extra assistance would be provided for carrying out the work. No doubt a considerable time would be occupied in completing the necessary surveys and examination of the country, and it was for the House to say whether other necessary work should be sacrificed in order to admit of this being carried out. If they entered upon the project at all, he thought it would be as well to do so with their eyes fully open to the fact that it would be necessary to obtain every possible information which would be of importance to capitalists in determining upon the merits of the scheme, and that it would be no use entering upon a project such as this—a project which His Excellency had very properly characterised as the “grandest work that the Colony could encourage or undertake”—unless they were prepared to do all that was necessary to bring it to a satisfactory issue. The whole question was one requiring the gravest consideration—more so, probably, than hon.

members might think, and, as he had stated in his letter which accompanied His Excellency's despatch, the merits of the case were so numerous that he might fill a volume with them. He was sure His Excellency the Governor would do all within his power to obtain the fullest information available on the subject, and that no effort would be spared to place such information in a clear and comprehensive form before capitalists in the mother country. The question as to how the proposed survey should be carried out was, however, one which the House should take into careful consideration.

MR. MARMION thought the resolution was somewhat vague. It appeared to him there was a great deal of work to be performed in connection with this scheme before they could hope to place it before the British Public in a satisfactory manner. He thought it would be a great mistake to put it forward hastily, and in a crude form, for the result would probably be that the whole scheme would collapse, and the object they had in view would be completely frustrated. It appeared to him that the wisest course for the House to pursue would be to place a sum of money in the hands of the Government, to enable them to undertake and carry out the necessary examination and survey of the country, and also a preliminary engineering survey of the route itself, and that the result of these surveys should be laid before the House at its next annual Session, when hon. members would be in a better position to advise His Excellency on the subject, more especially with regard to the value to be placed on the land, the extent of the concessions which ought to be made, and other points of detail which it was impossible for them now, with the meagre information at their command, to do. Although they had every confidence in the Governor himself, and in the Executive, he did not think the House would be disposed to place such unlimited trust in the Government as to leave the whole of the details of this scheme in their hands, without reference to the House. He did not think His Excellency himself expected that.

SIR T. COCKBURN-CAMPBELL said that, as the mover of the resolution

adopted last Session, in favor of this scheme, which he was glad to find had met with the concurrence of the Secretary of State, he naturally felt more than ordinary interest in the question, and he would therefore crave the indulgence of the House to allow him to move the adjournment of the debate until Friday evening, for he did not feel at all inclined to be a party to passing the resolution put forward that evening. He very much agreed with what had fallen from the hon. member for Fremantle, that it was altogether too vague, and that it went too far. He thought all they should ask His Excellency to do in the first instance was to take steps for obtaining that information which was absolutely necessary before anything definite could be done in the matter, in the way of opening negotiations for the commencement of the work. Possibly this might be obtained before the ordinary Session of the Council next year, and, if so, he thought His Excellency should be requested to call the Council together in special Session, for the purpose of considering what steps it would be advisable to take with reference to sending a delegate to England.

MR. S. H. PARKER was not prepared to go as far as the hon. member for the Swan in this matter,—that there was no necessity for sending a delegate home at all. On the contrary, he thought that, as soon as we obtained the necessary data to be submitted for the consideration of capitalists in England, it would be very desirable indeed that a delegate—a gentleman of the stamp mentioned by the hon. member for Geraldton—should be sent home, with a view to bring the matter to a prompt and satisfactory issue. When he was in England a short time ago, a similar project was put forward in connection with Queensland, and the first thing which the capitalists who proposed to embark in that undertaking decided upon doing was to send out a competent engineer to examine and report upon the country proposed to be traversed. No doubt this would be the course which speculators would adopt with reference to our own line; but it would be necessary, in the first place, before the scheme could be brought under the notice of outside capitalists at all, that we should be able to furnish some reliable infor-

mation as to the character of the country, and the extent of unalienated lands within a reasonable distance of the railway route. When in England, he had a conversation with reference to this very scheme with a gentleman who takes a great interest in the promotion of companies for carrying out such undertakings, and he said, if the country through which it was proposed the railway should run was suitable for settlement and cultivation, not the least difficulty whatever need be apprehended as to our being able to obtain the necessary capital, if we could show that the investors would realise (say) five per cent. on the outlay. The noble lord opposite said he thought that the reply received from the Secretary of State with reference to this matter must be a source of much gratification to the House and to the country at large. No doubt it was. But the reply was just what he would have expected, after what he had seen of the Colonial Office, whose sole idea appeared to be how best to promote the interests and prosperity, not only of Western Australia, but of all Her Majesty's colonial dependencies.

MR. MARMION said he noticed from one paragraph in the letter of the Commissioner of Crown Lands, accompanying His Excellency's despatch, that it was proposed that the company undertaking this work should not only construct the line, but also work it. His own idea was that this railway should be constructed on the same principle as the proposed telegraph line to the North-West, and that when completed it should be handed over to the Government, to work in conjunction with their own railway system.

The debate was then adjourned until Friday evening, when it was further adjourned until Monday, September 12th.

MESSAGE (No. 25): OYSTER PROTECTION ACT.

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

"The Governor points out to Your Honorable Council, that a mistake occurs in section 20 of the Bill lately passed by Your Honorable House, intitled 'An Act for the protection of

“Oysters, and encouragement of Oyster fisheries.”

“The correction required is to substitute ‘twenty-eighth’ for ‘eighteenth’ in the 3rd line of the section alluded to of the Bill, and the Governor begs to return the Bill for such correction accordingly. Government House, Perth, 7th September, 1881.”

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the message be taken into consideration next day.

Agreed to.

MESSAGE (No. 26): CONCESSIONS HELD BY W.A. TIMBER Co.

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:—

“In reply to Your Address No. 32, the Governor has to state that the question of the proposed transfer of the Concessions held by the West Australian Timber Company to an English syndicate is under the consideration of the Secretary of State, and that the Governor does not deem it expedient to publish the correspondence at present.” Government House, Perth, 7th September, 1881.”

MESSAGE (No. 27): PERTH INTERNATIONAL EXHIBITION.

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

“The Governor forwards, for the information of the Legislative Council, copy of a telegram which has been received from the promoters of the Exhibition recently held in Adelaide, together with a copy of his reply.

Government House, Perth, 7th September, 1881.”

[Enclosure.]

“Messrs. Joubert & Twopeny to the Honorable the Colonial Secretary.

Adelaide, 6th September, 1881.

“British, Foreign, and Colonial Exhibitors have requested us to hold International Exhibition, Perth, opening middle November on same basis as has proved successful here. See South Australian papers twenty-first and twenty-second July. We are ready to undertake it if you will allow Exhibition building to be bonded store on same conditions as have been granted here, and to give us your moral support and countenance. We ask no pecuniary aid. We feel sure even greater advantages

“will accrue to Western Australian commerce than those acknowledged here by Governor in Speech on opening day, and Treasurer in Budget Speech. We are anxious for early reply, as Exhibitors wish cable Europe for fresh exhibits.

“JOUBERT & TWOPENY

Managers International Exhibition.

“Colonial Secretary to Messrs. Joubert & Twopeny.

Perth, 7th September, 1881.

“This Government will give you the same general support as you received in South Australia, and will allow your building to be a bonded store on the same conditions as in Adelaide. We are happy to hear of your intention. Presume you will write by mail.”

THE COLONIAL SECRETARY (Lord Gifford) moved, That the message be taken into consideration next day.

Agreed to.

REPLY TO MESSAGE (No. 24): RE TRANSFER OF LOAN MONEYS TEMPORARILY USED.

IN COMMITTEE.

MR. S. H. PARKER said it would be in the recollection of hon. members that a few evenings ago the House had adopted a resolution requesting His Excellency, out of the £10,000 raised under the Loan Act, 1878, for public offices, &c., to allot the sum of £2,000 for the erection of a goods shed at the City Railway Station, a carriage shed for the Fremantle Station, and a goods shed at Geraldton, the Council being of opinion that the amount so appropriated should, when required for the completion of the public offices, be refunded out of general revenue. To this resolution His Excellency had replied that, while he was happy to meet the views of the Council as regards the temporary use of loan moneys for the purposes indicated in the resolution, a more definite understanding would be desirable as to the restoration of the amounts so advanced when required for the completion of the public offices; adding that the resolution “should conclude with an authority to the Governor to retransfer the amounts in question from General Revenue to loan, whenever he may find it necessary to do so, otherwise the work for which the money was raised might possibly be brought to a standstill or inconveniently delayed.” For his own part, he failed to see how the

House could enter into such a binding agreement as that, and, so to speak, to pledge the revenue two or three years in advance, without further reference to the House. He would therefore move the following reply to the Governor's Message on the subject: "In reply to your Excellency's Message No. 24, the Council, 'deeming it inadvisable to pass a resolution authorising 'the Governor to 'retransfer the amounts in question 'from General Revenue to Loan, 'whenever he may find it necessary to 'do so,' requests Your Excellency to be 'pleased to place the sum of £500 on 'the Estimates for 1882 for the erection 'of a Goods Shed at the City Railway 'Station.'"

MR. STEERE said he had that day had some conversation with His Excellency the Governor with reference to the resolution passed by the House, and His Excellency told him he did not consider the terms of it sufficiently binding. As to authorising "the Governor to retransfer the amounts in question from General Revenue to Loan, whenever he may find it necessary to do so," it was very probable indeed that they would not be in a position next year, at any rate, to pay this money back, and it seemed to him they were landed in this difficulty—they must either give up asking to have these buildings constructed out of this loan money, or drop the matter altogether.

THE COLONIAL SECRETARY (Lord Gifford) said the money would not be required to be refunded next year, at any rate, as the balance of the loan would suffice to carry on the extension of the public offices, so far as they would be able to get on with the work in the course of that year.

MR. S. H. PARKER failed to see how hon. members, sitting there now, could pledge themselves to restore this amount out of general revenue two or three years hence, when, possibly, none of them might occupy seats in the House. He did not cavil at His Excellency being unsatisfied with the terms of the resolution; no one could blame the Governor for protecting the loan, and making sure of having the money temporarily used out of it refunded. Under these circumstances, he proposed to abandon the idea of

borrowing the money for the erection of the goods shed out of the loan, and to request His Excellency to place the sum required (£500) on the Estimates for next year, to be provided for out of the general revenue.

THE COLONIAL SECRETARY (Lord Gifford) regretted to say he was unable to accept the hon. member's proposition, for it must be obvious that the revenue could not stand any further strain upon it, the estimated expenditure having already been raised to the highest possible pitch. If hon. members wished anything more placed on the Estimates, they must be prepared to allow the Government to come forward with some fresh scheme of taxation. He did not suppose hon. gentlemen were prepared to do that, but unless it were done he failed to see where the "ways and means" were to come from. If hon. members wished it, he was quite willing—provided he was authorised to do so—to come down to the House with a scheme for raising additional revenue.

MR. MARMION would support the resolution, provided the work could be done out of current revenue, but not otherwise.

MR. S. H. PARKER asked whether this sum of £5,000, which was talked about as part of the 1878 loan, had not already been amalgamated with the revenue,—whether, in fact, such a sum was in existence at all, as an unexpended balance?

After a pause, and there being no answer,

MR. BROWN said he had been much disappointed at the turn affairs had taken with reference to the reappropriation of this loan for the erection of the proposed railway sheds. He had no idea that they had asked the Governor to lend the money out of loan to general revenue; he thought what they had requested was that the amount required for these sheds should be absolutely appropriated for that purpose, as another portion of the loan had been, at the instance of the Government, appropriated for other purposes. But, it appeared now, unless the House was prepared to come to a distinct understanding—and he did not think the request was an unreasonable one—that it should pledge itself to return this amount to the loan, when required, the

wishes of the House would not be acceded to. They must, therefore, either go without these sheds, or provide for them out of current revenue.

MR. MARMION was sure, in his own mind, that no understanding had ever been come to with the House as to the appropriation of this £5,000 for the specific purpose of extending the public offices at Perth. There was nothing in the schedule of the Loan Act to indicate that such was the intention of the Legislature.

THE COLONIAL SECRETARY (Lord Gifford) said whether such an understanding had ever existed or not, the fact remained—as he had already told the House on another occasion—that there was on record a despatch from the then Governor (Sir Harry Ord) to the Secretary of State, relating to this Loan Bill, in which despatch it was distinctly mentioned that a sum of £5,000 was intended for the continuation of the public offices.

MR. STEERE said he must enter his protest against that House being bound by the terms of any despatch which a Governor might choose to write to the Secretary of State, with regard to a matter of which the House had no cognisance. Not a word of reference was made to the object for which this £5,000 was to be devoted, either in *Hansard*, or in the "Votes and Proceedings," and although he himself was not in the House during the Session when the Bill was passed, and therefore could not speak from his own memory, still he could not find any hon. member who had any recollection of the subject being discussed in the House.

MR. BROWN thought the fact of the object in view being mentioned in the Governor's despatch was strong presumptive evidence that the money was raised for that particular purpose. He himself had always been under the idea that the money was intended for extending the public offices, and it had been his firm impression all through—and he was still of that opinion—that it had been the subject of considerable discussion in that House.

On the motion of MR. STEERE, Progress was reported, and leave given to sit again next day.

FENCING BILL, 1881.

The Order of the Day for the third reading of this Bill being read,

MR. STEERE moved, That the Bill be now read a third time.

MR. BROWN moved, as an amendment, That the word "now" be struck out, and the following words be added "this day six months."

Question—That the word proposed to be struck out stand part of the question—put.

Council divided, with the following result—

Ayes	10
Noes	7
Majority for			3

AYES.
 Lord Gifford
 The Hon. A. C. Onslow
 The Hon. M. Fraser
 Mr. Burges
 Mr. Burt
 Sir T. C. Campbell
 Mr. Grant
 Mr. Randell
 Mr. Venn
 Mr. Steere (Teller.)

NOES.
 Mr. Hamersley
 Mr. Higham
 Mr. Marmion
 Mr. S. H. Parker
 Mr. Shenton
 Mr. Stone
 Mr. Brown (Teller.)

Question—That the Bill be now read a third time—put and passed.

Bill read a third time and passed.

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

LEGISLATIVE COUNCIL,

Thursday, 8th September, 1881.

Audit Bill, 1881: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

AUDIT BILL, 1881.

The House, on the motion of the COLONIAL SECRETARY, resolved itself into a Committee of the whole for the