

AYES.
 Mr. Brown
 Mr. Burt
 Sir T. C. Campbell
 Mr. Crowther
 Mr. Higham
 Mr. Marmion
 Mr. S. H. Parker
 Mr. Steere (*Teller.*)

NOES.
 Lord Gifford
 The Hon. M. Fraser
 Mr. Burges
 Mr. Grant
 Mr. Hamersley
 Mr. S. S. Parker
 Mr. Randell
 Mr. Shenton
 Mr. Stone
 Mr. Venn
 The Hon. A. C. Onslow
 (*Teller.*)

The motion submitted by the Colonial Secretary was then agreed to.

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

LEGISLATIVE COUNCIL,

Tuesday, 16th August, 1881.

Return: Gascoyne District—Guano on Lacedpede Islands: Report by Deputy Surveyor General—Stamp Act: As to carrying out provisions of—Road Loan: Altered arrangement as to disposal—Municipal Institutions Act, Amendment Bill: first reading—Consideration of Message No. 11 re Steam Coastal Service—Messages Nos. 14, 15, and 16—Excess Bill, 1879: second reading—Consideration of Message No. 8 re Smelting Works—Adjournment.

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

PRAYERS.

RETURN: GASCOYNE DISTRICT.

In reply to Mr. GRANT,
 THE COLONIAL SECRETARY (Lord Gifford) laid on the Table a return showing the amount contributed to the public revenue by the Gascoyne district during the following years:—1878, (£214); 1879, (£1133); 1880, (£2193); 1881, (£2224).

GUANO UPON THE LACEPEDE ISLANDS.

MR. S. H. PARKER, in accordance with notice, asked the Honorable the Colonial Secretary, "To lay upon the Table of the House a copy of the Deputy Surveyor General's Report, giving

"an estimate of the quantity of Guano upon the Lacedpede Islands at the time of his visit, in the year 1878."

THE COLONIAL SECRETARY (Lord Gifford) replied:—"It is not considered desirable to lay on the Table the report asked for, at the present time."

MR. S. H. PARKER moved the adjournment of the House. It seemed to be the wish of the Government, from the very first, to keep the Legislature entirely in the dark with regard to these guano islands. A few Sessions ago, they were told that it was not considered desirable by the Government that the House should be placed in possession of the particulars of the contract with Messrs. McDonald and Mockford, and now, when they merely asked to be furnished with a copy of a report, giving an estimate of the quantity of guano on the islands, the House was coolly informed that the Government did not consider it desirable that the report should be furnished. He found it stated in the papers relating to the Beaver claims (recently laid on the Table), that the Deputy Surveyor, on the occasion of his visit to the islands, reported that he estimated the quantity of guano at so many thousand tons; and what possible objection there could be to the production of the report itself, he failed to see,—unless it was supposed by the Government that it would prejudice the claims of Messrs. McDonald & Co. (THE ATTORNEY GENERAL: Not in the least.) Then he failed to see what possible excuse there was for the non-production of the report. It was made by an officer in the colonial service, whose expenses on the occasion of his visiting the islands were paid out of public funds, and surely that House had a right to have it produced, especially in view of the admission just made that it would in no way prejudice the Government. No reason whatever had been vouchsafed for its non-production, and it appeared to him that the gist of the reply amounted to this: "The House may ask for this and that information, but we shall only give it what we like; you, the representatives of the people, may move for as many returns as you choose, but I, the Governor of the Colony, will only give you just what I think fit." That really was the gist of the reply furnished to the question he had asked.

MR. BROWN said he rose, as one of the elected members of the House, to remove any impression which might otherwise prevail, as to his endorsing the views expressed by the hon. member for Perth, with regard to the position of the Government, in its relation to the House, with reference to questions put by hon. members. He thought it was the duty of the Government, when they considered that the production of the information asked for would be prejudicial to the public interests, to withhold such information. Nor did he see that the Government was at all called upon to assign any reasons for doing so, because those reasons, if made public, might prejudice the case in which the Government was concerned. The hon. member for Perth seemed to think that the Government were bound to furnish the House with every information which it chose to ask for; but he (Mr. Brown) did not think they were bound to do anything of the sort.

MR. S. H. PARKER: They might deign to assign some reason for not doing so.

The motion for adjournment was negatived.

THE STAMP ACT.

MR. VENN, in accordance with notice, asked the Honorable the Colonial Secretary, "If any, and what steps the Government have taken to carry out the provisions of the Stamp Act with regard to the sale of Stamps to the General Public throughout the Colony." He asked the question because, as hon. members were aware, the Stamp Act would come into operation a few weeks hence (October 1st), but no public notification had been made by the Government on the subject referred to in his question.

THE COLONIAL SECRETARY (Lord Gifford) replied:—"A supply of Stamps has been ordered from England; the order has been entrusted to De La Rue & Co.; pending the preparation of the dies temporary Stamps will be furnished, which will be ready for issue by the 1st October; the Stamps will be obtainable from licensed vendors, Resident Magistrates, Collectors of Customs, and other authorised persons, in accordance with rules to be hereafter

"issued and notified in the *Government Gazette*."

ROAD LOAN: ALTERED ARRANGEMENT AS TO DISPOSAL OF.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, most respectfully submitting that in regard to any fresh scheme for expending the balance of the Road Loan, such as that of which His Excellency gave notice in his opening Speech, this House should be placed in possession of all the facts upon which the proposed action of the Executive is based, and given an opportunity of expressing its opinion thereupon." The hon. baronet said he did not move this Address because he in the least objected to the course which His Excellency, so far as he was concerned, proposed to take with regard to the expenditure of the balance of this loan—in fact, he thought it was about the best course that could be taken. They had discovered before now that the Government were utterly incapable of managing roads, and it was possible they might be more successful in mending bridges; and it was because he thought it was desirable that our roads should, as soon as possible, revert to the management of the District Boards, that he considered the proposal to expend the residue of the loan in repairing bridges a good one. He had therefore not brought forward this motion because he was opposed to the contemplated scheme for expending the balance of the money, but upon principle. He was well aware that, unfortunately, in regard to our loans, their expenditure was at present, technically speaking, in the hands of the Government, who could deal with the money exactly as they liked, without reference to that House—so long as the money was appropriated to the purpose for which it was raised. But in this case, he could prove beyond contradiction that the residue of the Road Loan was intended to be diverted entirely from the original object which the Legislature and the Administration of the day had in view. He apprehended, however, that the position which the Government would take up with

regard to this matter would be something as follows—in fact, a gentleman had already been put forward in the columns of a local newspaper to explain the position assumed by the Government, and which was something like this: they would probably say in the first place, that if we looked at the Schedule of the Act under which the loan was borrowed, we would find that a sum of £50,000 was authorised to be raised simply “for roads,”—not a word being said as to how the money was to be expended, whether for the construction, maintenance, or repair of the roads. Then they would probably say that, shortly after the passing of the Loan Act, we adopted a resolution stating that we were perfectly satisfied to leave the expenditure of the money in the hands of the Governor, and that, consequently, His Excellency need have taken no further steps to consult us in the matter. But His Excellency, they would say, had positively gone out of his way to inform the House, in his opening Speech, what he proposed to do with the money, when, in reality, there was no occasion for his doing so, and the House, it would be said, having, in the Address in Reply, expressed its satisfaction with the proposal, the position of the Governor was unassailable, and it was altogether unnecessary for His Excellency to consult the House any further, or to give it an opportunity of expressing its opinion upon the proposed action of the Executive. But it seemed to him that this position was not at all unassailable. On the contrary, he regarded it as altogether untenable. In the first place, although in the Schedule of the Act £50,000 simply appeared “for roads,” still it could not for a moment be contended that the money was to be expended upon roads in any way the Government pleased. They might fence them all in, plant avenues along them, or break them up; that would still be using the money “for roads”; and the meaning of these words, and the intention of the Legislature, ought certainly to be interpreted in the light of the despatches relating to the subject, and which embodied the proposals made to the House when its sanction was obtained to raise the money. If hon. members would look at Governor Ord’s Despatch of the 27th December, 1877, in which His Ex-

cency addressed the Secretary of State on the subject of this loan, and sketched out the scheme under which it was proposed to expend it, they would see distinctly what the money was borrowed for. Having referred to the general condition of the roads throughout the Colony, His Excellency said: “As the “strength of a chain is to be measured “by that of its weakest link, so the value “of a road is determined by its worst “places.” And, further on, referring to the manner in which convict labor had been expended in road-making, His Excellency said: “Portions of particular “roads were taken up by different parties “which they were never able to join “together.” And in another paragraph of the despatch, His Excellency in summing up the whole question, said: “After discussing the matter with some “of the leading men in the Colony, and “the Colonial Secretary, Surveyor General, and the Director of Public Works, “I have come to the conclusion, in which “they concur, that it would be a proper, “prudent, and economical step to borrow a sum of money sufficient”—for what? “To allow the completion, in a “substantial manner, of such of the “principal roads as will afford communications between the towns and the “large agricultural, pastoral, and mining “centres, and the ports.” This, then, was the specific object for which this money was borrowed, and the Legislature, after discussing the scheme, gave its sanction to the loan being raised for this purpose. Subsequently, a resolution was adopted by the House, expressing its willingness to leave the expenditure of the money in the hands of the Governor; but, if hon. members would look at the circumstances under which that resolution was affirmed, they would see that it could not be twisted into the meaning which they were given to understand the present Administration had placed upon it. The circumstances he alluded to were these: Governor Ord, during the Session of 1879, sent a message to the House forwarding a return showing approximately the amounts which it was proposed to appropriate out of the loan on some of the principal roads of the Colony. A great deal of discussion took place on the subject, mainly as regards the apportionment of the money upon the roads

in the various districts, and ultimately the hon. member for Geraldton moved a resolution to the effect that, as regards the proposed distribution of the loan for roads, the House was satisfied to leave the matter in His Excellency's hands,—meaning thereby that we were satisfied with the apportionment put before us by the Governor for constructing the main roads of the Colony. This resolution merely affirmed that the money should be expended upon the legitimate object for which it was raised, namely, road construction; it gave no colour to any proposal for diverting it from that specific object. With regard to the Address in Reply to the Speech with which the present Session was opened, it was contended by the Government that they need not place the House in possession of the facts upon which their proposed action with regard to the expenditure of the residue of the loan was based, simply because the House, in the Address in Reply, had exonerated them from any necessity for doing so, by stating that we viewed the proposal with satisfaction. Now, in the first place, any one who knew anything of constitutional practice must be aware that such a thing was never done as taking action upon the Address in Reply—a mere complimentary form. In the next place, if hon. members would look at this particular Address in Reply they would see that the House never gave its consent to the proposals of the Government in respect of the balance of the loan, in the sense into which that consent had been twisted by the Executive. His Excellency in his Speech said he proposed to place the unexpended balance of the loan on one side for a particular purpose (the repair of bridges), and to re-place on the Estimates the annual contribution from general revenue for the up-keep and maintenance of roads; and, in the paragraph of the Address in Reply—which, as is customary, was a mere echo of the Speech itself—relating to this proposal of the Governor, it was stated that the House viewed it with satisfaction. If that statement stood alone, by itself, he felt bound to say it was not so worded as the House would have had it worded, if there had been any idea that advantage was going to be taken of it in the way now proposed by the Government. But, happily, the statement re-

ferred to did not stop there, but went on to say (alluding to the Governor's proposal): "This subject, your Excellency can rely, will receive our earnest attention." Surely, that was perfectly clear as to what the intention of the House was, when expressing its satisfaction with the proposal, namely, that when, in due course, the details of the scheme were submitted to the House, the subject "would receive their earnest attention." Yet, no sooner does the House ask when the proposals are likely to be laid before it, than they are told that His Excellency was not aware there was any necessity for the House giving the proposals any further attention at all. Hon. members might be inclined to think, and he dare say with some show of reason, that it was scarcely worth while to bring this motion before the House, seeing that the majority of hon. members were in favor of the proposals referred to; but, as he had already said, he had brought it forward simply as a matter of principle. He thought it was worth while contending for a principle, even although there might be no great opposition to the scheme itself. Moreover, this matter would form a precedent for future action, and, hereafter, if the House acquiesced in the principle now at stake, it might be that advantage would be taken of it in regard to proposals which were not regarded with as much favor by the House. For this reason, he hoped hon. members would support him in moving this Address to His Excellency, respectfully submitting that the House should be consulted upon this proposition for the expenditure of the residue of the Road Loan.

Mr. BROWN, in seconding the motion, said he did so with very great pleasure, upon the grounds stated by the hon. member who had brought it forward. He had always viewed with great disfavor what he considered the diversion of this Road Loan from its original object. The money was borrowed for a specific purpose, which was distinctly stated in the despatch referred to by the hon. baronet. He was aware that that original intention had not been wholly and strictly adhered to; but all along he had considered it improper that the original object had been departed from; and when he noticed, in the telegraphic

summary of the Governor's Speech sent to Geraldton, that there was a balance of £15,000 of this Road Loan unappropriated, he was exceedingly surprised. He was exceedingly surprised for this reason: at the very next Session after the money was raised, an appropriation of a sum of £40,000 out of it was made, with the full assent of the House, for a specific purpose, to be expended upon certain main roads, in various parts of the Colony, leaving only £10,000 unappropriated. Yet he found it now stated that—after spending a good deal of the money for purposes which were never contemplated when the House sanctioned its being raised—there would still be an unexpended balance of £15,000 at the end of this year. It had struck him, when he first read this statement, and it struck him now, that, if there remained this amount unexpended, some of the works for which the £40,000 was appropriated must remain unfinished. Although he admitted that, so long as the Governor kept within the original intention of the Legislature in sanctioning the Loan, and did not depart from the original object in view, the House had no right to interfere with His Excellency's discretion in the matter, still, when the question arose, as it had arisen here, as to whether or not the original intention of the Legislature is to be set aside altogether, and another scheme adopted in lieu thereof, he thought the Governor had no power whatever—he would not say, no right—but no power whatever to take the course which was proposed to be taken here. He wished to be clear on this point. Within the scope and the object for which this Loan was originally intended, the Council had no right to interfere with the action of the Governor, but when His Excellency proposed to go outside the original intention of the Legislature, and sought to divert this money to another object, he thought the Council must be appealed to, in order to clothe the Governor with a legal authority to make this divergence. He had feared very much at first that the House had adopted a most unusual course in expressing its assent to this proposal by the way in which the Address in Reply was worded; and if the House had expressed its unconditional approval of the scheme,

he did not know exactly what course he should have taken with regard to the present motion. But it was very plain to him they had done nothing of the kind. All the House had done was to say that it viewed with satisfaction that His Excellency proposed to expend the balance of the Roads Loan on a work much needed, and that the subject would receive their earnest attention—clearly indicating that the matter had not been finally disposed of by the hon. members of that House, but that they expected the proposals would be submitted for their further consideration, and that, when they were submitted, His Excellency might rely upon the scheme receiving their most careful attention. Such being the case, he trusted that the Government would allow the matter to come before the House, so as to enable hon. members to express an opinion upon the merits of the scheme. When it did come before the House, he should probably have a little information to furnish in reference to some of the works for which a portion of the Loan was appropriated,—works which must go undone, if the proposals which the Government contemplate were carried out.

The motion was then agreed to unanimously.

MUNICIPAL INSTITUTIONS ACT, AMENDMENT BILL.

MR. SHENTON, in accordance with notice, moved, For leave to introduce a Bill to further amend the Municipal Institutions Act.

Leave given, and Bill read a first time.

MESSAGE (No. 11): STEAM COASTAL SERVICE.

The House then went into Committee to consider the Message received from His Excellency the Governor (*vide* p. 226, *ante*), forwarding correspondence between Messrs. Lilly & Co. and the Government relating to the extension of the steam coastal service.

THE COLONIAL SECRETARY (Lord Gifford) moved, The following Resolution in reply:—

“That the Council, having had under “its consideration Message No. 11, with “enclosures, regarding the Coastal and

"Intercolonial Service, begs to reply as follows :—

"The Council concurs in the views as therein expressed, and will be prepared to provide the requisite subsidy should Your Excellency think proper to complete a contract with Messrs. Lilly on the terms indicated, for a period not exceeding three years from the termination of the first year of the present contract. This House advises that it should be a condition of the contract that the steamer performing the North-West service shall call at such practicable port or ports as may be from time to time required by the Government." He was sure hon. members had viewed Messrs. Lilly & Co's. proposals to extend the coastal steam service, by establishing regular communication with the North-West Coast, with great satisfaction. The extension of the service in that direction would greatly increase the facilities for opening up a trade with those distant settlements, and thus afford an outlet for their surplus produce. It would be in the recollection of hon. members that, last Session, the House adopted a resolution asking His Excellency to invite fresh tenders before the termination of the present contract, and expressing an opinion that the present rates of freight between Albany and Fremantle were excessive. It would be seen, however, on reference to His Excellency's Message that, as it was well understood by both the Governor and the present contractors that no steps were to be taken to terminate the existing contract until after at least twelve months working trial of the new arrangement under which the steamer was to make three trips a year to Nicol Bay, His Excellency had not felt at liberty to invite fresh tenders, but that—as would be seen on reference to the message—the present contractors were prepared to assent to a substantial reduction, not only of the freights between Albany and Fremantle, but to a general reduction of the coastal fares and freights. In addition to this, provided they were guaranteed a contract for not less than three years, Messrs. Lilly & Co. were prepared, without receiving any additional subsidy, to place a third steamer on the coast, to trade exclusively between the Southern

ports and the North-West, thus establishing, during the greater part of the year, a monthly service, to connect this portion of the Colony with our important possessions in the northern part of our territory. The proposals made by Messrs. Lilly & Co. appeared to the Government to be so fair and liberal, and so very advantageous to the Colony, that His Excellency strongly recommended the House to sanction the continuance of the present subsidy, in order to enable him to conclude the contract with the firm, without any unnecessary delay. He was at liberty to state that, in the event of the agreement being completed, the contractors intended placing a third steamer on the coast before the termination of their present contract, and before the end of the year. He might also take this opportunity of mentioning that possibly an ocean steam company might shortly be induced to call here, and that the Government intended, in view of a more definite proposal being put forward, to ask the House to guarantee a small subsidy for that purpose.

MR. STEERE said he quite agreed with the right hon. gentleman who had sat down, that the offer made by Messrs. Lilly & Co. was an advantageous one, and one that the Council would do well to accept. The noble lord had informed them that the contractors would be prepared before the end of the year to put on a third steamer, but, looking at the papers which accompanied His Excellency's Message, he saw nothing to justify that conclusion. All that Messrs. Lilly said, according to the message, was that they were "disposed" to put on a third steamer, in the event of their being able to obtain one suitable for the trade. He thought one of the conditions which ought to be attached to the new contract was one rendering it incumbent upon the contractors to introduce a third steamer, and he would therefore move, as an amendment, that the following additional words be added to the resolution before the House: "The Council, however, advises that the contract should be entered into only on the understanding that a third steamer will be placed regularly on the coast."

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said he had that very day received a further com-

munication from Messrs. Lilly & Co., in which they stated that, in the event of the proposition being carried to empower His Excellency to negotiate with them, the question might arise,—when will the regular North-West service commence? The reply which they say they could make was—as soon as they could obtain a suitable steamer, possibly October or November, but if any later than November, then not before February, 1882, as the months of December and January must be avoided. Hon. members were aware that during those months the steamer could not visit the North-West, and the contractors would thus have an opportunity afforded them for periodically over-hauling the steamer plying northward. With the exception of the months mentioned, their intention was to make a trip every thirty or forty days,—and he need hardly point out that this could never be accomplished with the present number of steamers, and at the same time keep up the present coastal and intercolonial services. He had the greatest faith himself in the good intentions of the firm, for he believed they were most anxious to develop the trade, seeing that it would be to their own interests to render the service one that would meet with the approval and support of the public generally. With regard to the reduction of the fares and freights, he thought Messrs. Lilly & Co. had met the Council in a very fair and liberal spirit. With respect to the freights and rates to Bunbury and the Vasse, it might appear to hon. members that they were disproportionately high, seeing that they were actually higher than the freights and rates to Fremantle; but when he informed hon. members that Messrs. Lilly's present contract for lighterage at these Southern ports was 5s. per ton—which had to come out of the rates specified in the schedule—he thought the House would recognise the fact that the scale of charges was, on the whole, very fair and equitable.

MR. SHENTON said it would be in the recollection of hon. members that last Session he asked for a copy of the contract now existing between the owners of the *Otway* and *Rob Roy*, in order to bring the subject under the attention of the House. It was then resolved that the Government, prior to entering into any

further contract, should invite tenders in the neighboring colonies for the performance of the service, a general feeling prevailing that under the present contract the Colony was not receiving those facilities which the public were entitled to, in consideration of so large a subsidy as we were paying the contractors. This resolution, he was happy to say, had produced the desired result, without the necessity of inviting any fresh tenders, Messrs. Lilly & Co. having themselves come forward with proposals which he thought would, on the whole, meet the wishes of the House, and give greater satisfaction to the public. If the present contractors were in a position to carry out these proposals, he thought they were deserving of every consideration at our hands, for they certainly had carried out their present contract—so far as regularity was concerned—to the satisfaction of everyone, the only complaint being as regards the scale of charges, which they now agreed to reduce very considerably. It should, however, be insisted as a condition of the new contract that a third steamer must be provided. He was glad to observe in the resolution now before the Committee that it was proposed by the Government that the steamer performing the North-West service should call at such practicable intermediate ports as may be required from time to time by the Government. He hoped the day was not far distant when the increasing trade on the coast would make it worth while for the steamer to call at the Gascoyne and the Ashburton on this side of Cossack, and also at some port convenient to the settlers of the Kimberley district. As he had already said, the great cause of complaint as regards the present arrangement with Messrs. Lilly & Co. was the high tariff for freight and passenger fares,—the parcel rates charged being almost prohibitory, more especially from Albany. The cause of this, he understood, was the expense which the contractors were put to in transhipping at King George's Sound,—the P. & O. Co. offering no facilities at all to them in that respect. He thought, if the Legislature were to request the Government to draw the attention of the directors of the P. & O. Co. to the fact that there exists much cause for complaint as to the want of facilities for tran-

shipment between their steamers and our branch line, the company would do all in their power to remove the source of complaint. In all matters of business which he had ever transacted with the P. & O. Co. he had always found them most anxious to meet any reasonable request, and he believed the complaints which now existed as to the absence of facilities for transshipment existed simply because the attention of the directors had not been officially drawn to it by the Government.

MR. CROWTHER had very great pleasure in supporting the resolution, as amended by the addition of the words making it obligatory upon the contractors to put on a third steamer. He had no doubt in his own mind that it was the honest intention of Messrs. Lilly & Co. to obtain another steamer; at the same time he thought it would be well to make that an indispensable condition of the contract, so that, in the event of their failing to obtain a suitable third steamer, it would be open for the Government to enter into some other arrangement. He hoped, however, that when the third steamer was put on, it would not be trammelled in its movements by any mail contracts, but be free to come and depart entirely independent of all mails. The present arrangement as regards the mail service was sufficient for all purposes, and he trusted that this third steamer would not be hampered in its movements by having to wait for any mails. He thought the revised tariff of charges a very fair one, and even liberal—more so probably than if it had been prepared by any such body as a local board of trade.

THE COLONIAL SECRETARY (Lord Gifford) said he was perfectly willing on the part of the Government to accept the amendment suggested by the hon. member for the Swan,—to add the words that the contract shall be entered into on the understanding that a third steamer will be provided by the contractors.

MR. MARMION expressed the pleasure which he felt in supporting the resolution. He hoped, however, that the Government, in drafting the contract, would render it obligatory upon the steamers to call, at stated intervals, at the intermediate ports between Champion Bay and Port Walcott. He thought it highly desirable that the dates of such calls should be fixed before-hand, so

that the settlers and intending visitors might be able to time their arrival and departure at these intermediate ports. He also hoped that, in the event of the negotiations between the Government and the contractors being concluded, or in the event of their assuming a more definite shape than at present, before the Session closed, His Excellency would be pleased to communicate the result to the House.

The resolution, as amended, was then agreed to unanimously.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

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

MESSAGE (No. 14): DEFENCE OF KING GEORGE'S SOUND.

"In reply to your Address No. 12, the Governor begs to inform Your Honorable House that it is the case that Colonel Scratchley has been ordered by Her Majesty's Government to proceed to King George's Sound, for the purpose of reporting on the defence of that harbor, but beyond this the Governor has but little information upon the subject which he can communicate to Your Honorable House.

"The Governor has for some time past been in correspondence with Her Majesty's Government on the question of the defence of King George's Sound, and it is possible that Colonel Scratchley's visit may be the outcome of such correspondence; but the question being one of Imperial rather than Colonial concern, the Governor does not feel at liberty to lay the papers on the Table at present, especially as, so far as the Governor is aware, no decision has as yet been arrived at in the matter.

"Colonel Scratchley has expressed a wish to meet at Albany some officer of the Colonial Government acquainted with the Governor's views on the questions which he may have to consider, and the Governor proposes, if possible, to comply with Colonel Scratchley's wishes in this respect.

"Government House, Perth, 16th August, 1881."

MESSAGE (No. 15): REPORTS *RE* TREATMENT OF NATIVES.

"Adverting to your Address No. 13, of the 15th inst., the Governor now forwards, for the personal perusal of Members, certain Confidential Reports on the subject of the treatment of the Natives on the North-West Coast.

"Government House, Perth, 16th August, 1881."

MESSAGE (No. 16): REVISION AND CONSOLIDATION OF STATUTES.

"The Governor is of opinion that steps should be taken for revising and consolidating the Statutes, and is willing to appoint a Commission for this most important work on learning that Your Honorable Council will be prepared to defray the necessary expenses in connection with the same.

"Government House, Perth, 16th August, 1881."

EXCESS BILL, 1879.

THE COLONIAL SECRETARY (Lord Gifford), in moving the second reading of a Bill to confirm the expenditure for the services of the year 1879 beyond the grant for that year, said the Bill was a legacy left to him by his predecessor—a legacy which he did not altogether relish. The Bill, as was known to hon. members, had been referred to a Select Committee of the House last year, and the report of the Committee was in due course presented to the House; but the Council at the time refused to adopt it, and, after some discussion, the Bill was shelved altogether. It now became his duty to present it again for the affirmation of the House, and, he hoped, with a different result to the reception accorded to it last Session. He need not enter into the details of the various items of over-expenditure forming the Bill, as they had already been explained to the House on the motion for its second reading last year, and hon. members were more conversant with its details than he himself was. He now begged to move, That the Bill be read a second time.

Mr. STEERE said he fully sympathised with the noble lord opposite in having to bring forward a measure which could not be otherwise than distasteful to him, seeing that he had nothing to do

with the over-expenditure which the House was asked to confirm. He fully believed that the right hon. gentleman himself would never have occasion, during the time he remained with us, to come to that House to ask it to confirm such an over-expenditure as this Bill represented. He (Mr. Steere) was the chairman of the Select Committee to which the measure was referred last year, and he did not think anyone could gainsay that they had made a searching investigation into the various items of expenditure. The report of the Committee was not brought up until almost the last day of the Session—too late for the House to give it that attentive consideration which it deserved, and consequently it was not adopted. From that report it appeared that there had been expended over and above the appropriation made in the Estimates for the services of the year (1879), a sum of £7,961 15s. 7d., and that services authorised by resolutions of the Council had caused an expenditure of £5,783 5s. 5d., whilst £7,082 18s. 6d. had been spent without any legislative authority whatever. He could not consent to the second reading of a Bill providing for such a large amount of unauthorised expenditure, without making some protest. The Select Committee to whom the Bill was referred last year concluded their report by recommending the House to adopt a resolution to the effect that, the Council, whilst recognising the futility of withholding its assent to the Bill, desired to protest against the expenditure of such large sums of money without the sanction of the Legislature being first obtained, and that, in order to prevent such large Excess Bills in the future, the House was of opinion that the provisions of the Appropriation Act should be strictly observed; also, that a copy of the Select Committee's Report be presented to the Governor by the Speaker, with a request that His Excellency would forward the same for the information of the Secretary of State. Had the Report of the Select Committee been adopted, and this resolution affirmed, he would have been prepared last year to have agreed to the second reading of the Bill. But as that was not done, he thought the only protest he could now make against its second reading was to

move, as an amendment, That the Bill be read a second time that day six months.

MR. S. H. PARKER, in seconding the amendment, said if the Government would consent to the resolution referred to by the hon. member for Swan being inserted in the Bill, as an additional clause, he would have much pleasure in voting for the original motion.

MR. SHENTON said that, as one of the members of the Select Committee to which the Bill was referred last Session, he could fully endorse what had been said by the hon. member for the Swan as to the unauthorised expenditure against which the Committee felt it their duty to protest; but he thought the best course to adopt now with regard to the Bill was to pass it, and, in sending it to the Governor, to forward with it a copy of the resolution—after its affirmation, of course—recommended for adoption by the Select Committee last year, with a request that His Excellency would send it home to the Secretary of State with the Bill.

MR. BROWN—who also was a member of the Select Committee of last year—said, although it was true that a most searching investigation had been made by the Committee into the various items of expenditure constituting the Bill, still he did not think the Committee had had time to conclude their labours thoroughly. It had to hurry on its work in order to be able to present its report before the Session closed, and, so far as he could recollect, very few hours were devoted to the final consideration of the report by the Committee. Personally, he did not concur in all which the report contained, but he had had no time to express his dissent in writing,—though had he known that the Bill was going to be brought up again this Session he would have strained a point to do so. The Committee expressed an opinion that the provisions of the Appropriation Act should be “strictly observed,” by which he understood them to mean that that latitude which the Governor of the Colony should be allowed, and that discretion which he was expected to exercise, in the expenditure of money, in cases of emergency, and in the interests of the Colony, should be no longer allowed and no longer exercised. He failed to see what the Committee meant to convey, if

it was not that. For his own part he considered it highly desirable that this discretionary power should be left in the hands of the Governor. It was a power which, in his opinion, had been exercised wisely by successive Governors, and, notwithstanding the most searching investigations on the part of Select Committees of that House, no fault had ever been found as to the *nature* of any over-expenditure incurred, though there may have been as to the *manner* in which the money was expended. But, with regard to the nature of the over-expenditure, incurred from time to time, he believed if the House had been consulted on the subject, it would have authorised the expenditure of quite as much as the Governor had expended without its authority. Under these circumstances he felt he should not be doing his duty to the constitution, his duty to the Government, or to his country, if he were to support the course proposed to be adopted with regard to this Bill by the hon. member for the Swan. He was ready to admit that a great deal of good had been done by those hon. members who had taken so much pains in forcibly drawing the attention of the Government to the desirability of its coming to that House for all its supplies, on all possible occasions, and not to incur any expenditure which could be avoided without legislative authority. But he thought the day had passed for bringing up this question again. He thought they might all be satisfied with the result of their efforts in this direction, and that, in the future, at any rate, no matter what irregularities may have been committed in the past, there was no reason whatever to apprehend a recurrence of these irregularities. He wished it to be perfectly understood that, although he admitted the Government had, in the matter of expenditure, been guilty of irregularities in the past, he in no way admitted that they had squandered the public funds. In addition to that, he wished to state, as an elected member of that House, that he considered himself, and each hon. member who sat alongside of him, equally chargeable with the Government in respect of any irregularities that may have occurred in the past in relation to over-expenditure.

MR. S. H. PARKER: I, at any rate, do not plead guilty to the charge.

MR. BURT said no hon. member who sat in the House last year when this Bill was under discussion would be in any way surprised at the attitude taken by the hon. member for Geraldton with regard to this question of over-expenditure. The hon. member, whenever the Government was indicted for illegal expenditure, always accused the members of that House of being accessories to the fact; but so far as he (Mr. Burt) was concerned, like the hon. member for Perth, he pleaded "not guilty" to the indictment. The hon. member also complained because this subject had been brought up again. But who was responsible for its revival? Was it not the Government themselves, in putting forward this Bill? He thought the hatchet had been buried, that a financial millennium was about to dawn upon the Colony, and that there would be no more wars or rumours of wars over the public expenditure. Why, then, should the Government seek to re-open an old feud, by bringing forward this Bill again, and asking us to agree to-day to what we refused to agree last year?

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the hon. member for Williams had used an expression which had delighted him to hear, namely, that he thought the hatchet had been buried as regards this much-vexed question. He (the Attorney General) had also hoped that such was the case, and that the hon. members of that House, both on the Government benches and the opposite benches might this Session enjoy the calumet of peace, and bury in the oblivion of the past the ashes of this ancient quarrel. He could quite understand the feeling of the House, although not long a member of it, in its efforts to secure that control over the public expenditure which under the present constitution it was entitled to. Even during the short time he had had the pleasure of occupying a seat in it, they had heard quite enough, and more than enough, he thought, of the subject. He had hoped that, by this time, hon. members must be thoroughly convinced of the honest intention of the Government to meet their views on this important and burning question of illegal expenditure.

The House had an earnest view of what the Government were prepared to do, in order to meet its wishes in this respect. Hon. members would shortly be regaling themselves with the *pièce de résistance* of the Session, that very carefully prepared dish, the Audit Bill,—a measure which, with the amendments which the collective wisdom of the House might possibly make in it, would afford them an absolute security against illegal expenditure. Under these circumstances, he appealed to hon. members to let this Bill be disposed of, and not refuse to give a legal sanction to the expenditure of money which they knew full well had been spent in providing for the exigencies of the public service.

MR. STONE said he entirely went with the report of the Select Committee of last year in this matter,—that it would be futile on the part of the House to withhold its assent to the Bill. Its rejection would, in reality, amount to a vote of censure upon the Administration, and a vote of censure, under Parliamentary Government, would imply a vote of no confidence in the Government, which vote would necessitate the retirement of the Ministry and the advent of another, to fill its place. But we were not in the enjoyment of that form of constitution which would enable us to carry a vote of censure or of no confidence to its legitimate conclusion, and hence the futility of the House withholding its assent to the Bill. He thought, however, there was a way out of the difficulty, if the hon. member for the Swan would agree to withdraw his amendment. What he would suggest was, that the House should agree to the second reading of the Bill, and that, in order to place on record their protest against the principle involved, the resolution which the Select Committee of last year recommended for the adoption of the House should be moved as an amendment upon the motion to go into Committee on the Bill. The House afterwards, having thus formally recorded its protest, might, without any sacrifice of principle or consistency, agree to pass the Bill through its various stages, and get done with it.

MR. RANDELL said, although the Bill came before them as an old friend with a new face, it did not seem to commend

itself either to the occupants of the Opposition benches or to the members below the gangway. Be that as it may, he intended to vote for its second reading, and he did so because, as the Select Committee itself had pointed out, it would simply be futile, under the present constitution, for the House to do otherwise. He had some recollection, as a member of that Committee, that notwithstanding the very strict investigation which was made into the various items of over-expenditure, there was nothing which the Committee could strictly object to, as regards the nature of the expenditure. Under these circumstances he failed to see what the House would gain by rejecting the Bill. He thought, if the hon. member for the Swan and those who went with him were to act consistently in their opposition to the Bill, they would carry their opposition a little further, and recommend the House to institute proceedings for the recovery of the money from the late Administration. The money had undoubtedly been expended, and the mere rejection of the Bill would not bring it back to the Treasury, unless they pursued the course he had just mentioned, and seek to recover it out of the pockets of the late Administration, who were responsible for the over-expenditure. But he was afraid that would be as futile as rejecting the Bill altogether, for, in addition to the fact of the birds having flown, he apprehended they would experience considerable difficulty in extracting £28,000 out of their pockets. He hoped the House would consent to the second reading of the Bill, and not visit the shortcomings of a past Administration upon an Administration which was in no way responsible for the expenditure which the Bill represented.

MR. STEERE expressed his readiness to adopt the suggestion submitted by the hon. member Mr. Stone, and to withdraw his opposition to the second reading of the Bill.

The Bill was then read a second time.

CONSIDERATION OF MESSAGE (No. 8): Re SMELTING WORKS.

ADJOURNED DEBATE.

On the Order of the Day for the resumption of this debate, in Committee,

MR. STEERE moved that the resolution submitted by the Commissioner of Crown Lands (*vide* p. 234 *ante*) be considered paragraph by paragraph.

Agreed to.

Paragraph 1.—“That to any firm or company who will enter into an agreement with the Government to erect, within three (3) years from the date of such agreement, in some spot in or near Northampton, works capable of smelting at least such a quantity of lead ore as shall yield not less than one thousand (1,000) tons of pig lead, in twelve calendar months from the date of their completion, there should be paid out of the public revenue of the Colony to such firm or company, two thousand pounds (£2,000) on the completion of their construction, and a further sum of three pounds (£3) a ton bonus on the first one thousand tons of pig lead smelted at them, making a total bonus of £5,000.”

Agreed to without discussion.

Paragraph 2.—“That the firm or company so engaged shall be responsible for their own supply of skilled and other labor, but it will be competent for them to select and nominate such a number of miners or other necessary laborers to be, from time to time, introduced by Government, as the Immigration vote for the year may allow.”

MR. STEERE said he had spoken to the hon. the Commissioner of Crown Lands with reference to this paragraph, and the hon. gentleman said he was entirely in accord with himself with regard to it,—he did not wish the company to be placed in a different position as regards facilities for introducing labor to that occupied by people already in the Colony. He therefore failed to see the necessity for these words at all. What he was afraid of was that these gentlemen would go to the immigration agent employed by this Colony in England, and say to him, “We want to send out so many immigrants,” and that the number which they may nominate might swallow up all the vote appropriated for immigration purposes, so that people in this Colony would have no chance of nominating anybody. He should be sorry to see such a check as that put upon the nomination system, which appeared

to answer so well. For this reason, he would move that this paragraph be struck out.

MR. MARMION called attention to the 4th paragraph in Messrs. Schaw and Le Fevre's letter of the 20th September, 1879, in which they submitted the following proposal: "That the Government shall supply at their own cost and guarantee a sufficiency of skilled labor, in the way of immigrants from Europe, for the building, construction, and finishing of the smelting works; such immigrants to be chosen and employed by us or our assigns on a scale of wages to be agreed upon at the time of such engagement." Possibly the intention of the Commissioner of Crown Lands, in introducing the paragraph now under consideration into this resolution was to remove any such impression as that from the minds of the gentlemen referred to. To a certain extent he was in accord with the hon. member for Swan; but if we could form some idea of the number of immigrants which the company were likely to require we might be better able to judge of the expediency of retaining this paragraph. So long as the requirements of the company in this respect did not stand in the way of the settlers of the Colony obtaining a fair share of the vote for nominated immigration, he saw no objection to the company having the right to nominate a sufficient number of laborers. No doubt these would be a very desirable class of immigrants, and it was a matter for consideration whether we would be acting wisely in striking out this paragraph, provided we could obtain some idea as to the number of persons the company would be likely to nominate.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said his sole object in preparing the resolution was to frame one that would be presentable to the shareholders of the company at home, to show them that we were endeavoring to meet them in every reasonable way, and, at the same time, to let them know, as the hon. member for Fremantle had just mentioned, that there was no intention on the part of this Government to supply and guarantee the company a sufficiency of skilled labor at the public expense. In the interests of the venture itself, he would rather see the paragraph remain part of

the resolution, with the reservation that the company was not to take precedence of the settlers in the matter of nominating immigrants.

MR. CROWTHER had no idea what number of workmen the company would require, but he should say that they would not want a great number of skilled laborers, and that the other class of labor would be found in the Colony. He presumed that the object of the hon. the Commissioner of Crown Lands in introducing this paragraph into the resolution was to show the shareholders of the company that, as regards assisted immigration, they would be placed on the same footing as the settlers of the Colony. He did not think it was ever contemplated that they should have any advantage over the settlers in this respect, but their application for labor should run side by side with the applications made from persons residing in the Colony.

MR. MARMION said the proposal of the Commissioner actually went further than what the promoters of the company themselves asked for. All they desired was that they should be guaranteed a sufficient number of immigrants for the building, construction, and finishing of their works, but here it was proposed to let them participate in the immigration vote, year after year, as long as they liked.

MR. CROWTHER: And why not, if they comply with the necessary conditions?

MR. BROWN suggested that the paragraph be amended, so as to place the company, as regards the immigration vote, precisely on the same footing as the colonists themselves. He thought it would be a mistake to strike it out altogether, and that it should be made known to the company that the Colony was prepared to offer certain facilities to them for the introduction of labor.

MR. RANDELL thought the Governor should be empowered to decide how far the company should be at liberty to avail themselves of the immigration vote.

MR. STEERE, with leave, withdrew his motion to strike out the paragraph, and moved, as an amendment, that the words "miners or other" be struck out, and that, between the words "laborers" and "to," the words "for the erection and completion of the work" be inserted.

This would enable the company to introduce all the necessary labor for establishing their works, which appeared to be all they required, and all that House would be justified in conceding to them.

The amendment was adopted.

Paragraph 3.—“That a site for the works, not to exceed five acres in extent, should be granted in fee, free of charge, to such firm or company on the completion of their engagement, occupancy being allowed from the commencement of operations—any land in excess of such quantity should be paid for at such rates as are current at the date of application.”

Agreed to *sub silentio*.

Paragraph 4.—“That it is deemed desirable a reduction on the ordinary railway rates should be made in the transport from the port to the works of all coals used in smelting the ore.”

Agreed to without discussion.

Paragraph 5.—“That the price to be agreed upon for smelting ores sent from any of the mines into the works for such purpose should be per ton of pig lead and not per ton of ore, and a guarantee should always be given that the produce of such ore, when smelted, shall not be less than three per cent. of the estimated results as shown by assay.”

Agreed to without opposition or comment.

Resolution reported.

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

LEGISLATIVE COUNCIL,

Wednesday, 17th August, 1881.

Goods Warehouse at Perth Railway Station—Mode of Driving Horses in Teams—Excess Bill, 1880: first reading—Pension to Mr. Sholl, R.M., for past services—Adjournment.

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

PRAYERS.

GOODS WAREHOUSE AT PERTH RAILWAY STATION.

MR. S. H. PARKER, in accordance with notice, asked the Honorable the Colonial Secretary, “Whether any provision has been, or is intended to be made upon the Estimates for the erection of a Goods Warehouse at the City Railway Station; and if not, why not?”

THE COLONIAL SECRETARY (Lord Gifford) said no provision had been made on the Estimates for a Goods Shed at Perth, there being at present no funds available; besides, the great want of storage room for goods was at the termini of the Line (Fremantle and Guildford).

MODE OF DRIVING HORSES IN TEAMS.

MR. S. H. PARKER, in accordance with notice, drew the attention of the House to the following paragraph in the Report of the Superintendent of Roads, recently laid on the Table of the House: “I avail myself of this opportunity again to draw attention to the character of the traffic obtaining in this Colony. No road suffers more, and few so much, as the Albany Road. Horses are driven in long files, as many as six in a team, with frequently a loose one or two, all treading in each other's footsteps, wearing the centre of the road down into a river, with a parallel on each side cut by the wheels, making proper drainage impossible.” No doubt, long before this report of the Superintendent of Roads was ever made public, hon. members were fully aware of the great damage done to the roads of the Colony, and especially newly-made roads, in consequence of this too common practice of teamsters driving their horses in one long single file. He had been particularly struck with this when recently travelling on the Albany road, where a great deal of the road had been renewed, out of the public loan raised for that purpose, and where, by reason of the practice alluded to, the roads had been so frightfully cut up, that the mail cart dare not approach the ruts for fear of capsizing. If teamsters were compelled to make their horses walk abreast, they would do much towards filling in the ruts caused by the friction of the wheels, but, under the present system of driving