

or to grant hundreds and thousands of acres on lease, where can be the harm in leasing 2,520 acres? The land is still there; it cannot run away, and it can always be taxed.

Mr. ALISON: I shall support the proposal to recommit this clause, and I wish to place on record my protest against it. It is no doubt very good in theory to say that we can settle the people on the land; but I think it will be found in practice to be most pernicious. Instead of settling people on the land, it will have the effect of consolidating large estates. It will lead to an amount of dummieing compared with which that which has taken place in the past will be as nothing. The small cost at which land can be taken up will lead to such an amount of dummieing that the House will regret that it ever passed this clause, and I wish it to be placed on record that I at any rate protested against it.

Question—That the words proposed to be added be so added—put. The House divided:

Ayes, 4; noes, 31; majority, 27.

AYES.

*Tellers,*

Turner, E. W. Cruickshank, G. A.  
Wilkinson, R. B. Alison, W.

NOES.

Ball, E. J.	McMillan, W.
Barbour, R.	Melville, N.
Bowman, A.	Nobbs, J.
Brunker, J. N.	O'Connor, D.
Chanter, J. M.	Ross, Dr. A.
Copland, D.	Scobie, R.
Dawson, H.	Smith, Bruce
Dickens, E. B. L.	Smith, S.
Gormly, J.	Teece, W.
Gough, J. G.	Waddell, T.
Gould, A. J.	Willis, W. N.
Grahame, W.	Wilshire, J. T.
Haynes, J.	Woodward, F.
Jones, T.	<i>Tellers,</i>
Lakeman, A.	Cooke, H. H.
McCourt, W.	Dangar, O. O.

Question so resolved in the negative.

Council's amendment in clause 44 re-committed.

*In Committee:*

Motion (by Mr. BRUNKER) agreed to:

That the words "forty-seven" be omitted with the view to insert the words "forty-six."

Mr. WILLIS: Before you leave the chair, sir, I wish, as one of the western men, to tender my congratulations to the Minister on the successful passage of this measure.

HON. MEMBERS: Hear, hear!

Amendment reported, and report adopted.

## ADJOURNMENT.

PROROGATION OF PARLIAMENT.

Mr. McMILLAN rose to move:

That this House do now adjourn.

He said: I should like to say on behalf of the Government that we hope to bring this session to a close next Friday; and seeing that this is the session proper for 1888, and that we are getting near to the latter part of the year, the Government hope that hon. members will give them every assistance to prolong the sittings next week, so that this may be accomplished.

Mr. CHANTER: I should like to know if it is the intention of the Government to go on with Government business on Tuesday night and continue with Government business until the close of the session, or whether Tuesday or Wednesday night will be devoted to private business?

Mr. MELVILLE: Perhaps the Minister will state distinctly what business will be taken on Tuesday night?

Mr. McMILLAN, in reply: We propose on Tuesday evening to take the Legislative Council's amendments in the Post Office Bill, the resolution relating to the western suburbs sewerage scheme, and a small formal bill of my own in connection with the Railway Department. After those have been disposed of we propose to go on with the estimates, and, as far as I know, the intention of the Government at the present time is to go on continuously with its own work so as to leave nothing but the Appropriation Bill before anything else supervenes. I should like it to be understood that I hope to get to the estimates by about 8 o'clock on Tuesday evening.

Question resolved in the affirmative.

House adjourned at 4.10 a.m. (Friday).

## Legislative Council.

Tuesday, 24 September, 1889.

Assent to Bills—Privilege—On Ling—Publication of Hansard—Non-production of Returns—Crown Lands Bill—Wollongong Harbour Trust Bill.

The PRESIDENT took the chair.

## ASSENT TO BILLS.

Royal assent to the following bills reported :—

Treasury Bills Deficiency Bill.

Women's College University Endowment Bill.

Public Works (Committees' Remuneration) Bill.

Parliamentary Representatives Allowance Bill (No. 2).

Oakey Park Coal-mining Company's Railway Bill.

## PRIVILEGE.

The PRESIDENT read the following message from the Legislative Assembly :—

Mr. President,

The Legislative Assembly has this day agreed to the amendment made by the Legislative Council in the bill, intituled "*An Act to authorise the payment to Members of the Legislative Assembly of an annual allowance as reimbursement for expenses incurred in the discharge of their parliamentary duties.*"—such amendment being only explanatory, and to make the intention of the law clear; but desires that its agreement may not be drawn into a precedent, so as to warrant any supposition that the Assembly has waived any of its undoubted rights and privileges.

JAMES HENRY YOUNG,  
Speaker.

*Legislative Assembly Chamber,  
Sydney, 20 September, 1889, a.m.*

Mr. JACOB: I rise to a question of privilege. With regard to the message just read, I submit to the House the following motion :—

That, in receiving the message just read by the Honorable the President from the Legislative Assembly, with reference to the amendment made by the Council in the Parliamentary Representatives Allowance Bill (No. 2), which denies the power of the Council to amend bills of the nature mentioned, the Council reasserts its undoubted right of amending all bills whatsoever submitted to it, and will always exercise that right whenever considered necessary for the peace, welfare, and good government of the colony.

There is a precedent somewhat to that effect established long ago. It was not exactly in the direction in which I am now moving; but I think the deviation I am making is a very proper one, because it may be asked what is the use of doing now what was done many years ago? In 1857 a loan bill was amended by this House and sent to this Chamber. The other Chamber accepted that amendment, but sent the following message to this House :

The Legislative Assembly has agreed to the amendment made by the Legislative Council in

the bill, intituled "*An Act to authorise the raising of a Loan of One Hundred and Thirty Thousand and Four Hundred Pounds upon the security of the Consolidated Revenue of the Colony, to meet a like amount payable in the year 1857, upon Debentures to fall due in that year.*"

The Legislative Assembly requests that its agreement to the said amendment (which is merely of a verbal nature to bring the preamble of the bill to correspond with the form of preamble already agreed upon in respect to previous bills) may not be drawn into a precedent to authorise the Legislative Council to alter or amend in any manner whatever, any money bill passed by this House.

Immediately upon that, the late Mr. Robert Johnson gave notice of a motion which was afterwards carried. That resolution was as follows :—

That this Council having taken into consideration the message from the Legislative Assembly, received on the 23rd day of January last, upon the subject of the amendment made by this Council in the bill intituled "*An Act to authorise the raising of a Loan of One Hundred and Thirty Thousand and Four Hundred Pounds upon the security of the Consolidated Revenues of the Colony, to meet a like amount payable in the year 1857, upon debentures to fall due in that year,*" asserts its privilege of amending all bills sent up from the Legislative Assembly for its concurrence, in such manner as this Council may deem expedient for the peace, welfare, and good government of the colony, in all cases whatsoever.

A debate took place upon the resolution, and the previous question was put, eleven voting for it and eight against it. An amendment was then proposed to the effect that the matter be referred to a select committee to search for precedents, but that was rejected by twelve votes to six. The resolution was then carried, and is a standing resolution of this House. Hon. members will recollect that in 1888 this House amended the Chinese Restriction Bill by eliminating clause 16, which provided for a license fee of 10s. to be paid by every Chinese. The attention of the other Chamber having been drawn by the Speaker to that amendment as being an infringement of the rights and privileges of the Assembly, the other House sent a message agreeing with some of the amendments, and dissenting from others, and with regard to that particular amendment asserting its rights and privileges, and declaring that we had interfered with them. This House insisted on the amendment, and in a message to the other Chamber asserted its rights and privileges. Subsequently I tabled a resolution of the

nature of the one that I have just read, copying it from the one previously submitted and carried by the late Mr. Johnson. That resolution was unanimously carried by the House. As the late lamented Mr. Dalley said, whenever the powers of this House are questioned by the other branch of the legislature, this House has always felt it necessary to assert its rights and privileges. On one occasion, when a loan bill was before this Chamber, it was proposed to amend it, and attention was drawn to the fact that if the amendment were made the other Chamber would not accept it. Our then President, Mr. Wentworth, on that occasion made use of these words :

This threat was just what should determine the House at once to resist the assumption, on the part of the Assembly, of a power which did not belong to them. If the Assembly refused the bill because they could not have their full fling, let them take the responsibility of stopping the public works. As to the bridge in question, he thought it should be passed. It was not worth while, then, to quarrel about this item, but this House must not submit to be bullied or threatened.

That language has been over and over again used in this House on occasions when the other House has questioned our right to amend all bills submitted to our consideration. In 1880 the Stamp Duties Bill was laid aside in the other House, because of an amendment made by this House. It came back in its original condition, and a long debate took place, started by the hon. and learned member, Mr. Dalley. On that occasion Mr. Darley, now the Chief Justice, used these words :

The sending of a bill in this form is an insult, and is meant to be an insult, to this House.

I refer to this matter to show that this House always resents any interference of the other House with our rights and privileges. On that occasion the first reading of the bill was negatived. Subsequently the bill was restored, on the motion of the then representative of the Government, Mr. Samuel; but it was again amended by this Chamber, and when the adoption of the report was moved an amendment was carried, on the proposal of the present Chief Justice, that the adoption of the report be taken into consideration on that day three months. Action was taken by the government of the day; the records of this House were searched; and when it was found how

determined this House was about its rights and privileges, another bill was introduced into the other Chamber with the amendment made by this House, and this House accepted it. That course of action has been over and over again taken here; but the other House has been erratic in its course of action. If from the beginning it had questioned our right to amend money bills, I should respect the other House; but sometimes it has accepted our amendments without demur, at other times it has laid the bill aside and introduced another bill with our amendments, and on two or three occasions the amendment has been accepted, and a message sent to us of the sort we are now considering. I cannot help using the language of Mr. Darley, that such a message is an insult to this House. In this session we have passed two bills, which were really money bills, because they had to be introduced into the other Chamber by message, the North Shore Drainage Bill and the Manly Drainage Bill. They were both materially altered by this House, and our amendments were accepted by the other House; but the message intimating their acceptance contained no such addition as this. To show how inconsistent and erratic the other House has been with regard to this matter, I shall mention a remarkable and important fact. Some years ago an electoral act amendment bill was introduced by the government of the day, of which the present Premier, Sir Henry Parkes, was the head. It was very materially altered by this House. When the amendments reached the other Chamber, and the Premier moved that the House go into Committee to consider them, an hon. member asked if the amendments were not a breach of the privileges of that House. The then Speaker, Mr. Arnold, said that on a previous occasion, when amendments had been made by this House in a customs duties bill, he had drawn attention to the ignoring of the privileges of the Assembly, and as the House on that occasion seemed to have given up its rights and privileges, he did not think it his duty to draw attention to the amendments. Then Mr. Robertson, now Sir John Robertson, moved that the bill be laid aside. The present Premier successfully resisted that motion, and the House went into Committee to consider

the amendments. In Committee a point of order was taken; the Chairman ruled the amendment out of order, the matter was referred to the Speaker, and he ruled that it was not in order. The Chairman was then moved out of the chair and nothing further was done, but this House was censured in an indirect way by a paragraph inserted in the Governor's speech on the prorogation of Parliament. I have referred to these matters to show that the other Chamber has not been consistent in its action in objecting to our amendments. If it had been consistent I should not have demurred to it. I must refer to one very strange proceeding in connection with this bill. It was presented to the Governor for his assent before the message from the other House was sent to this House. The bill was assented to by the Governor last Friday, and now we have a message when the bill is actually law. There are a few precedents for that, but they were all matters of urgency. On the present occasion there was no justification for this unseemly haste except that a few guineas were involved in the question. I have felt it my duty after consulting several hon. members to move the resolution which I have now submitted.

Question proposed.

Mr. SALOMONS: I think I shall be pardoned for pointing out one thing. I understood that those who were opposed to this Chamber amending money bills relied upon the Constitution Act. Now, I suppose it is clear to any one that if this Chamber is not at liberty under the Constitution Act to amend a money bill, that want of liberty cannot be overridden by the assent of the Assembly, and that a bill which violates the Constitution Act will be a nullity. If this Chamber has not the power, it cannot be given by the Legislative Assembly. The view taken in another place seems to be that if the Assembly think fit they can waive the Constitution Act. With all respect to those who think so, that is an impossibility. I hope, therefore, that every member of the Legislative Council sees clearly that the Legislative Assembly must be taken to admit the position taken up by this Chamber. It is impossible for them to allow the Constitution Act to be read one way one year and another way another. Either we have the power to amend money

bills or we have not. By acts being passed in which the Council has exercised this power, and being recognised by the highest judicial authority, it is demonstrated that they have the power; otherwise the acts would have no validity, notwithstanding the assent of the Legislative Assembly. I hope I may be pardoned for pointing this out, particularly as the very amendment spoken of is one proposed by a representative in this Chamber—occupying the high position of Attorney-General—of the very Government which protests against the exercise of the power.

Sir WILLIAM MANNING: I am not one of those who are very apt to assert the rights of this House—that is to say, except in very strong cases; but I think it is absolutely essential that we should preserve our rights intact, not that we may exercise them on every occasion, but that we may exercise them whenever our duty appears to us strictly to demand that we should amend a money bill. It is, therefore, in my opinion, the bounden duty of the House to answer that message by the resolution which has been proposed.

Dr. GARRAN: I regret that the necessity for this motion should have arisen, but the responsibility for it does not rest with this House. If a succession of such messages were allowed to go on our records without any reply whatever, it might be assumed that we tacitly assented. I should like to point out that in the late debate it was gravely argued by a very high authority elsewhere that this House had tacitly admitted that it would never alter an appropriation bill, because it had never done so. The mere fact that it had never thought proper to exercise its power in that direction was assumed as a proof of the fact that the House had deliberately surrendered its power. It might be equally assumed if messages of this sort came up, and no countervailing record were placed on our *Journals*, that this House acquiesced in the assumptions made in such messages. That is the reason why it becomes necessary, under the circumstances, to put this motion on the paper, but I do desire to express my hope that we shall not be perpetually tortured with discussions on the question of our rights. I think our duty is to show what our rights are by continually exercising them, and not to discuss

[Mr. Jacob.

the matter unnecessarily. We have done so lately because the question has been forced upon us, but I hope it will not in future be forced upon us unnecessarily.

Sir ALFRED STEPHEN : A reference has been made by the hon. member who has just spoken to the assumption made elsewhere that we had tacitly acquiesced in the assertion of the exclusive right claimed by the other Chamber with reference to money bills. A similar assertion has been made with reference to the House of Lords in England. It has been said by the same authority referred to that the House of Lords has abandoned the claim it once made. Now, anybody who will turn to "Hallam" will find that the House of Lords has never assented to the exclusive right claimed by the House of Commons. Nearly a century ago it solemnly recorded its protest against the claim of the House of Commons, and it has never to this day withdrawn from the position it then took up. I believe it will be admitted by every lawyer that the House of Lords has the right to amend money bills, notwithstanding the assertions of the House of Commons. Upon every occasion when they have refrained from asserting their right, it has been obviously because of their not desiring to throw the affairs of the country into confusion. They have patriotically abstained from contesting the point with the lower House, lest there should be an absolute want of ways and means because of the other House choosing to say that they would grant no supply at all. Persons elsewhere will find, if they look to historical records, that the House of Lords is exactly in the position of this Chamber, which has never abandoned its undoubted claim and right to amend money bills, although very frequently, for the reason I have suggested, it has not done so.

Mr. BUCHANAN : I think the resolution is altogether unnecessary. In reference to the matter of amending money bills, this House has yielded up all its rights.

HON. MEMBERS : No !

Mr. BUCHANAN : It will be difficult to balance the amount of ignominy which attaches to both houses—to one house for suffering an amendment to be made in a money bill, and to this House for having yielded up all the rights it arrogated to itself, and retiring from the scene, after

having been completely worsted in the encounter. The whole purpose and argument and object of the House was, that payment of members of the Assembly should not apply to the present Parliament. That was the whole purpose and object of its opposition ; but it has yielded all that. Why ? No other conclusion can be arrived at than that the House knew it was wrong in amending a money bill.

HON. MEMBERS : No !

Mr. BUCHANAN : The House has given up the matter, I may say, in an ignominious way, and, having done so, no result can arise from bringing forward a resolution of this character. I maintain most clearly and thoroughly that this House has no right to amend a money bill, and I do that on the grounds that it has no right to consider or touch or handle the finances of the country, and that is proved, and clearly and unmistakably made apparent, inasmuch as we never get the estimates placed before us. Therefore, if the estimates are withheld, and that we cannot consider or interfere with the estimates at all, do we not commit a dereliction of duty if we interfere with a money bill?—and if we interfere in one way with a money bill, can we not interfere with it in another way ? The long-established usage has been that the House has no right to interfere with a money bill. When I said that it would be difficult to balance the amount of infamy which attaches to both houses—I mean as to the other House in its having accepted a bill which was actually amended, and as to this House in its having yielded up all its rights and privileges—all it was fighting about, all it was anxious and desirous to maintain—without rhyme and without reason.

Question put. The House divided ; but there being only one teller on the side of the noes, the question was resolved in the affirmative.

ON LING.

Report of select committee presented.

PUBLICATION OF HANSARD.

Mr. HOSKINS : I wish, sir, to bring under your notice and the notice of the House a subject which I think ought not to be overlooked. It has been customary for hon. members to be supplied every week with a copy of *Hansard* containing

a report of the debates that have taken place in both houses during the week. We have not had a copy of *Hansard* supplied to us this week.

Sir WILLIAM MANNING: Or last week!

Mr. HOSKINS: Or last week. But especially is it necessary that we should have a copy of *Hansard* for last week supplied to us this week. We expect within a short time to receive the Crown Lands Bill back from the other House, and we know, as a matter of fact, that many of the Council's amendments in the bill have been rejected. Many of us, I am sure, are anxious to see what reasons were adduced in the other House for the rejection of those amendments. The reports in the *Herald* are generally full; but, unfortunately, the reports of the debates which took place when the Council's amendments were considered in the other House were very meagre indeed. We really did not know the reasons which were adduced in opposition to our amendments, many of which were well considered. I think that, if it be possible, some effort should be made to enable the House to be furnished with a copy of the official report of last week's parliamentary debates, so that we can see what we have to answer in supporting the views we held when the Land Bill was under discussion. It would be most unfair, I think, if we were asked to assent to or dissent from the course of action taken by the other House in respect of so important a measure when we really do not know the reasons which have induced the Secretary for Lands and other members of that House forming the majority to reject our amendments. I hope that if it be possible you will use your authority in endeavouring to obtain for us a copy of *Hansard* before we are required to consider the Assembly's message in regard to the bill.

The PRESIDENT: I shall take an early opportunity to ascertain whether it is possible to hasten the production of *Hansard*. I feel very much what has been stated by the hon. member, as to the great inconvenience which arises from the unfortunate period of the session at which the failure in its regular publication has taken place. I am aware from the gentleman who is responsible for the production of *Hansard* that the staff is utterly incapable of performing in due time the work cast on them from the different causes

[*Mr. Hoskins.*

which I mentioned the other day, especially by the requirements of the Parliamentary Standing Committee on Public Works. At the same time I have been fully impressed with the fact that it is very much in the interests of public business generally that the publication of the proceedings of that body should not be delayed, and that they should be fully reported. I hope that before another such occasion arrives the reporting staff will be sufficiently strengthened to discharge the work they are now called upon to perform. I am very doubtful as to whether the report of last week's proceedings in Parliament can be produced in time to facilitate the final consideration of the Crown Lands Bill; but a parliamentary paper showing the whole of the alterations made in the bill by the Assembly, with the reasons given for those alterations, will be in the hands of the members of this House to-morrow morning.

#### NON-PRODUCTION OF RETURNS.

Mr. R. H. D. WHITE: I should like to ask the Representative of the Government why the papers moved for by me on the 24th July last, in regard to the extensions of employment of imperial officers as instructors, have not been laid on the table?

The PRESIDENT: That is a question which can only be asked with the consent of the House. It will be entirely in the option of the Representative of the Government to answer a question without notice, because we have determined that all questions shall be asked after notice, and the only exception that is allowed by the consent of the House is to meet cases of emergency.

Mr. W. H. SUTTON: With regard to the question, all I can say is that I know no reason why a copy of the papers has not been placed on the table. I shall make inquiry into the matter.

Mr. CREED: May I ask the Representative of the Government whether he will make inquiry as to why another order of the House has not been complied with?

The PRESIDENT: This can only take place by the general consent of the House. We have already determined, in order to enable the business of the House to be considered in an orderly manner, that

notice of all questions shall be given, and it is only by the consent of the House that a question can be asked without notice.

Mr. CREED: I shall give notice of the question!

#### CROWN LANDS BILL.

The PRESIDENT reported the receipt of a message intimating that the Legislative Assembly had agreed to some and disagreed to others, and amended others of the Council's amendments in the bill (*vide* page 5337).

Motion (Mr. W. H. SUTTOR) agreed to:

That the consideration of the Assembly's message stand an order of the day for to-morrow.

Sir ALFRED STEPHEN: Am I to understand that the message is to be considered to-morrow?

Mr. W. H. SUTTOR: I want to get it on the paper for as early a date as possible.

Mr. LACKEY: I hope that, although the hon. member has moved that the Assembly's message be taken into consideration to-morrow, he will see that hon. members are fairly informed as to the reasons which induced the Assembly to alter the amendments made in this House before he takes any further action, because it is hardly fair that hon. members should be called upon to deal with alterations made by the Assembly until they have the report before them, which will enable them to understand the nature of the reasons which actuated the Assembly. We are desirous of giving the Government all the assistance we can; but, at the same time, they will see themselves that it is necessary that we should be fairly dealt with by having the reasons of the Assembly before us when we are engaged in discussing the message.

The PRESIDENT: As a matter of explanation, I may mention that the message I have just read, including all the reasons given by the Assembly, will be printed, not in a separate paper, but in the *Minutes* issued to-morrow morning.

#### WOLLONGONG HARBOUR TRUST BILL.

*In Committee* (consideration resumed from 19th September, *vide* page 5259):

Clause 3 (Interpretation).

"Shore"—The shore so far as the tide flows and reflows between mean, or the average high and low water marks.

"The port"—The port of Wollongong, as proclaimed and described in the *Gazette* of the thirteenth day of September, one thousand eight hundred and seventy-eight, together with the lands described in the second portion of the first schedule hereto, and the lands on the margins thereof, as is included within the description in the first schedule.

Mr. HEYDON moved:

That all the words after "re-flows," line 2, be omitted.

It struck him that the definition of the word "shore" in the clause was one that did not commend itself to common-sense. In a later clause the shore of the harbour of Wollongong was vested in the harbour trust; indeed that was the object for which the harbour trust was created; and the proper course would be to give them the land down to the lowest possible tide on the one hand, and to the highest spring tide mark on the other. To limit the trust to the ordinary high and low marks was to vest the trust with only half the shore.

Amendment agreed to.

Amendment (by Mr. W. H. SUTTOR) agreed to:

That all the words after the word "Wollongong," line 4, be omitted with a view to insert the following words:—"shall include the present harbour as well as the foreshore extending two miles north and south respectively from a point in the harbour to be marked by an obelisk, together with the lands described in the first schedule."

Clause, as amended, agreed to.

Clause 10 (Preparation of rolls of shipowners, colliery owners, merchants, and traders).

Mr. HEYDON moved:

That the following words be added to the clause:—"and such rolls when prepared shall be exposed to the public at the doors of the Custom-house in Sydney for a fortnight."

He thought it would be well that there should be an exposure of the rolls for some definite period. It was provided in the act that the Collector of Customs should make a list, but there was no provision to allow of the examination of the rolls by the electors.

Amendment agreed to; clause, as amended, agreed to.

Clause 11. That persons registered as owners of ships registered at Sydney or any other port in the colony, and trading to the port of Wollongong, whose names are on the rolls in force for the time being shall elect two commissioners:

Mr. HEYDON moved :

That the following words be omitted :—" registered as owners of ships registered at Sydney or any other port in the colony, and trading to the port of Wollongong."

The clause as it stood would require that the returning officer should not only satisfy himself that the names were on the rolls, but that the persons were registered owners of ships trading to the port of Wollongong.

Amendment agreed to.

Amendment (Mr. HEYDON) proposed :

That after the word "rolls," the words "mentioned in the preceding section" be inserted.

Mr. WEBB said that the hon. member, Mr. Heydon, should be very careful as to what amendments he proposed in the clause. The preceding clause made provision respecting the first election, for which the Collector of Customs was to furnish the rolls. Clause 11 provided for the preparation of the rolls after the first election; and if the words proposed to be inserted by the hon. member were inserted, it would virtually amount to this, that the Collector of Customs would have to prepare the rolls for all time. He did not think that was intended, or that it would work well.

Mr. HEYDON : This clause only refers to the first election. Clause 16 refers to subsequent elections !

Mr. WEBB said that clause 11 referred to the preparation of the rolls. Clause 16 referred to the elections. He did not think that the amendment was necessary.

Mr. SIMPSON thought there was a great deal of wisdom in the suggestion of the hon. member, Mr. Webb, that the hon. member, Mr. Heydon, should be careful as to what amendments he proposed. Amendments should not be made in a bill like this, which had been very well considered, unless they were absolutely necessary. An amendment had already been made which did not meet with his approval, although, as it seemed to meet with the unanimous approval of the House, he did not offer any objection. He did not see any necessity for the amendment under consideration. If amendments were made without that consideration which was absolutely necessary, they would do more harm than good.

Amendment negatived.

Mr. CHARLES could not see anything in the clause providing where the com-

missioners were to hold their meetings, or where the elections were to take place. Then, too, it was impossible to tell which collector of customs was referred to—whether the Collector of Customs at Sydney, or the Collector of Customs at Wollongong, or at any other port in the colony. The commissioners were appointed by the shipowners of Sydney; but were they to go down to Wollongong, or had the Wollongong people to come to Sydney? Could the electors vote by proxy, or would they have to go down to Wollongong to elect the commissioners? Was there any provision in the act as to where the votes should be taken?

Mr. W. H. SUTTON : Clause 15 gives the information the hon. member wants :

The commissioners appointed by the Governor shall, within seven days after their appointment, elect one of their number to act as temporary chairman, who shall have power to do all things requisite to carry into effect the election of the commissioners to represent the municipal councils.

Clause agreed to.

Clause 33 (Commissioners to appoint secretary and other officers).

Mr. HEYDON thought that the last three lines of the 1st section of this clause had better be left out. Those lines were as follows:—

No person so appointed shall be permitted to engage in any employment other than in connection with the duties of his office, without the sanction, in writing, of the commissioners.

He did not see why this provision should be in the clause at all. We ought to leave it to the commissioners to make whatever bargain they thought proper with the persons whom they employed.

Mr. SALOMONS thought it was quite proper that there should be such a provision in the bill. No person employed by the commissioners should be allowed to take other employment without the sanction, in writing, of the commissioners.

Clause agreed to.

Clause 35 (Summary recovery against persons failing to account).

Mr. HEYDON said that this clause required recasting. It contained no provision for the appearance of a defaulting officer, or, in his absence, for the proof of service of a summons upon him; and some of the words of the clause required to be transposed.

Clause postponed.



Clause 36 (Power to appoint harbour-master and assistant harbour-masters).

Mr. HEYDON said that there was rather a strange provision in this clause. The clause said in one part:

Such harbour-master and each of such assistant harbour-masters shall be the port officer or harbour-master for the port within the meaning of this act.

How these three men could be one officer he could not understand. It would be better to say that each of these officers should have the powers of the port officer or harbour-master.

Sir WILLIAM MANNING said he had not studied the details of the bill, but he presumed that in some part of it there were provisions defining the power of the harbour-master. He suggested that the words, "when acting," be inserted in the clause.

Amendment (Mr. HEYDON) agreed to:

That the words, "when acting," be inserted before the words, "be the port officer."

Clause, as amended, agreed to.

Clause 54 (Lands invested in commissioners free from municipal rates).

Mr. COX wished to call the attention of the Committee to this clause. We were making enormous concessions to this company; but the whole of their lands were to be exempt from municipal taxation. He thought that that was scarcely fair to the town of Wollongong. The municipal authorities ought to be able to tax the property of the company for local improvements.

Mr. W. H. SUTTON: The hon. member seems to be under a misapprehension as to the nature of the body created by the bill. It is not a private company, but a public body established to carry out certain works at the port of Wollongong. They have no vested interest in the matter. They are carrying out a public work, and that is why they are not to pay any taxes.

Mr. CHARLES said that the land which the company were to obtain possession of was utterly valueless at present, and if municipal rates were levied upon it they would simply be a tax upon the capital invested.

Mr. DE SALIS thought that there was a great deal in what the hon. member, Mr. Cox, had said. The trust would be a

company to all intents and purposes, and it was only fair that their property should be taxed for local improvements.

Mr. WEBB said that the Council and the ratepayers would elect some of the commissioners, who would be a public body employed in carrying out important public works. They would not be a private company, and the works which they carried out would have the effect of increasing the trade of Wollongong, and the inhabitants of that town would benefit by it more than any other portion of the community. It was not desirable, therefore, that the municipal authorities should have power to tax the company.

Dr. GARRAN said he supposed that if the commissioners wanted water or gas, or anything of that kind, they would have to make arrangements with the corporation in opposition to the clause. If they did not pay rates they would not get any water. There was a presumption throughout the bill that this was going to be a magnificent speculation; and if that were so the rates were to be reduced. It might be asked why the outside people should get all the benefit if it turned out well, whereas the local people, who had gone to the expense of making roads to the harbour, were to get nothing at all. The corporation would get no money from the trust unless private buildings were put upon the land.

Mr. SALOMONS thought the whole clause should be omitted.

Question—That the clause, as read, stand part of the bill—put. The Committee divided:

Ayes, 17; noes, 14; majority, 3.

#### AYES.

Barton, E.	Shepherd, P. L. C.
Charles, S.	Simpson, G. B.
Joseph, S. A.	Stephen, Sir Alfred
King, P. G.	Sutton, W. H.
Knox, E.	Vickery, E.
Manning, Sir William	Webb, E.
O'Connor, R. E.	<i>Tellers,</i>
Pigott, W. H.	Creed, J. M.
Rundle, J. B.	White, R. H. D.

#### NOES.

Dangar, H. C.	Neale, J. H.
De Salis, L. F.	Salomons, J. E.
Heydon, L. F.	Stewart, J.
Hoskins, J.	Sutton, F. B.

Lackey, J.	<i>Tellers,</i>
Macintosh, J.	Cox, G. H.
Mort, H.	Garran, Dr. A.
Moses, H.	

Question so resolved in the affirmative.

Clause 61. The commissioners may, upon such terms and conditions, and upon payment of such rents or other sums of money, and subject to such restrictions and regulations as they shall think proper, set apart and appropriate any particular portion of any wharf, dock, pier, jetty, landing-stage, or platform, shed, warehouse, or other works, with the appendages thereunto, for the exclusive accommodation of any person engaged in carrying on any particular trade who shall be desirous of having such exclusive accommodation for the reception of the vessels and goods belonging to or employed and conveyed by them. All persons to whom such exclusive accommodation as aforesaid shall be afforded, and their vessels, crews, and servants, and other persons employed by them or under their control, shall be subject to regulations to be made by the commissioners.

Mr. HEYDON thought there was a mistake in the wording of the clause. The intention, he presumed, was not to entitle the commissioners to give the preference to one person, exclusively of all others, who might carry on a particular trade; but to set apart a particular spot for all persons who might happen to carry it on. He would suggest that it would be better to omit the words "any person engaged in carrying on."

Mr. CHARLES thought the clause should stand as it was. The intention was that the commissioners might appropriate certain portions of the wharfage to individual companies, so that each company would have a berth for loading separately from the others. That would save a great deal of confusion.

Clause agreed to.

Clause 74 (Annual statement of accounts of all moneys received for sale, &c., of bed of port to be sent to the Colonial Treasurer).

Dr. GARRAN thought the provisions in the bill relating to accounts were somewhat inconvenient; they were spread over three clauses—partly in this clause, partly in clause 85, where the commissioners were to keep accounts open to any one who liked to look at them, and partly in clause 88, where they were to furnish accounts to the Auditor-General. This clause contained no provisions for accounts of expenditure, and not even for the whole of the income, only for the revenues "accruing or arising from the said lands, bed, shores, encroachment, embankments, and

enclosures." They were not required to give any account of revenue not accruing from landed property. He moved:

That the words "accruing or arising from the said lands, bed, shores, encroachment, embankments, and enclosures" be omitted.

Mr. W. H. SUTTON: I have no objection to the amendment.

Amendment agreed to; clause, as amended, agreed to.

Clause 75 (Power to collect tolls and rates and charges) amended so as to provide that the tolls, rates, and dues should be from time to time fixed by the commissioners subject to the approval of the Governor, and agreed to.

Clause 76 (Tonnage rates).

Mr. CHARLES said the clause gave the commissioners power to collect tonnage rates on all vessels entering the harbour. The same thing existed under the act of 1880, and to his own knowledge it was the cause of the loss of several vessels together with the lives of some of the crews. That was so clearly shown by the survivors of one of the wrecked vessels that he called upon the Premier to explain the matter, and the Premier agreed that as soon as convenient a new act should be passed exempting from tonnage dues small vessels which had run in for shelter. In the meantime, a bill, brought in by the hon. member, Mr. G. A. Lloyd, when Colonial Treasurer, was passed abolishing tonnage dues in Newcastle, Wollongong, and Kiama. This clause would re-enact those tonnage dues, and might be the means of causing loss of life. It would be cruel to shut out small vessels from taking shelter simply by the charge that would be imposed upon them. He would mention one of the cases to which he had referred. During an easterly gale two small vessels from Shoalhaven were passing the port of Wollongong. They spoke one another, and one asked the other, "Will you run into Wollongong?" The skipper replied "No; it would take all our freight to pay the tonnage, I will try and weather it out." That night both vessels went ashore, and the crew of one was drowned. Small vessels running in for shelter ought to be exempt from tolls. It could not be taken advantage of by large vessels, because they would not go in there for shelter, so that the commissioners would lose very little

by it. He was speaking simply in the cause of humanity. He moved :

That the following words be inserted at the end of sub-section 1 :—"Provided that such rates shall not be charged on vessels seeking shelter and not breaking bulk."

Amendment agreed to ; clause, as amended, agreed to.

Clause 84. When all the moneys which may have been raised by the commissioners under the authority of this act, and which for the time being may be due and owing on 5 the credit of the tolls, rates, charges, fines, rent, and other profits, by this act given to or vested in or authorised to be received by the commissioners, shall have been repaid with all interest which may have accrued due 10 in respect thereof, the surplus of the Harbour Trust Fund may be applied in reduction of such tolls, rates, and charges, by this act authorised to be taken as the commissioners may from time to time think it expedient to 15 reduce ; and in case there shall be any surplus of the said fund after the said tolls, rates, and charges shall have been reduced to such extent as the commissioners shall think fit, such surplus shall be applied to and for 20 such purposes and in such manner as Parliament shall direct.

Mr. HOSKINS said that under the clause when the revenue from the tolls should exceed the amount of the loan, the commissioners were empowered to reduce the tolls. He thought that before the commissioners should be allowed to reduce the tolls they should be required to repay the £25,000 that was to be advanced to them out of the consolidated revenue fund under a subsequent clause. It seemed to him that the framers of the bill had been careful, while providing for the borrowing of £250,000, and the receiving of £25,000 from the general revenue, not to make provision for the repayment of that sum to the colony. Why the colony should not be repaid that sum before any reduction was made in the tolls he could not understand. He contended that in common fairness it ought to be repaid before the tolls were reduced. He moved :

That after the word "fund," line 11, the following words be inserted :—"may be applied to the repayment into the consolidated revenue fund of the sum of twenty-five thousand pounds sterling previously advanced to the Wollongong Harbour Trust, as provided by section 89 of this act, and after such payment has been made any surplus of the harbour trust fund."

It must be borne in mind that the people of Wollongong were doing very well out of the business. The commissioners would not only have handed over to them the

wharf at Wollongong, on which there were coal staiths, steam cranes, and other appliances for shipping coal ; but also a large area of Crown land, which they could reclaim and sell, as well as an endowment of £25,000, to be paid at the rate of £5,000 a year out of the general revenue. He submitted that if the speculation turned out so well that the commissioners would be able to pay all their debts, they ought to be required to repay to the people the money that was advanced to enable them to start the project.

Mr. SALOMONS said that if any bill was a money bill the present measure was one. It provided by clause 89 for the granting of an endowment of £5,000 a year for five years out of the general revenue, and by another clause for the imposition of rates and tolls. The bill clearly could not pass without amendment ; but what was the use of our wasting our time about the matter ? Why did we not at once reject the bill, and put the view of the Assembly to a practical test ? Here was a bill full of oversights. The Representative of the Government did not venture to say for a moment that it must not be amended in most material matters ; but other members of the Government told us that we had no such power. What was the use of our sitting here for hours, and taking the trouble to make these alterations ? Would it not be better to act on the view of the Assembly and send the bill back to the place from whence it came, and let bills be treated in this way until it was allowed that the Council had this power ? Let us test this question on a measure of this kind which was a money bill, and not sit here until late hours, only to be told that the bill would be laid aside in another place, and leave ourselves in the position of having the Constitution Act interpreted according to the whim and caprice of another body. Either we had, or we had not the power. If we had not the power, it could not be given by the voice of the Assembly, and if we had the power it ought to be admitted, in order that we might usefully apply ourselves to legislation. It was inconsistent, to his mind, with the serious consideration of a bill that we should make amendments which were to be considered in this light, namely, whether they would be allowed or disallowed, or sent back with

a message which, to say the least, was not complimentary. For his part, he declined to propose any amendment in a bill of this kind.

Dr. GARRAN said that whether money bill or no money bill, it was our duty to treat the measure as a bill put before us for our consideration, and if we saw that it required amendment to amend it, undeterred by the threat that in making amendments we should forget our place. He would support the amendment. He had drafted an amendment to the same effect; but he willingly gave way to his hon. friend, Mr. Hoskins. Let it be remembered that the bill supposed a period when all the loan should have been paid off, and profits were to accrue, and that with that money the first thought of the trust would be to reduce the rates. The people who paid the rates would be for the most part foreign shipowners. He had always understood that charity should begin at home. Why should we consider the feelings of foreign shipowners before we considered the interests of our own people? He should not object to the amendment. He felt that something was necessary to stimulate these people who were making an experiment, the first of the kind, in the way of forming a harbour trust. He had no objection to the endowment of the trust. If it turned out to be successful, surely the first persons to be considered when the funds had so accumulated that they did not know what to do with them, were the people of the colony who had made the endowment. He hoped that the Committee would carry the amendment.

Mr. WEBB hoped that the Committee would not accept the amendment. He was sorry to differ with the hon. members, Mr. Hoskins and Dr. Garraan; but really what was the value of the amendment? Did those hon. members believe that the debt would be paid off by the trust during their lifetime, or during the next generation? No; they knew perfectly well that it would not be done, so what was the use of hampering the bill with an amendment of this kind? He granted that if there was a probability of the commissioners being able to pay off the cost of carrying out this very important work within a century, there might be some reason in the amendment; but there was no such probability, and therefore it appeared to

[*Mr. Salomons.*

him to be a useless provision. After all, the question was whether the endowment of £25,000 was not well spent if the Government got rid of its responsibility with regard to the harbour at Wollongong, and the trouble and necessity of finding necessary accommodation for the shipping of coal there. Again, when we considered the enormous advantage which the people there would obtain if the works were carried out successfully, he thought we might well afford to allow the £25,000 to go, and make no provision for the repayment of the sum; it might be a century, or a century and a half hence.

Mr. DE SALIS was of opinion that if the commissioners had performed their trust in such an unexpectedly commendable manner, they deserved, as a reward, to have this endowment left with them, to carry out further improvements.

Mr. CHARLES said that when the hon. member, Mr. Hoskins, told the Committee that the present harbour was to be handed over to the commissioners, he forgot to state at the same time that clause 45 provided that no tolls or rates should be chargeable in respect of any goods shipped or unshipped at any roadstead or jetties within the port. Those were the jetties on which the steam cranes were erected. They were not transferred to the commissioners at all. Therefore there was not so much in the matter as would appear from the hon. member's statement. The commissioners could not charge for anything at the present jetties.

Dr. GARRAN: We can alter that!

Mr. CHARLES said that it could not be done without recommitting the clause. He thought that we might very well let the clause go as it was. He did not think that the trust would make any profits for many years to come. The commissioners would have a good deal of work to do, and a large expenditure to incur for years and years. It would take over twenty years to complete the works that were contemplated. No doubt as the trade of the port increased the trust would be called upon to increase the accommodation. It was useless making this amendment, because the trust would require all their surplus funds for many years to keep pace with the requirements of the port.

Mr. HEYDON felt strongly in favour of the amendment. The very argument

used by the hon. member, Mr. Charles, was a contribution towards the amendment, because he reckoned that it would take twenty years to make the improvements. It was plain that the trust might take the endowment of £25,000, and not use their powers of borrowing £250,000. They might in fact not be able to borrow that money, for he did not see where their security would be. They might spend the £25,000, and then if there was any income they might reduce the charges as much as they liked until they had annihilated them. They might stop at that; they might never exercise their borrowing powers at all. He thought it ought to be provided that before any reductions in the tolls were allowed, the £25,000 ought to be repaid to the Government. It seemed to him that the measure was surrounded with a great deal of, well not exactly suspicion, but with this feeling: that the trust would receive £25,000 of public money, and do nothing. The bill ought to be hedged round with sufficient safeguards.

Amendment agreed to; clause, as amended, agreed to.

Clause S9 (Endowment to be made by Government).

Mr. HEYDON said that under this clause the Government were bound at once, and during the next five years, to pay an annual endowment of £5,000 to the trust. But the next clause empowered the commissioners to raise a sum not exceeding £250,000 for the purposes of the bill on the credit of the tolls, rates, and charges. His belief was that the trust would never borrow the money. The security was altogether so slender that they would not find anybody to lend them the money. In fact they would not borrow the money unless they got Government security. The whole result of the bill would be that the trust would go on very pleasantly for five years, spending £5,000 a year of the public money. He moved:

That the clause be amended by the addition of the following words:—"provided that such annual endowment shall be discontinued at the close of any year during which the sum of £50,000 at the least shall not have been borrowed by the commissioners under the powers conferred in the next section."

He proposed that the endowment should cease unless the commissioners borrowed in proportion to the endowment. They

were entitled to borrow £250,000, and to receive from the Government during five years £25,000. His idea was that if they borrowed £50,000 in one year, they should get £5,000 from the Government; but that if they did not borrow £50,000 in that year, the endowment should cease.

Mr. MACINTOSH: I do not think they could spend it all!

Mr. HEYDON said that he only stipulated that they should borrow that amount. The intention of the bill was evidently that the Government should give an endowment as a contribution to be added to money borrowed by the commissioners from some other source, and what he wanted to provide was that they should only receive the contribution proportionally to the amount borrowed.

Mr. MACINTOSH: One-tenth would be sufficient!

Mr. HEYDON said he was willing to accept that suggestion, and to make the amount to be borrowed in one year £25,000 instead of £50,000. He merely wished to provide for a proof of *bona-fides*, and an intention to carry out the work.

Amendment (amended as suggested) proposed.

Sir ALFRED STEPHEN thought we were very much indebted to the hon. and learned member, Mr. Salomons, for drawing the attention of the Committee to the fact that this was a money bill, and that if we made amendments in it one of two things would follow. If the Legislative Assembly adopted them, then they admitted the right of this House to amend a money bill; but if they laid the bill aside then they would lay aside a very important money bill of their own. The Assembly would be on the horns of a dilemma, and might choose upon which horn they would be impaled, but they could not escape being impaled upon one or the other. He thought we were right in making some amendment, though whether the proposed amendment were a right one or not he was not prepared to say. He did not see why the commissioners should be compelled to borrow simply in order to get the Government endowment. The bill provided for the creation of a valuable public harbour where one was undoubtedly required, and was in no sense a private measure. The position as pointed out by the hon. and learned member, Mr. Salomons,

showed how inexpedient it was that this House should not be able to amend a money bill in any respect. Of course, to increase a tax would be to violate the Constitution, because the surplus would plainly be a new tax, and a tax imposed without a message from the Governor, and without being introduced in the first instance in the Legislative Assembly. He was exceedingly glad that we were going to put the Government to the test. They must either adhere to the rule that they had laid down, or admit that we had the right to amend a money bill. In either case this House would, he thought, to use a sporting term, score a point against the Government.

Mr. SALOMONS said that he would like to invite the attention of the Committee to the position we were now in. He had in his hand, before the commencement of this debate, notices of certain amendments to be proposed by the Vice-President of the Executive Council. That hon. gentleman himself, representing the Government, had proposed an amendment in clause 3, and another in clause 75, and they had already been adopted. That was a most extraordinary position for the Government to place themselves in. The Representative of the Government had proposed amendments in a bill which was clearly a money bill; and yet the Government told us that we had no power to do what their representative had asked us to do. Could there be a greater *reductio ad absurdum*? He suggested that, for once, and for once only, we should act upon the advice given to us by the Legislative Assembly, and either accept or reject the bill as it stood. By the very fact of the Representative of the Government proposing amendments, it was clear that we were not supposed to accept the measure in the form in which it came to us; and as we had no power to adopt the amendments, we were compelled to reject the bill. There seemed to be no other way out of the difficulty created by the Legislative Assembly, and it would make it clear that the Constitution Act could not be read in two ways; that was to say, according to whether the Assembly would or would not allow us to make alterations in a money bill. That was the kind of elastic Constitution Act we had. It could be pulled in either direction, according to the view of the As-

[Sir Alfred Stephen.

sembly; but any one familiar with the elements of law must be aware that that was impossible. The Constitution Act either had a meaning or it had not. It would be clear to those distinguished persons who had limited so absolutely the power of this Chamber, that when the representatives of the Government here asked us to make an amendment in a money bill, we must say to them, "No; the majority of the Government in the other Chamber say that we have no such power; and as you yourselves say that the bill ought not to be passed without amendment, there is nothing left for us but to reject the bill."

Mr. CREED thought we were indebted to the hon. and learned member who spoke last for showing the absurdity of the position taken up by the Government and the Assembly; but it appeared to him that it would be very illogical for us to reject the bill on the ground of its being a money bill, after asserting our right in the plain and unmistakable manner in which we asserted it at an earlier hour of the evening. Undoubtedly the hon. and learned member, Mr. Salomons, had placed before the House in a thoroughly practical manner, the absurdity of the position assumed by the Legislative Council, and nothing could more strongly support the resolution which had been passed almost unanimously this evening, to the effect that we had the right to amend any bill that came before us. But whether we should exercise the right or not was a matter to be decided in regard to each bill as it came before us.

Question—That the words proposed to be added be so added—put. The Committee divided:

Ayes, 20; noes, 7; majority, 13.

#### AYES.

Dangar, H. C.	Mort, H.
Davies, J.	Neale, J. H.
De Salis, L. F.	Rundle, J. B.
Dodds, A.	Salomons, J. E.
Garran, Dr. A.	Stewart, J.
Heydon, L. F.	Trickett, W. J.
Hoskins, J.	White, R. H. D.
Joseph, S. A.	
Knox, E.	<i>Tellers,</i>
Lackey, J.	Cox, G. H.
Macintosh, J.	Hill, R.

#### NOES.

Charles, S.	Suttor, W. H.
Creed, J. M.	<i>Tellers,</i>
Simpson, G. B.	King, P. G.
Stephen, Sir Alfred	Webb, E.

Question so resolved in the affirmative.

Mr. WEBB said that the amendment was about the most absurd he ever remembered having seen introduced in any bill. The only provision it contained was, that the commissioners should borrow £25,000 a year, and that unless they borrowed that amount they were not to get the £5,000 from the Government. It would not be difficult for them to borrow £25,000 or £75,000 or £125,000, because they were not compelled to spend it. There was no provision in the clause that they were to spend the money on the construction of public works; but they were compelled to borrow it. What were they to borrow the money for?

AN HON. MEMBER: As an evidence of good faith!

Mr. WEBB said that the commissioners might borrow the money and place it in the bank on fixed deposit in order to get the £5,000 from the Government. The amendment was useless; and it seemed to him that it was made for the purpose of defeating the bill.

Dr. GARRAN said that as the clause originally stood there was nothing in it to compel the commissioners to do anything whatever. They might draw their endowment of £5,000 a year and do nothing. The indirect effect of the amendment would be to make the commissioners go to work. If they borrowed money and had to pay interest, it would be to their advantage to proceed with the improvements. The object of the amendment was to compel the commissioners to go to work.

Mr. HEYDON said he could not but feel hurt at the charge which had been made against him of attempting to defeat the object of a bill which was intended to provide for the carrying out of an important public work in a place which he knew nothing about. Had he wished to defeat the bill, he would have hampered the commissioners by adding the condition that they should spend the money which they borrowed. The great difficulty of the commissioners would be to borrow the money, because they would probably not be able to put before the public a *bond fide* scheme by which they could obtain revenue. If the commissioners were going to break down, it was better that they should break down before they got the whole of the £25,000 than after they had spent it.

They would be able to get one £5,000 from the Government without borrowing any more; but they would not be able to get a second £5,000 until they had obtained a loan. Under the bill the commissioners would have power to borrow £250,000; and it was desirable that the expenditure of loan funds and the receipt of the £5,000 a year endowment should proceed *pari passu*.

Mr. WEBB said the hon. member ought to be well aware that the commissioners would be able to borrow £50,000 or £100,000 much cheaper than a private individual could borrow it; and if they could do that, they would get a higher rate of interest for the money than they would have to pay for it, so that they would be able to place it on deposit in the bank. The amendment was one which had a tendency to defeat the bill, and the object in view was not obtained. It was useless to compel the harbour trust to borrow money. What was wanted was that they should be compelled to perform work of a certain value. The hon. member must know that there was no probability of the amendment being accepted by the Assembly. The Legislative Council had power to amend money bills; but it was not wise to exercise that power in a case like this.

Mr. MACINTOSH said that he had voted for the amendment with a desire to effect a good object. He wanted to make the commissioners do what was right: to borrow money and proceed with their works, instead of depending on their endowment from the Treasury. No company could borrow money to lend it. They dare not put it on fixed deposit: they must spend it. He believed that there was sufficient traffic at the port of Wollongong to make the scheme a success, considering that the harbour trust were to receive 500 acres of land and an endowment of £25,000.

Clause, as amended, agreed to.

Clause 91 (Power to take up money at a less rate of interest).

Mr. HEYDON said that this clause appeared unintelligible. One part of it would certainly be meaningless unless the word "if" were inserted.

Mr. SIMPSON said that the bill appeared to him to require amendment in many respects.

Mr. SALOMONS said that the bill was introduced by a message, and was therefore a money bill in the most absolute sense of the term.

Sir ALFRED STEPHEN said that the clause as it stood was simply nonsense; but owing to the bugbear which had taken possession of the minds of people elsewhere, the Committee could not alter the bill so as to make sense of it. He would like to know what penalty they would suffer if they were found guilty of attempting to make sense of the clause?

Dr. GARRAN said that the object of this clause was to give power to the harbour trust, if they found they had borrowed money at too dear a rate, to raise further sums at a cheaper rate, and pay off the loan.

Clause negatived.

Clause 93 (Form of debenture).

Dr. GARRAN wished to know why the commissioners should be obliged to borrow by means of debentures? Why should they not borrow in the form of stock? He thought it was desirable to let them issue stock if they liked. He moved:

That the words "stock or" be inserted in the clause.

Amendment agreed to.

Amendment (Dr. GARRAN) agreed to:

That after the words "issue of debentures" the following be inserted:—"and such debentures shall be."

Mr. DE SALIS thought it was desirable to have it clearly understood that the Government did not give any guarantee with regard to the loans raised by the harbour trust. Unless some provision to that effect were inserted in the bill, it might become a question whether the Government should not pay the interest on the loans. There was a clause in the New Zealand act which might, with advantage, be inserted here. He moved:

That the following new sub-section be added:—"No claim of any holder of debentures issued under this act shall attach to or be paid out of the public revenue of New South Wales or by the Government thereof."

Sir ALFRED STEPHEN said that supposing it to be right or necessary that the clause be inserted, it ought not to be put in as a sub-section. It would override the whole act and should be put in at the beginning or the end.

Mr. H. C. DANGAR thought the sub-section came in with peculiar propriety at that place, and he hoped the Committee would adopt it. The public might have been induced to lend their money on the strength of the revenues to be derived under this measure, on some undefined idea that the Government would ultimately become responsible for the payment of the debentures. We could not be too careful that the Government should not have to bear that responsibility.

Mr. W. H. SUTTOR: I hope the Committee will not agree to the amendment. There is nothing in the bill to provide that the debentures shall be paid out of public revenue, and no one is likely to expect that they will.

Mr. SALOMONS said that the bill contained two of the most extraordinary clauses he ever read. The 95th clause provided that executors, and administrators, and trustees might invest in debentures issued by the commissioners, unless they were expressly forbidden to do so, and clause 96 provided:

In any case in which the Supreme Court would have power to direct that any money paid into court in any case or matter should be invested in Government debentures of the colony of New South Wales, it may, if it think fit, direct that the money, or any part thereof, be invested in debentures under this act.

It was incredible that two such clauses should be put in without our attention being expressly drawn to them. They would lead any one to think that these debentures were on the same footing as Government debentures.

Question—That the words proposed to be added be so added—put. The Committee divided:

Ayes, 20; noes, 5; majority, 15.

#### AYES.

Creed, J. M.  
De Salis, L. F.  
Dodds, A.  
Garran, Dr. A.  
Heydon, L. F.  
Hill, R.  
Hoskins, J.  
Joseph, S. A.  
Knox, E.  
Lackey, J.  
Macintosh, J.

Mort, H.  
Rundle, J. B.  
Salomons, J. E.  
Shepherd, P. L. C.  
Stephen, Sir Alfred  
Stewart, J.  
White, R. H. D.

#### Tellers,

Cox, G. H.  
Dangar, H. C.

#### NOES.

King, P. G.  
Simpson, G. B.  
Suttor, W. H.

Tellers,  
Charles, S.  
Webb, E.

Question so resolved in the affirmative.



Clause 95. Any executors, administrators, trustees, or other persons having the duty of investing any trust moneys may purchase with or out of the trust moneys, unless they are forbidden to do so by the instrument under which they act, or some particular mode of investment is thereby prescribed, any debentures issued by the commissioners, and every such purchase shall be deemed a due investment of the trust moneys.

Mr. SALOMONS hoped that the House understood that he was only speaking ironically in supposing that the Chamber would listen for a moment to those who wished to work an act of Parliament one day one way and another day another. He looked forward with a good deal of interest to see how our amendments to this bill would be dealt with. This clause gave the power to which he had referred to executors, administrators, and trustees. If the trustees had the power under the instrument creating the trust, let them invest the moneys in these debentures if they chose, at their peril; but do not let them be misled by an act of Parliament.

Mr. W. H. SUTTOR: I cannot see why the clause should not remain. It is taken from the Melbourne act. I suppose the trustees will not invest in the debentures unless they think it is a good thing. They are sure to make full inquiry into the matter.

Mr. HEYDON said that the argument of the hon. member, Mr. W. H. Sutor, answered itself. The difference between the security under this bill and the Melbourne bill was the difference between Wollongong and Melbourne. Melbourne might well afford a good security, where Wollongong would not. The British Government at the present time were weighing the question whether they would allow the debentures of this colony to be an investment for trust funds, and surely we should not sanction a very questionable investment like this. It was questionable if the money were borrowed whether it would not be lost.

Clause negatived.

Clause 96 (Supreme Court may direct investment in debentures).

Mr. SALOMONS opposed this clause *a fortiori*. It placed the debentures on the same footing as Government debentures. It was impossible to speak seriously of such a proposal.

Clause negatived.

Clause 100 (Regulations to be approved by Governor and published in *Gazette*).

Mr. SALOMONS wished to refer to a remark which had been made as to the fate of the bill. No essential part of the bill had been touched, so that if the promoters were in earnest the amendments made by the Council would be no obstacle whatever. No words spoken by himself, or those who supported his views had been directed to defeat the bill. Their efforts had been directed to take out the blots which would not be creditable to any legislature. His hon. friends representing the Government admitted that amendments were required; but they would not propose them. That was a most extraordinary position in which the Chamber was placed. It was necessary that some one should propose the amendments, and he had proposed one or two in order to bring the bill into accord with the form in which such legislation ought to be.

Clause agreed to.

Clause 105. No legal proceeding of any nature, whether civil or criminal, or whether at law or in equity, shall be instituted or brought against the commissioners for or in respect of not dredging, cleansing, or scouring, or keeping at the respective depths as aforesaid, any of the places hereinbefore mentioned, unless and until the commissioners have, in the opinion of the attorney-general for the time being, failed within a reasonable time after 10 notice given to them by the Colonial Treasurer to dredge, cleanse, or scour, or keep at the depths herein respectively provided, any of the said places; and unless the said attorney-general signify in writing his consent to 15 the instituting or bringing of the proceeding, and on such conditions as to security for costs or otherwise as he may think fit, such consent to be in addition to the notice of action prescribed by this act. 20

Mr. HEYDON said that clause 104 was pretty strong, seeing that it provided that the commissioners were themselves to try all complaints against their regulations or conduct, but this clause went still further. He did not know why the commissioners should be protected in this special manner. They ought to be left like the railway commissioners who were open to be sued if they did anything to injure any body. Certainly the exemption was limited to certain cases, and if the bill were not a *bond fide* one, and the commissioners did not intend to go on borrowing money and spending it, there was a good deal of need for this clause. The keeping of the channel

at a depth of 26 feet would take all the money they were entitled to borrow. He was informed by his hon. friend, Mr. Charles, that to deepen the channel 4 feet, leaving it at 14 feet, cost £12,000, and to clear out the rocky bottom to 26 feet would cost a great deal of money. As the commissioners were bound to keep the channel at that depth, he could understand that they would like to be protected against the consequences of not fulfilling such an obligation. It would be far better to amend the act in other particulars, and bring the duties of the commissioners more into harmony with their means in a straightforward way than to protect them in this round-about manner. To protect them in this way under the screen of the Attorney-General was very bad policy. As a general rule everybody ought to be open to the jurisdiction of the courts of law for injury which they might do to private individuals in the exercise of their powers, and there should be very strong grounds for any departure from that rule.

Mr. SALOMONS said that at first blush he had thought that the clause might be justified because it was limited to certain cases; but in substance his hon. friend, Mr. Heydon, was right. The failure of the commissioners "to dredge, cleanse, or scour" might be a nuisance; but no person could get a remedy without leave from the Attorney-General on such conditions as to security for costs as that hon. gentleman might think fit. The commissioners should be left in the same position as others, and he submitted that the clause ought to be negatived.

Sir ALFRED STEPHEN pointed out that not only was the Attorney-General's consent required to a criminal proceeding, but it was required before a civil action could be commenced, so that if a private individual sustained injury by the action of the commissioners, he could not bring an action against them without the consent of the Attorney-General. The provision with regard to criminal proceedings was not necessary, as the Attorney-General could at all times stop such proceedings.

Clause negatived.

Clause 120 (Power to contract with municipalities as to streets and roads).

Mr. COX was not sure that this clause did not bear upon clause 54, which made

[*Mr. Heydon.*

the lands vested in the commissioners exempt from any rate or tax imposed by the borough councils, and which the Committee had negatived. It seemed to him that the two clauses were not quite in accord.

Mr. SALOMONS pointed out that the clause did not in any way deal with the imposition of rates or taxes by the municipal councils, but with contracts between the commissioners and the councils. He thought it might be allowed to pass.

Clause agreed to.

Clause 121. The Governor may from time to time, upon the request of the commissioners and of the council of any municipality mentioned in this act, declare by notice in the *Gazette*, any land vested in the commissioners to be a public highway under the management and control of that council, and shall be treated in all respects as if it were within the municipal district of that municipality and dedicated to the public under 10

Mr. HEYDON said that there was a verbal error in the clause which had the effect of making complete nonsense of it.

Mr. SALOMONS said that it was impossible to tell what amendment to make in the clause. He thought that it should go back to the Assembly as it was. The Vice-President of the Executive Council was in charge of the bill, and he was the only one who could know what amendment was necessary.

Mr. CREED said it was of no use to send the clause back to the Legislative Assembly as it was, because they could not amend it. He thought it was possible to make the clause intelligible, and he therefore moved:

That after the word "and," line 7, the words "such highway" be inserted.

Dr. GARRAN did not think that the amendment would get rid of the difficulty. He was inclined to think that it would be better to leave the clause out altogether. It said "any municipality mentioned in this act." The bill mentioned the municipalities of Bulli, North Bulli, and Clifton; but the whole of the land was in the municipality of Wollongong, and the bill did not take it out of that municipality. Under the clause a piece of land in the municipality of Wollongong might be declared to belong to North Bulli or Wollongong.

Amendment agreed to.

Amendment (by Mr. W. H. SUTTOR) proposed :

That the word "under," line 10, be omitted.

Mr. SALOMONS saw no answer to the remarks of the hon. and learned member, Dr. Garran, and he thought that if there was no answer to them the clause should be omitted.

Sir ALFRED STEPHEN pointed out that the land spoken of was only land to be vested in the commissioners.

Mr. W. H. SUTTOR : The whole of the land is in one municipality !

Mr. SALOMONS said that it showed the error of putting in the word "any," which was proposed by the hon. and learned member, Dr. Garran :

The Government may from time to time, upon the request of the commissioners and of the council of any municipality mentioned in this act.

There were three or four municipalities mentioned in the bill, therefore the bill contemplated that part of the land might be declared to be in another municipality, and not in the municipality of Wollongong.

Mr. CHARLES wished to move an amendment in the earlier part of the clause, and asked the Vice-President of the Executive Council to withdraw his amendment.

The CHAIRMAN : The hon. member cannot make an amendment in the first part of the clause, because an amendment has already been made there.

Amendment agreed to ; clause, as amended, agreed to.

Clause 122 (Contracts may be in print as well as in writing).

Mr. SALOMONS wished to point out a very serious defect in the bill. In the Companies Act there were provisions allowing contracts to be enforced, although they were not made under the seal of the corporation ; but, as far as he was aware, there was not such a provision in the bill. The point might be taken at any time that a contract was not under the seal of the corporation, and that would be an absolute defence.

Clause agreed to.

Clause 125 (Responsibility of master for acts of persons on board).

Mr. HEYDON drew attention to two or three faults in the clause. In the first place, there was a reference to a principal

act, which he did not understand. The clause had evidently been copied from some act, and words had been retained which had no meaning. The clause made the master of a vessel responsible for the neglect of any one employed in or about the vessel to observe the regulations of the commissioners. There were dozens of subjects on which the commissioners could make regulations, some of which had nothing to do with the management of vessels, and he thought the masters of the vessels should not in those cases be held responsible for the actions of their men. He thought the clause might be left out altogether.

Mr. SALOMONS thought there was a great deal of doubt as to what the clause meant. What was the principal act mentioned in it ?

Mr. W. H. SUTTOR : That is a mistake !

Mr. SALOMONS hoped that the hon. gentleman would propose that the words be omitted. The clause said that

whenever any person other than the master on board of or employed in or about any vessel has failed to observe any of the regulations, or has incurred any penalty under the principal act or this act or the regulations, then and in every such case the master shall be liable to the penalty prescribed as well as the immediate offender, and shall be subject to the same method of enforcing the same as if he had been the immediate offender.

He thought that would be a gross injustice. There were some penalties in the bill which, if not paid, rendered the offender liable to imprisonment for a long period. He submitted that the Committee ought not to consent to the clause. It showed the necessity of looking at the provisions placed before us.

Mr. W. H. SUTTOR : I have no objection to omit the clause !

Mr. CHARLES said that a man might deliberately shovel ballast overboard into the harbour. In such a case the master of the vessel would be subject to a fine, and the person who did it in opposition to his orders would subject himself to imprisonment. That illustration would convey the meaning of the clause. One of the regulations required that a tarpaulin should be put over the side of a vessel when ballast was being discharged. If that was neglected, the master would be liable to a fine, and the man whose duty it was to do it would be liable also ; therefore,

the clause was not so harsh as it might at first sight appear to be. If the regulations were not stringently enforced, advantage might be taken of the circumstance. Infringement of the regulations took place in Sydney Harbour, and ashes and soot were frequently thrown overboard from the ships. The authorities should look more closely into such matters, and punish the offenders severely, and the clause was framed to enable them to do that.

Clause negatived.

Clause 126 (Application of penalties).

Mr. SALOMONS wished to draw the attention of the House to the fact that all penalties were to be paid to the Harbour Trust Fund.

Clause agreed to.

Postponed Clause 35 (Summary recovery against persons failing to account—Penalty on officer refusing to deliver up documents).

Mr. HEYDON said that during the time which the clause had been postponed the Attorney-General had satisfied himself that in the act, from which the clause before the Committee had been copied, certain words were found which ought to be inserted in sub-clause II. The sub-clause would then read:

If any officer, on being so brought before such justice, and being required so to do, refuse to make out any such account

and so on. He moved:

That after the word "officer," sub-clause II, the words "on being so brought before such justice and being required so to do," be inserted.

Amendment agreed to; clause, as amended, agreed to.

First Schedule.

Amendment (by Mr. W. H. SUTTON) agreed to:

That the first paragraph be omitted.

Mr. SALOMONS said that he was quite incompetent to find out whether the schedule was or was not correct; but he suggested that care should be taken to see that it was. *Prima facie* it was not, because of the extraordinary errors which had been allowed to remain in the bill. The reason of the amendment moved by the hon. member, Mr. Heydon, in the 35th clause, was that the clause had been incorrectly copied from the Railways Act.

Mr. SIMPSON rose to order. The clause to which the hon. and learned member referred had been passed!

[Mr. Charles.

Mr. SALOMONS submitted that he was perfectly in order. He was of opinion that no one in the House was competent to criticise the schedule, and he submitted that he was right in drawing the attention of the Committee to the necessity of having the schedule examined by reason of the grievous errors which had been allowed to remain in the bill. No one could possibly say that the schedule was right or wrong, and he submitted that great care should be taken before the schedule was passed to see that it was correct. He was not in any way discussing the clause. He was merely indicating that by reason of most deplorable omissions in the main part of the bill, it was necessary that some competent person should see that the description in the schedule was correct.

The CHAIRMAN: After the explanation given by the hon. and learned member, I think he is quite in order.

Mr. SALOMONS said that he wished hon. members to give their attention to these words at the end of the schedule:

Exclusive of the Wesleyan, Presbyterian, and Independent cemeteries adjacent the southern boundary of the general cemetery, the racecourse, the agricultural show grounds, and the land known as the permanent common.

Who could tell the meaning of those words? He deliberately said they had no meaning whatever, and he took them as a measure of what had gone before with regard to the cardinal points of the compass and the bearing of the land, which descriptions he admitted he was incompetent to criticise. What was adjacent to the southern boundary of the general cemetery? Was it the racecourse, or the agricultural show ground, or the land known as the permanent common? The schedule was the most important of the bill. The Vice-President of the Executive Council had very properly omitted the first part of the schedule relating to the port of Wollongong, because a clause had been inserted which made it unnecessary. Yet now we were asked to pass a part of the bill of which the hon. member in charge of it was not in a position to give any interpretation whatever, and he certainly said that the last three lines of the schedule were quite incomprehensible.

Mr. HEYDON agreed with his hon. and learned friend, Mr. Salomons, that this was the most important part of

the bill, because in clause 43 it was enacted that on the passing of the bill there should be "vested in the commissioners the bed, soil, and shores of the waters, and the pieces and parcels of Crown lands according to the description contained in the first schedule." The land described in the schedule which we were now asked to pass was, therefore, the land which would be given to the commissioners. He quite acquitted the Representative of the Government of any responsibility for the faults in the construction of the measure. The simple fact was that the bill had been drawn up by interested parties, and had not been sufficiently considered by anybody who was responsible to the country for its fairness and accuracy. It had not been weighed properly by the Ministry, and certainly not by the Lower House, or else it would not have come to us in such a ridiculous form. It simply amounted to this: that we were giving the parties interested a right to legislate for themselves. It was utterly impossible to tell the meaning of the last three lines of the schedule—whether it was meant that the land to be vested in the commissioners was exclusive of the three cemeteries which were "adjacent the southern boundary of the general cemetery, the racecourse, the agricultural show ground, and the land known as the permanent common," or whether it was meant that the land was exclusive of them, so far as they were "adjacent the southern boundary of the general cemetery, the racecourse, the agricultural show ground, and the land known as the permanent common." The fact was that it might mean half a dozen different things. Yet we were asked to pass the measure without any check, and to vote a considerable portion of land as described by the parties interested.

Mr. COX said the first part of the schedule stated that the area was about 976 acres. He had taken the trouble to tot up the different areas described, and had found that they amounted only to 673 acres, so that there was a discrepancy of 303 acres; consequently, he presumed that the racecourse, the agricultural show ground, and the permanent common made up the difference of 303 acres. But it was really difficult to say what the schedule did mean. His attention was drawn to the matter about a week ago by a gentle-

man who had some interest in the land, and who requested him to be very careful in passing the schedule. That gentleman promised to give him some information; but unfortunately he had not done so. He thought it was very desirable that the schedule should be postponed until we had had some information.

Mr. W. H. SUTTON: This schedule has been drawn up by a professional man, a surveyor, and I presume the boundaries are properly described. I think it is desirable that the words "adjacent the southern boundary of the general cemetery," should be omitted. The cemeteries, the racecourse, the agricultural show ground, the land known as the permanent common, are excluded because it is not desirable to carry on any of the operations of the trust on those lands.

Mr. SIMPSON said that the amendment that was moved a short time ago by the hon. member, Mr. Heydon, was an amendment which he had suggested to the hon. member. He was in this peculiar position: that although he saw the necessity for some amendments, this being a money bill he was not able to propose any. It seemed to him that the words "adjacent the southern boundary of the general cemetery," ought to be omitted. The object of the description was to exclude the Wesleyan, the Presbyterian and the Independent Cemetery, the racecourse, the agricultural show ground, and the land known as the permanent common.

Mr. CREED said that the Committee might fairly ask for some assurance from the Representative of the Government that, as this was a Government bill, the schedule had been certified to by some responsible Government officer.

Mr. W. H. SUTTON: I understand that the description has been certified to by Mr. John W. Deering, Metropolitan District Surveyor.

Mr. SALOMONS submitted that the Council ought not to pass a schedule containing the words "about 976 acres." In old grants, when the land was of little value it did not matter much; but now, when the land was of great value, it ought to be carefully measured. He moved:

That the Chairman leave the chair, report progress, and ask leave to sit again to-morrow.

Unless he had drawn attention to the words "adjacent the southern boundary of the general cemetery," the schedule would have been passed as certified to by a Government surveyor, actually meaning nothing ; or, if having any meaning, not excluding the racecourse, not excluding the agricultural show ground, and not excluding the land known as the permanent common. A description ought to be given which would show exactly what lands were included, and not merely stating "about 976 acres" ; and he was quite certain that the accomplished and distinguished gentleman in the public service whose name had been mentioned by the Vice-President of the Executive Council would easily draw up a description avoiding the serious errors he had pointed out. While the Vice-President of the Executive Council proposed to omit the words "adjacent the southern boundary of the general cemetery," the Attorney-General, although he saw the defects in the bill, declined to propose any amendment. Surely if the representatives of the Government saw errors in the bill, and did not propose amendments, no other member ought to propose them.

Sir ALFRED STEPHEN hoped that, in common justice to himself and the gentlemen who were acting with him in regard to a bill which had passed this House three or four times, the Committee would not consent to postpone the bill until to-morrow, allowing it to take precedence of a measure which had already been postponed through members talking against time. No doubt the schedule was altogether wrong. Instead of the word "about," the usual form of expression in deeds was to mention a definite area, and to add the words, "be the same more or less." There was not much difference between those words and the word "about" ; but he thought it better that the Government should adhere to the usual form of expression.

Mr. SIMPSON said that he hoped the Committee would deal with the bill to-night, for he had no desire that it should be brought on to-morrow night, for the purpose of again postponing the Divorce Bill. Although, as his hon. and learned friend, Sir Alfred Stephen, knew, he would do all he could to defeat his Divorce Bill, he had no desire to defeat it by unfair means. He trusted that the Committee would deal

with the schedule to-night. It had been said that the bill was incomplete because it contained the words "about 976 acres." The hon. and learned member, Sir Alfred Stephen, admitted that if the words "be the same more or less" had been used, the bill would have been complete ; and yet he admitted that the words "about 976 acres" bore the same meaning. As a lawyer, he maintained that it did not in the least matter which form of expression was used, as long as the boundaries of the land were immediately afterwards mentioned. The hon. and learned member, Mr. Salomons, was therefore not justified in his attempt to induce the Committee to postpone the clause. One word as to the expression "adjacent the southern boundary of the general cemetery." He thought the words ought to be struck out ; but ever since he had been a member of this House, although he had asserted over and over again that we had a legal right to amend a money bill, he had mentioned that it was a right which ought not to be exercised unless there was very urgent necessity for it ; and in adhering to that principle as the correct one, he might say that he was guided to a very great extent by observations that had fallen from the President. His hon. friend, the Vice-President of the Executive Council, had no such scruples ; and he could, therefore, move whatever amendments he thought necessary.

Mr. SALOMONS said that the Attorney-General was of opinion that this House had the legal power to amend the bill ; but that it was not desirable that it should do so. According to that, no amendments ought to be made in the bill at the instance of the hon. and learned member himself, and if no amendments had been made the whole bill would have been an absurdity. What was the difference between proposing an amendment and voting for it ? If this Chamber ought not to make any amendments, hon. members ought to have voted against the amendments which had been proposed. If the bill had been passed as it was sent up from the other Chamber, an officer of the commissioners by reason of his refusing to produce accounts anywhere, even in his own house, would have been liable to imprisonment. The area in the plan included the cemeteries, the grounds of the agricultural

[*Mr. Salomons.*]

society, the racecourse, and the permanent common. Those areas would have to be excluded, and probably disputes would arise between the commissioners and the parties interested in them. It was impossible that a bill like this of 126 clauses could be properly criticised during the time that it had been before this House, and the responsibility must rest with the Government. It would not be advisable to proceed further with the measure until the Government had had an opportunity of amending the schedule. He therefore moved :

That the Chairman do now leave the chair, report progress, and ask leave to sit again.

Sir ALFRED STEPHEN said that it was the custom with surveyors to put in an enormous area, and afterwards cut out that which was required. The whole thing could be made perfectly clear, and there was no reason to doubt that the measure would carry out its purpose. Perhaps the best course would be to strike out the plan altogether, and simply indicate the points to and from which the area extended.

Mr. SALOMONS said if that course were adopted, the Presbyterian and Wesleyan cemeteries, which were not intended to be handed over to the harbour trust would be included in the area.

Mr. W. H. SUTTON : I can explain why it is necessary to include land which will not be under the control of the commissioners. The port will include 2 miles of the shore, and the cemeteries, the agricultural society's ground, and the racecourse abut on the sea. The shore will be under the control of the commissioners ; but not those grounds.

Mr. CREED said that the correctness of the plan had been certified to by the district surveyor, and the Committee might fairly accept it as being reliable.

Mr. SIMPSON would ask the hon. and learned member, Mr. Salomons, to withdraw his motion, because if progress was reported the bill would be lost, as there would not be time to deal with it this session. It was necessary that the plan of the grounds and the description should include more land than that of which the commissioners would have the control. He had a description of the area from Mr. Deering, one of the most efficient officers in the public service.

Mr. SALOMONS would not press his motion that progress be reported ; but the responsibility of passing this bill must rest with the Government. Mr. Deering was a highly competent officer ; but he would like to know if we were going to put the responsibility for the schedule upon him ? According to the bill the whole of the land described in the schedule would be vested in the commissioners. The schedule did not contain any stipulations as to boundaries which would enable any court to say exactly what land was meant. The importance of the matter was that, although 976 acres was the area mentioned, it was admitted that the land was about 300 acres less than that. However, he was willing to withdraw his motion, if his hon. friend, the Attorney-General, thought fit to undertake the responsibility, as it was pointed out that the bill might be jeopardised by a postponement. Very probably, if any one looked critically through the bill, they would find it full of glaring contradictions, which would make it practically unworkable, or workable only with expensive litigations.

Mr. SIMPSON said he had understood that the description in the schedule was taken from the description of Mr. Deering ; but to be absolutely certain, he had compared them, and he thought it right to mention that the words "The racecourse, agricultural show ground, and the lands known as the permanent common," were not in Mr. Deering's description. They were added, he believed, in the Assembly. It did not seem to him to make any material difference ; he did not suppose there would be any difficulty in identifying the land.

Mr. MACINTOSH said the show ground had been dedicated, and it measured 53 acres 1 rood ; the racecourse was dedicated on the 22nd of December, 1865, and it contained an area of 77 acres ; the cemeteries were well defined in the centre of the town ; the permanent common was dedicated on the 22nd of December, 1865, and contained 84 acres.

Mr. COX : It is 110 on the chart !

Mr. MACINTOSH said he was reading from a plan signed "John Deering, Metropolitan and Coast District Surveyor." The plan on the table did not seem to show the corrections in the authorised plan.

Motion, by leave, withdrawn.

Mr. CHARLES said the land between the burial grounds and the sea was a bank of drift sand. It was totally useless to the trust, and to everybody else; but it had to be included for the purpose of constructing works to prevent the sand from drifting over the harbour works. Even at the present time it cost a considerable sum to keep the drift sand out of the harbour. That was why the description seemed so vague. It included a large portion of the beach and sand banks. The burial grounds and the show ground were all fenced and well defined, so that there was no likelihood of any mistake arising from the description.

Amendment (by Mr. Cox) agreed to:

That the words, "area about 976 acres," be omitted.

Schedule, as amended, agreed to.

Progress reported, and bill recommitted for the further consideration of clauses 10, 11, 42, 75, and 93.

Clause 75 (Power to collect tolls, rates, and charges).

Dr. GARRAN said that although the commissioners were to keep the port in a good condition, spending large sums of money on it, they were not to be allowed to charge tolls or rates in respect of goods that were unshipped at any roadstead jetties. He moved:

That the following words be omitted:—"Provided further that no tolls or rates shall be chargeable in respect of any goods shipped or unshipped at any roadstead jetties within the port."

Amendment agreed to; clause, as amended, agreed to.

Clause 93 (Form of debentures).

Dr. GARRAN said that he had made a mistake in regard to an amendment of this clause, which he proposed when it first came before the Committee. The words "stock or" were then inserted in the clause on his motion. He now moved:

That after the word "borrowed," the words "in the form of inscribed stock or" be inserted.

Amendment agreed to.

Amendment (Dr. GARRAN) agreed to:  
That the words "stock or" be omitted.

Clause, as amended, agreed to.

Bill reported with further amendments.  
Report adopted.

House adjourned at 10.25 p.m.

## Legislative Assembly.

*Tuesday, 24 September, 1889.*

Assent to Bills—Returns—Rabbit Act—West Wallsend Coal Company (Limited) Bill—Bambala Railway—Publication of *Hansard*: Public Works Committee—Usury Bill—Crown Lands Bill—Auburn Railway Crossing Bill (second reading)—General Post Office (Approaches Improvement) Bill—Metropolitan Water and Sewerage Act Amendment Bill (No. 2)—Drainage Works for the Western Suburbs—Metropolitan Water and Sewerage Act Amendment Bill—Supply (Additional Estimates)—Adjournment (Returns—Order in Debate).

Mr. SPEAKER took the chair.

### ASSENT TO BILLS.

Royal assent to the following bills reported:—

Parliamentary Representatives Allowance Bill.

Public Works (Committees' Remuneration) Bill.

Women's College University Endowment Bill.

Treasury Bills Deficiency Bill.

Oakey Park Coal-mining Company's Bill.

### RETURNS.

Mr. WALL: I should be glad to hear from the Colonial Treasurer when he will be in a position to lay upon the table the return showing the amount written off the the roads account on the 31st December for the last four years?

Mr. McMILLAN: Was the motion ordering the return taken as formal?

Mr. WALL: Yes.

Mr. McMILLAN: I will inquire into the matter.

Mr. O. O. DANGAR: While we are upon the subject of returns I should like to know when the return asked for by me showing the names, salaries, and terms of service of juniors employed in the telegraph and post offices will be laid upon the table?

Mr. D. O'CONNOR: It will be laid upon the table of the House by Thursday.

Mr. O. O. DANGAR: Can the Secretary for Public Works tell me when the return asked for by me showing the expenditure for national and public works in the respective electorates comprised in the north coast districts will be laid upon the table?