

RAILWAYS ACT, 1878, AMENDMENT BILL, 1879.

This Bill was further considered in Committee, when the remaining clauses were agreed to, without discussion.

The House adjourned at eight o'clock.

LEGISLATIVE COUNCIL,

Wednesday, 20th August, 1879.

Facilities for looking for strayed stock—Removal of Guano from Laccpede Islands by Lessees or Licensees—Message (No. 4): Apportionment of Roads Loan; considered in committee—Message (No. 3): Grants to Volunteers; further considered in committee—Bills of Exchange Bill: second reading—Bankers Books Evidence Bill: second reading—Railways Act, 1878, Amendment Bill, 1879: re-committed—Adjournment.

THE SPEAKER took the Chair at 7 o'clock, p.m.

PRAYERS.

FACILITIES FOR LOOKING FOR STRAYED STOCK.

MR. CAREY, in accordance with notice, asked the Colonial Secretary "To lay on the Table of the House a copy of the circular issued to Resident Magistrates, relating to affording facilities for looking for strayed stock, in accordance with a resolution passed by the Council, on 18th July, 1878, and reported in *Hansard*, vol. 3, p. 272."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied that it was found impossible to issue any instructions to the Magistrates without infringing the law. The Government, however, would introduce a Bill to do away with the distinction between unenclosed and fenced lands, which, he understood, would meet the end in view.

REMOVAL OF GUANO FROM THE LACEPEDE ISLANDS BY LESSEES OR LICENSEES.

MR. S. H. PARKER, in accordance with notice, asked the Honorable the Commissioner of Crown Lands "To

"lay on the Table of this House, a copy of the Colonial Secretary's notification of the 9th May, 1878, No. 87, referred to in Messrs. McDonald & Co. and Mockford's tender of the 2nd August, 1879; also copies of Messrs. McDonald & Co. and Mockford's amended tender, and of the telegraphic correspondence mentioned or referred to in the memorandum signed 'M. Fraser,' dated and laid on the Table of the House the 13th August, 1879; also copies of all other letters, telegrams, correspondence, documents and writings, making up, composing, or forming the contract by the Government with Messrs. McDonald & Co. and Mockford, relative to the removal of guano from the Laccpedes, or from which such contract can be deduced or made out." The hon. member said: It may be in the recollection of hon. members that last week I asked the Honorable the Colonial Secretary, "To lay upon the Table of the House, the contract or agreement"—those were the words I used—"made by the Government with Messrs. McDonald and Mockford (or other the Lessees or Licensees), relative to the removal of Guano from the Laccpedes." When that question was asked, the Commissioner of Crown Lands replied they were quite prepared to give the information required, and the hon. gentleman laid on the Table a document purporting to afford that information. To my astonishment, however, when I perused what purported to be the contract referred to, I found it to be merely a tender, which contained no information whatever. It was dated from 15 Fenchurch St., London, and headed "Tender for Laccpedes Guano"—so that on the very face of it, it did not purport to be a contract. The document then went on to say that Messrs. McDonald & Co. & Mockford jointly submitted certain proposals, from which it appears they undertook the removal of all the marketable guano on the islands upon the terms and conditions of the Colonial Secretary's notification of the 9th May last, paying upon the same a certain royalty. It is needless for me to read any more of the document. I asked for a contract, and I get a tender which specially refers to the terms and conditions of a certain notification from the Colonial Secretary to Messrs. Mc-

Donald & Co. It must be plain to us all, either that the hon. gentlemen opposite are unaware of the meaning of the word "contract," or that there was an intention on their part to deceive the members of this House. After the emphatic way in which the hon. the Commissioner of Crown Lands stated he laid the contract affording the information required on the Table, I must come to the charitable conclusion that the hon. gentleman does not know the meaning of the word—I do not mean its legal definition, but the ordinary meaning of the word. I take it that a contract means the writing which confirms a bargain between two parties, made up in three parts—a notification, the tender, and the acceptance of that tender. Hon. members opposite were evidently under the impression that the notification or the acceptance of a tender had nothing to do with the contract, which to their mind consisted of the tender alone. In other words a "contract" to them was a "tender," and nothing more; so they put a tender forward, containing no terms at all, when I called for a contract or agreement. I notice, too, at the foot of the document which was laid on the Table, a remark to this effect made by the Commissioner of Crown Lands: "Before this tender could be accepted an amended tender was received"; but he does not give us this amended tender, which increased the royalty to be paid from 12s. 6d. to 15s. per ton, and which, after some telegraphic communication had passed between the parties, was accepted. I did not ask for the Commissioner of Crown Land's version of the contract, but for the contract itself, which was what I contemplated when I first asked the Government to lay it on the Table. I cannot help thinking it is a most extraordinary thing that the hon. members opposite should be under the delusion that a tender constitutes a contract—a tender, too, containing no specified terms or conditions. I have gone at this length into the meaning of the word contract, because, as hon. members will observe, the word appears again in the question I have asked to-day, and I hope the hon. gentlemen on the opposite benches will no longer labor under the delusion that a tender and a contract are convertible terms, but

that they will accept Dr. Johnson's definition of the word, as given in his dictionary. That dictionary, I may inform the hon. gentleman, is to be found in the Law and Parliamentary Library, having been placed there I suppose so that hon. members should, by being able to consult it, make no mistake. A contract, according to this authority, is defined as "a writing in which the terms of a bargain are included." This definition could certainly not be applied to a tender such as that laid on the Table by the hon. gentleman opposite, for it specified no terms, and no conditions whatever. I hope the hon. member will not misunderstand me this time. I have put the question this time very fully indeed, so that there can be no mistake about it. The fact of its not having been put with equal explicitness last week has entailed a great loss of time, and I regret very much the Commissioner of Crown Lands, before replying to it as he did, did not refer to his hon. and learned colleague on his left (the Acting Attorney General.) Had he done so, he would never have made the mistake he did, or labored under the delusion that a tender, embodying no terms or conditions, constituted a contract or an agreement.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) in replying said: I am sure we all have been highly interested and enlightened with the discourse which, at the exercise of no inconsiderable amount of brain power, the hon. member has favored the House with. I can assure the hon. member that, so far as I am concerned, his remarks were entirely thrown away, for I perfectly understand the meaning of the word upon which he has been dilating, and I do not differ from him as to its definition. What I laid on the Table of the House the other day may fairly be taken to be a reply to the question he then asked. I am not aware that it is necessary, or that it is incumbent upon me, to dilate upon, or to traverse, the instructive exordium to which the House has just been treated by the hon. member; I will therefore content myself by replying that I am quite agreeable to lay on the Table of the House a copy of the Colonial Secretary's notification of the 9th May, as asked for. With regard to

the other documents referred to, the inexpediency of their publication has been brought to the notice of the Government by the representative of Mr. Mockford; consequently I must decline to lay them on the Table. There is no objection to the publication of the notification of the 9th May, which, with the document already laid on the Table of the House, will furnish such information as may be regarded as the gist of the whole matter.

MR. S. H. PARKER: In order to remark on what the hon. gentleman has stated, I beg to move the adjournment of the House. It appears from the explanation offered by him that when I asked for these papers the first time, they (the Government) had full intention to deceive this House, knowing as they did, as the hon. gentleman tells us now, that a tender was not a contract. He now informs us that the Government deem it inexpedient to furnish the documents required; they will place on the Table their own version of the contract, and no more. I am not going to contend for a moment that the representative of Messrs. McDonald & Co. may not have brought under the attention of the Government the inexpediency of publishing these documents, but I very much doubt, after what has fallen from the Commissioner of Crown Lands, if it was not the intention of the Government from first to last to deceive the members of this House when they placed on the Table a tender, knowing as they did that it was not a contract, and that it was the contract that had been asked for, but which they never intended to give us. Now, when the question is pressed, they tell us they consider it would be inexpedient to produce the documents asked for and without which the contract is incomplete. They must be most material documents, otherwise they would not prejudice the case. The Government are prepared to give us that which is not material, but what is material they will not give us. Of course, if it is deemed inexpedient, in the interests of the public, to withhold these documents they have a perfect right to do so, and to say so at once in answer to the request for their production. This they ought to have done when I first asked for them, and I contend here, before all hon. members in

this House, that the Government has no right to give us a document which purported to be a contract, but which was no contract at all, and put forward simply, apparently, for the purpose of deceiving, and for no other purpose whatever.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): I believe I have a right to reply to the hon. member's remarks.

MR. SPEAKER: There is no question before the House.

MR. SHENTON (to the Commissioner): Second the motion for adjournment.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): No; I'll not second it.

The matter then dropped.

MESSAGE No. 4—APPORTIONMENT OF ROADS LOAN.

IN COMMITTEE.

MR. SHENTON—referring to the return appended to the Governor's Message *re* Roads Loan, showing approximately the amounts which it is proposed to appropriate out of the £50,000 loan on some of the principal main roads during the year 1879-80—said he thought some of the districts would come off rather short. The district which he represented was a very large one, extending from Northam to a part of the Victoria Plains, and he noticed that a portion of the road in that district had been left out altogether. He alluded to the main line of road leading from Northam to the junction of the north road, which was a very important line of road, and fairly entitled to a portion of the loan. He thought the amount set apart for the road from Guildford to York, *via* Newcastle and Northam (£2500), was very small compared with some of the other amounts, and bearing in mind the length of this road—about 90 miles. He noticed that the line of road from Guildford to York and Beverley had been apportioned no less than £8000.

THE CHAIRMAN OF COMMITTEES: Will the hon. member move a resolution?

MR. SHENTON understood that the discussion was merely intended to elicit

an expression of opinion on the part of the House as to the Message.

THE CHAIRMAN OF COMMITTEES: There can be no debate unless there is a resolution before the House. I think a motion to report Progress would answer the purpose.

MR. SHENTON, in order to place himself in order, then moved that Progress be reported.

Question put.

MR. BROCKMAN thought the hon. member for Toodyay was somewhat in error in what he had said about the claims of the road from Guildford to York *via* Newcastle and Northam. The road from Guildford to Newcastle was one of the best roads in the Colony and required very little expenditure upon it, so that the greater part of the sum allotted for the line of road referred to would be expended between Newcastle and Northam, which would suffice to make a very good road the whole distance.

MR. CAREY could not help pointing out the discrepancy between the amounts voted for roads in the Eastern Districts as compared with the roads in the Southern Districts of the Colony. As the hon. member for Swan had said, there was already an excellent road from Guildford to Newcastle, and the same thing might be said with reference to the road from Guildford to York. Yet it was proposed to expend a very large proportion of the loan on these roads, whereas not half the amount set apart for expenditure on the comparatively short extent of road between Guildford, York, and Beverley had been allotted to all the roads in the Southern Districts. These latter roads were in a far worse condition than the former, and the traffic over portions of them was very heavy. It appeared to him that the money had been very unfairly apportioned in this respect.

MR. HARDEY said, that so far as his knowledge of the various roads of the Colony went, and the requirements of the several districts provided for, the proposed distribution was a very fair one, with this exception—that about a mile and a half of road from Guildford eastward had been too liberally dealt with, as it seemed to have got its share of three different grants, according to the schedule.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said this was a mere descriptive error. There was no intention to expend any extravagant sum on this bit of road, any more than on any other.

MR. CAREY said he had not noticed one item when he spoke on the subject before. He now observed it was proposed to expend £1000 on the road from Geraldton to the Upper Greenough, *via* Tibradden. He should like to know what traffic there was on that road to justify such an expenditure. So far as he was aware, the road only led to one settler's homestead, and yet no less a sum than £1,000 was proposed to be spent on it.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the hon. member was laboring under an erroneous impression as to the road referred to. It was the trunk line of road from Champion Bay to the Upper Murchison, the Greenough, and all the back settlements to the Eastward—a most important line of road.

MR. BROWN thought His Excellency the Governor would be able to congratulate himself upon the manner in which the sums allotted to the various roads provided for had been appropriated, for, although several hon. members had offered some comments upon some of the items, no one had submitted any resolution in the shape of an amendment. For his own part, he did not think the apportionment of this Roads Loan was likely to give unmixed satisfaction in any district; he had always expected it would prove a bone of contention, and he thought His Excellency deserved some credit for taking upon himself the odium of controlling the expenditure of the money. He had that day received more than one telegram from his own constituents, who were furious—rabid, because their claims had been ignored (as they thought). The hon. member for Vasse complained that his district had not received more than it had, but he (Mr. Brown) thought his poor constituents, who somehow or other never got their fair share of the public expenditure had still greater cause to complain, for he noticed that they only got £3,700 out of the whole sum appropriated (£40,000), and this was spread over three different roads, some of them most important

roads, and one of them being the highway to the Murchison country recently discovered by Mr. Forrest, and already settled. With reference to the proposed expenditure on the road from Geraldton to the Upper Greenough, *viâ* Tibradden, he happened to know that it was intended to expend this £1,000 upon a portion of the road some two or three miles from Geraldton, which was nothing but a sand track, though other portions of the road were metalled, the object being to complete the road its whole length. The same again with reference to the road from Geraldton to Dongarra, *viâ* Greenough, which road had been nearly completed—through the exertions of the settlers themselves, who gave the free use of their teams, and through the whole of the grant given to the District Board having been appropriated to this road. Notwithstanding these exertions, there still remained about three miles of road which was nothing but sand, and the object of the Government was to complete the whole length of the road by metalling this, as yet, unformed patch—which he thought was a very wise provision indeed. He could only say, if the same discretion had been exercised with reference to the other roads embraced in the schedule, the Colony would have no cause to complain that the money had been frittered away. He thought there was a crumb of comfort for those districts which had not yet received a share of the loan, in the fact that only £40,000 of it had yet been appropriated, leaving a balance of £10,000 to be hereafter apportioned. In the distribution of this sum, he hoped the Government would not ignore the claims of his Northampton constituents. Although they had a railway—and a far better railway than it was intended to be—he thought they were still entitled to a share of the remaining £10,000. It would of course be impossible to please every district in the distribution of this Roads Loan—it would be absurd to expect such a result; but he thought the Government had exercised a very wise discretion in allotting the money as they had done, with an eye to the more pressing requirements of each district, and, so far as he could see, the Government were to be congratulated on their action in this matter.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Llake) said the whole amount of the loan could doubtless have been expended, and profitably expended, in any of the districts whose claims had been so far recognised by the Government as to receive a fair proportion of the loan. As, however, our means were limited, all that could be done was to attend to what he might call the happiness of the greatest number, and this, he thought, had been done. He did not think there were many who would object to the money appropriated for the Albany road, by which we kept up our communication with the outer world. Nor did he think any valid objection could be raised to the proposed expenditure—envied by the hon. member for Vasse—on the road to the Eastern Districts, where there was probably more agricultural land than in any other part of the Colony. It was true that a lesser sum of money had been appropriated for the roads in the Southern Districts, but he thought the hon. member who represented those districts would agree with him that, important as they were, they did not support anything like the same number of sheep or cattle, nor produce the same amount of cereals, as the Eastern Districts—one of the oldest districts in the Colony, and one of the most fertile. York was already the centre of an industrious agricultural population, and Beverley must also be regarded as a rising agricultural district, and, so far as he was concerned, his approbation was extended to the amount proposed to be spent in improving the means of communication between those districts and the principal centres of population.

Mr. CAREY said the hon. and learned gentleman who had just spoken had twitted him with having “envied” the share of the loan which had been apportioned to the Eastern Districts. He hoped no other hon. member in that House would suppose for a moment that he envied the amount allotted to those districts. Far from it. When he spoke of the sum appropriated for the roads in the Eastern Districts he did so in comparison with the amounts voted to four other districts in the South, but not in any envious or begrudging spirit. After all, he believed the revenue derived

from the timber trade in the Southern Districts was quite as much as that derived from any trade in the Eastern Districts.

Mr. S. H. PARKER said that, so far, there appeared to be no definite resolution before the House, beyond a mere formal one to report Progress. He therefore rose to propose one. As the Attorney General had said, the great object to be kept in view in the distribution of this money was to provide for the happiness of the greatest number, and he hoped that principle would be extended to the constituency which he had the honor to represent, which, as regarded population, certainly constituted the "greatest number" of any district in the Colony. But in looking at the schedule showing the amounts proposed to be appropriated, he saw nothing provided for Perth, at all. He was surprised at this, and for this reason:—referring back to His Excellency's despatch to the Secretary of State, in which the question of this loan for road purposes was advocated, he found that great stress was laid by His Excellency upon the fact that, while the plan of the city of Perth showed miles of streets and terraces laid out and named, with the exception of the three main thoroughfares, and their cross communications, all these were sand tracks, in one of which His Excellency's own carriage was nearly upset the very first time he tried to drive through it. Looking at this admission, and the great stress laid by the Governor upon the necessity for improving the existing state of these roads, he (Mr. Parker) was certainly under the impression, when he supported the motion for borrowing the £50,000 as proposed by His Excellency, that the city of Perth would surely have its share of the money. Possibly, however, it was more desirable that the main roads leading from the interior into the city should be first attended to, so as to afford an improved means of communication to the country settlers. And viewing the matter in this light he thought it was very desirable to connect that important, most important,—important, in capital letters—Northern District represented by his hon. friend on his right, with the metropolis. He alluded more particularly to the road leading northwards,

by way of Wanneroo. He noticed that his hon. friend the member for Toodyay smiled, somewhat sneeringly, at the mention of that locality. He was surprised at this, for he thought the hon. member would have taken great interest in that district, as he was generally known as the "lord of Wanneroo" and he (Mr. Parker) thought he was sure to have the hon. member's support, if nobody's else, when advocating the claims of that locality. Joking apart, he thought, when it was borne in mind that the only assistance Perth received out of public funds was a sum of £250 a year towards keeping the main road, leading from the Causeway to Crawley—the principal highway of the Colony—in repair, and that this sum was quite insufficient for that purpose; when it was further borne in mind that all the other streets and footpaths in the city were maintained out of funds taken out of the ratepayers' pockets, without any aid out of public funds,—that Perth in this respect had set an example of voluntary taxation which had not been followed by any of the country districts—he thought it could not be gainsaid that Perth had a very fair claim to a share of this roads loan. He would therefore move, as an amendment—"That in the opinion of this House a portion of the Loan for Roads would be most beneficially expended, by the construction of a road to connect the macadamised streets of the City with the Block Road leading to Wanneroo and the important Northern Districts of the Colony; and the Council humbly commends this Resolution to the favorable consideration of His Excellency the Governor."

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) pointed out that when the money which it was proposed to expend out of the loan on the road from Perth to Fremantle in one direction, and from Perth to Guildford *via* the Causeway in the opposite direction, had been spent, the City Council would be greatly relieved from the expenditure now necessary to keep the road from the Causeway to Crawley in repair.

Mr. HARDEY presumed that the money voted for the roads leading from Perth to Albany, Perth to Guildford, and Perth to Fremantle, would embrace the

main metropolitan thoroughfares, leading to these directions.

MR. CAREY said the resolution just submitted by the hon. member for Perth showed clearly enough that if the suggestion made last year for the appointment of a certain number of the members of that House on the Central Board, for controlling the expenditure of the loan, had been carried out, the lion's share of the money would have been spent in and around Perth, rather than in the country districts, inasmuch as the members who would have been appointed to seats on the board would, necessarily, have been members residing near head quarters, for it would have been useless to have appointed country members, residing at long distances from the seat of Government.

MR. BROWN moved, as an amendment upon the amendment submitted by the hon. member for Perth—"That this House, having considered His Excellency's message with regard to the proposed distribution of the loan for roads, is satisfied to leave the matter in His Excellency's hands, confident that the interests of the various districts of the Colony will be fully borne in mind." He thought, as reference had been made to the question of the non-appointment of members of that House to a seat on the Central Board, it would be as well, while they were on the subject, to deal with it definitively and say whether His Excellency himself should retain the responsibility of controlling the expenditure of this money, or whether that responsibility should be shared by members of that House being appointed members of the Central Board. It was in order to elicit the feeling of the House on this question that he had moved the amendment.

MR. S. H. PARKER: I must say I shall do my utmost to strenuously oppose that amendment, and for this reason,—I voted for the borrowing of this £50,000 for roads purposes under the impression, which I was led to form by His Excellency's own despatch on the subject, that the money would be expended under the control of a Board upon which some members of this House should have a seat. The Governor in the despatch referred to, which was the subject of discussion in this chamber

last year, distinctly says to the Secretary of State: "Should my proposal be fortunate to commend itself to your Lordship, I would suggest the following arrangement for controlling its expenditure. A Central Road Board should be created, with the Governor as its president, the Colonial Secretary, the Surveyor General, the Director of Public Works, and a few members of the Legislative Council." But, as soon as ever the money is voted, what does the Governor do? He appoints a Central Road Board, but does not appoint a single member of this House to a seat upon it, as was proposed to be done. Had he acted fairly in the matter, he would have appointed some members of the Legislative Council to be members of the Board created to control the expenditure of this loan. So far as I am concerned, I should not have mentioned this matter had not the hon. member for Geraldton put forward this amendment, which affirms that the House is perfectly satisfied with the course pursued, and is quite prepared to leave the whole matter in the hands of the Government. I think we should be stultifying ourselves were we to adopt that amendment, without expressing our views on the action of the Government in the matter. As already said, I voted for the money being raised and expended on the roads of the Colony in the belief that some of the free and independent members of this House, the representatives of the people, should have had a voice in the expenditure of the money, and not that the control of that expenditure should be left entirely in the hands of the Governor and of his officials. As to the manner in which the money has been appropriated, I think, with the exception that Perth has not been very fairly treated, that the Government have equitably apportioned the vote—except perhaps as regards the very large sum appropriated for the Albany road, which, but for the establishment of the "red and yellow van" service, would probably never have been done. As however it is necessary, in order to keep up the prestige of this service, that the van should perform the journey in fifty-four hours, this heavy expenditure becomes a necessity. Be that as it may, I think it is our duty to show His Excellency that the House

agreed to the raising of this loan on the distinct understanding that some of the elected members would have had a voice in controlling its expenditure, and I for one cannot see why His Excellency should have departed from the proposal he submitted in his despatch to the Secretary of State, and subsequently to this House when we were asked to discuss that despatch.

MR. BROWN: I confess that when I voted in favor of borrowing the money for roads improvement, I did so under the impression that the resolution committed the Governor to the appointment of a Central Board as indicated in His Excellency's despatch, and in consequence of that impression I gave notice some days ago of my intention to ask the Government for some explanation on the subject. I then looked up the subject, and I found my impression was an incorrect one. If hon. members will look into the matter, they will see that if the resolution adopted by the House last year with reference to this question committed His Excellency to the appointment of a Central Board, as indicated in the despatch, it also committed him to reduce the present number of district Roads Boards to five, for this was part of the scheme sketched out in His Excellency's despatch; and the resolution adopted by the House expressed its cordial approval of the proposals made by the Governor for raising a loan for expenditure upon roads "in the very manner indicated in the said despatch." The very same paragraph in the despatch that suggested the appointment of a Central Board, on which a few of the members of the Legislative Council should be associated with the Governor and other officials, also gave expression to His Excellency's opinion that there are at present too many Roads Boards, and that a reorganisation of the system by which they should be reduced to five, corresponding with the five centres of population, would be an improvement on the present arrangement. Hon. members will doubtless remember that no one in the House would hear of a reduction in the number of local boards as proposed. I myself spoke strongly against it, and so did other hon. members. In the face of that, I am not prepared to blame the Government for what they

have done in the matter. I think the message now before the Committee shows exactly what His Excellency had in his mind in adopting the course which he has adopted, and in which I think he was perfectly justified from beginning to end. On referring to *Hansard* I find that in the course of the debate on His Excellency's message last Session only three members—namely myself, Mr. Hardey, and Mr. Burt—spoke in any way in favor of the proposal to create a Central Board, and every member who spoke on the subject opposed the proposal to reduce the number of District Boards. In view of this expression of opinion, it appears to me, as already said, that His Excellency was fully justified in acting as he has done in this matter, and that in doing so he has shown a commendable consideration for the opinions expressed in this House. If hon. members are now prepared to suggest that a Central Board should be appointed in the manner indicated in the Governor's despatch, no doubt His Excellency would only be too glad to have a few of the members of this House to share with him the responsibility and the odium which the apportionment and expenditure of this money must entail. If any hon. gentleman thinks that it is the wish of the House that His Excellency's proposal, as embodied in his despatch, should be carried out, by all means let him move a resolution to that effect, in order to elicit the opinion of hon. members on the subject.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said, as His Excellency's message had already elicited so free and so full an expression of opinion on the part of hon. members, he would have very little to say on the subject. He would however draw the attention of the House to what had been said in the course of the debate last Session, when the same question was under consideration, and he thought what had been said that evening would be borne out to a great extent by what fell from hon. members on the former occasion. The hon. member for Fremantle, when His Excellency's despatch was under discussion, said "He believed, if the money were raised, there would be a great deal of scrambling for it among the various roads boards; and, although

"no doubt His Excellency would exercise a wise discretion in the appointment of members of the proposed Central Board he thought His Excellency would fail in pleasing the greater portion of the districts of the Colony, in allotting their share of the loan." This had been borne out by the debate that evening, when hon. members appeared to hold a brief for their respective districts, all anxious that their own constituents should have their share of the money, and quite right too, as no one could gainsay. Supposing the Central Board had been appointed as was proposed, and say three members of the House were nominated to seats on the board, it was pretty clear from the tenour of the debate that evening in what direction those hon. gentlemen's influence would have been thrown—each in favor of his own district. He did not think any hon. gentleman would say him nay to that; certainly not the hon. member for Perth. It appeared to him, looking at the way in which the loan had been appropriated by the Government, there was no legitimate cause for dissatisfaction. The requirements of each district had been carefully considered, and every care would be taken that the money was not frittered away, and that nothing would be done without ascertaining the opinion of competent authorities as to the requirements of each locality. Care would also be taken by the Government that no favoritism should be shown to any district, at the expense of another, the only object which they had in view being the general welfare of the country at large.

MR. MARMION said the Colonial Secretary had forestalled him in reading the extract which he had just read from *Hansard*, as to what had fallen from him last Session, with reference to the dissatisfaction which the appropriation of the loan would be sure to create. He thought the correctness of his prediction on this point had been proved that evening, and that there were many hon. members who were not satisfied with the apportionment of the money—not so much because a wise discretion had not been exercised in appropriating it, as owing to the fact that the whole sum (£50,000) was altogether inadequate to meet the requirements of the various districts. He thought the money had

been very fairly allotted, so far as it went; at the same time he must say that to a certain extent he agreed with what had fallen from the hon. member for Perth, namely that when hon. members voted in favour of borrowing this money they did so under the impression that a Central Board would have been appointed to control its expenditure, and that some of the members of that House would have been nominated to a seat on that Board. He thought this was the general opinion among hon. members, and certainly it was the opinion he himself had entertained. He would say no more on this point, but he would like to hear some expression of opinion as to what should be done with the remainder of the money, that had not yet been appropriated—a sum of £10,000. He failed to see why the Government had not enlightened them on this point. The hon. member for Geraldton had given them some inkling that a considerable portion of it would go to Northampton, but he (Mr. Marmion) considered that district had no right whatever to anything of the sort. He thought that only a very small portion, if any, should go to that neighborhood. If there was a district in the Colony that had been well treated, generously treated, by that House, it was that represented by the hon. member for Geraldton, and he hoped the Government would bear this in mind when apportioning the remainder of the money. He would support the amendment of the hon. member for Geraldton on the ground that no good could come out of the adoption of any other course, and in the belief that His Excellency would exercise a wise discretion in the expenditure of the money.

MR. BURGESS thought the Governor had shown very good sense in the appropriation of the loan as shown in the return appended to the message. It did not require much consideration to see how the money would have been apportioned had it been left under the control of some hon. members—each member would want the lion's share for his own district. He was therefore very happy to think that the matter was left in the hands of His Excellency the Governor, and he hoped it would remain there. He agreed with the hon. member for Fremantle that the District of North-

ampton had already had its share of public expenditure in the way of providing improved facilities for traffic. Let them use their railway.

Mr. HARDEY called attention to what he had said in the House last year when the question of a Roads Loan was under discussion, as reported in *Hansard*. He certainly had been under the impression that a Central Roads Board was to have been formed, for in concluding his remarks he said: "As to the proposal to have a Central Board to control the expenditure of the money, he thought it was a very proper one, seeing that the money was to be raised by means of a public loan, and not out of current revenue." Further on, he found the Commissioner of Crown Lands saying that the resolution then before the House (last year) "was merely speculative; the whole question would have to be brought before the House again, in a more definite form." He (Mr. Hardey) certainly thought, so far as he was concerned, that it was a great pity the question was not brought before the House again, before the Government took any definite action in the matter. He believed he was expressing the sentiments of nearly every member present that a Central Roads Board should have been appointed. With regard to the apportionment of the money, he was free to confess that the distribution, so far as he could see, was a very fair one.

Mr. CAREY said he was one of those who had opposed the appointment of a Central Roads Board, and he had done so for this reason. It was proposed that some of the members of that House should have a seat on the Board, and he felt sure that those appointed would have been members representing Perth or Fremantle, who, very naturally, would have looked after their own districts obtaining the lion's share of the money. He was very glad indeed that a Central Board, constituted as it was last year proposed to constitute it, had not been appointed. He had therefore much pleasure in supporting the amendment, for he considered that the matter was far better left in the hands of the board as it was now constituted.

Mr. BROWN—referring to the expenditure of public funds that had taken

place in the district which he represented—said that Champion Bay had during the last two years contributed to the Revenue enough to pay more than the interest and the necessary provision for a sinking fund in connection with the money expended on the railway, in addition to erecting its own lighthouses, defraying the cost of every public work in the district, including its school-buildings, paid for its magistracy and the police force—had, in fact, by its contributions to the Revenue, paid every single expense the country had been put to in connection with the district, besides adding many thousands of pounds to the Revenue. It could not therefore be said that the district had benefited at the expense of other parts of the Colony.

The amendment proposed by Mr. Brown was then put and carried.

MESSAGE (NO. 3) GRANTS TO VOLUNTEERS.

The House then went into Committee for the further consideration of His Excellency's Message relating to the Volunteers.

IN COMMITTEE.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved the adoption of the following paragraphs: "That with a view of offering to Volunteers an adequate inducement to enlist, and the present capitation grant being found insufficient to meet the expenses to which they are now subjected, the capitation grant shall be raised from £1 to £1 10s. for men who have served for 2 years, and to £2 for those who have served 4 years and over. [*Paragraph 7, sub-section 3.*]"

"That the Government be empowered to pay to each Volunteer a sum of money (not exceeding £4) sufficient to cover the cost of his uniform. [*Sub-section 4.*]"

"And further that the Government be empowered to give annually a sum of money not exceeding £100 to be spent in prizes for the purpose of encouraging shooting. [*Sub-section 5.*]"

The hon. gentleman said it would be in the recollection of the House that the other recommendations embodied in His Excellency's message had been dealt with on a previous day, and he thought

the foregoing paragraphs, instead of being discussed *seriatim* as the others had been might be considered together. There was no doubt that if the Volunteer Force was to be maintained in a state of efficiency, some encouragement of this kind would have to be held out to the members, for it must be borne in mind that the House had already resolved that in future no Volunteer enlisting should have any claim for a grant of land in return for his services. The matter, it would be observed, resolved itself into a question of cost, but he did not think the money grants here proposed could be regarded as excessive. Whatever funds were placed at the disposal of the Government for the purposes named, the Government would take good care that the utmost was made out of the money. He believed hon. members had pretty well made up their minds on this point; but there was another point with regard to which His Excellency the Governor, in his Message, requested the House to be good enough to favor with its opinion. He referred to the concluding paragraph of the Message, which he would read: "His Excellency also deems it right to bring under the notice of your honorable body, the fact that Colonel Harvest, who has for 6 years discharged gratuitously, in a most efficient manner, the onerous office of Inspector of Volunteers, has been compelled to resign the appointment, and that His Excellency cannot expect that he will be able to procure the services of an officer competent to perform these duties without some emolument. His Excellency has been able to make temporary arrangements for carrying out the duties, but it is impossible that these can be continued, and if the efficiency of the Volunteers is to be maintained, and the necessary office work properly conducted, further provision must be made, and on this point also His Excellency requests that you will be good enough to favor him with your opinion." The hon. gentleman also read a letter, dated November 12th, 1878, from Colonel Harvest, in which that officer tendered his resignation and assigned his reasons for doing so. Following upon this resignation, His Excellency's own aide-de-camp, at considerable personal inconvenience, discharged the

inspectorial duties formerly performed by the Commandant; but that gentleman found it impossible to do so any longer, as the duties occasionally involved a great deal of work. They were undertaken at first by the Governor's aide-de-camp solely in order to relieve the Volunteers from a difficulty, caused by the retirement of the Commandant from the position of Inspector. Inasmuch as the officer now discharging the duty found it impossible to do so any longer, it devolved upon the House to make some provision for his successor; for unless this were done, he failed to see what was to become of the organisation of the force.

MR. SHENTON said the cost of the force was assuming formidable proportions. In the year 1877 the total expenditure connected with the Volunteers was £967 6s. 3d., and out of that amount a sum of £282 12s. 7d. was spent upon rifles, swords, and other accoutrements required for the force, so that the actual cost of the Volunteers in that year, apart from these arms, was only about £685. In 1878 the total expenditure in connection with the force was £997 16s. 8d., out of which £145 13s. 3d. went for accoutrements. During the past two years the vote for Volunteers had been £1,000, and he thought the House would not be justified in exceeding this sum. He thought, in the present financial condition of the Colony, it would be unwise to form any fresh companies. As to the appointment of a paid officer to inspect the force, he was totally opposed to any such appointment being made, for he believed some of the present officers would be prepared to undertake this duty gratuitously, sooner than that the annual vote for the maintenance of the force should be reduced in any way by the House having to provide a salaried Inspector. Of course, every member in the House, and every member of the force, must regret that Colonel Harvest had found it necessary to resign an appointment the duties of which he had discharged so efficiently, and for which he was in every respect eminently qualified.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said he was informed on the most reliable authority that the expenditure on the Volunteers

next year could not be reduced to less than £1,429, apart from the appointment of an Inspector. If, therefore, the House were to limit the expenditure, as suggested by the hon. member for Toodyay, to £1,000, the force must necessarily suffer in efficiency.

MR. S. H. PARKER asked if any proposition had been made to Captain Hillman or Captain Phillips, with regard to discharging inspectorial duties?

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said he was unable to reply to the hon. member's question at the present moment.

MR. S. H. PARKER: Perhaps the hon. gentleman will inform the House whether the Government have any proposition to make with reference to appointing an Inspector.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said he was not in a position to say what the intention of the Government was. As to appointing an Inspector, from among the officers of the force, he thought that would be a very invidious duty to perform by any officer connected with the organisation itself.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the real question before the House was this—was it desirable or not to have an efficient body of Volunteers. Heretofore the Colony had succeeded in keeping up the strength of the force by holding out inducements to men to join the ranks in the shape of grants of land. These inducements had now been withdrawn, and it was evident, if the strength and efficiency of the force was to be kept up, some other inducements would have to be offered, and it appeared to him that the propositions embodied in the paragraphs of the Message under consideration would have this desirable effect, without at the same time committing the country to any great expense. The inducements now proposed to be held out, in the shape of increased capitation grant and allowance for uniform, were by no means equivalent to the inducements formerly offered in the shape of 50 acres of land. The Government had no desire to force its proposals upon the House, but was prepared to leave it entirely to hon. members to decide whether they deemed it advisable to keep up the force at the

expense named by the Commissioner of Crown Lands (£1,429), and which he understood could not be reduced without crippling the efficiency and usefulness of the force.

MR. SHENTON said he had the honor formerly of holding the distinguished position of full private in the force, for a period of eight years, and no inducements, either in the shape of land or money grants, were then held out to the Volunteers; yet he believed the efficiency of the force at that time was equal to what it had been lately.

MR. MARMION said he did not quite understand the proposals embodied in the paragraphs under discussion. Were they intended to apply to those men who had already joined the force, or merely to those who might hereafter join?

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): To those who may hereafter join.

MR. MARMION: Then I would advocate the continuance of the present capitation grant, and that the Government be empowered to pay to each Volunteer a sum of money not exceeding £2—instead of £4 as proposed in the resolution before the House—to cover the cost of his uniform, and that in the event of a man leaving the force within a certain time after joining it, his uniform should become the property of the company. With regard to the proposition to give an annual sum of money not exceeding £100 to be spent in prizes for the purpose of encouraging shooting, he thought that was a very desirable proposal, and one quite in accord with a principle he had always advocated, namely, the duty of the Government to encourage every possible means for affording rational recreation to the people.

MR. S. H. PARKER moved, as an amendment, That the words after "That" be struck out, and the following words be inserted in lieu thereof:—"This Council having considered His Excellency's Message No. 3, and the 3rd, 4th, and 5th sub-sections of paragraph 7 thereof, resolve:—

"1. That the Government be requested to place the sum of £1,000 on the Estimates for 1880, for Volunteer purposes.

"2. That the Council is not prepared to provide the pay and allowances of a

"military officer of rank as Inspector of Volunteers, and suggests that the inspection should be conducted by one of the senior officers of Volunteers."

The hon. member said he found that £1,000 had proved amply sufficient during the past two years to maintain the force, notwithstanding that a considerable sum out of that grant had been appropriated for the purpose of providing arms, and for which no provision would have to be made next year. He thought every hon. member would agree with him that, in the present state of the finances, it would be most unwise on the part of the House to make provision for the appointment of a paid military officer of rank to act as Inspector of the Volunteers, whose pay, and travelling and other allowances, would probably not be less than £1000 a year. No doubt such an appointment would prove advantageous to the force, and he only regretted the Colony was not in a position to afford it. Under these circumstances he thought the Government might fairly ask one of the superior officers now connected with the force to perform the duties of honorary Inspector—duties which he believed either Captain Hillman, or Captain Sutherland, or Captain Phillips would readily undertake.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said it was never contemplated by the Government to appoint a military officer of rank, at a salary of £1000 a year, as Inspector of Volunteers. The Government did not contemplate anything so absurd or outrageous. It never supposed that the pay of such an officer as would be able to discharge the duties of that position should be more than £100 a year, with perhaps £50 a year for clerical assistance. The onus of providing for such an appointment, or otherwise, now rested with the House, as did also the onus of offering adequate inducements to Volunteers to join the force and to maintain its efficiency. The Government had submitted what they conceived very reasonable proposals, and if the House was not prepared to ratify them the Government were prepared to accept the decision of the House in the matter, it being distinctly understood that the onus rested entirely with the House and not with the Government.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he would vote for the original resolution. Some hon. members seemed to regard this question from a merely financial point of view, but in reality it was a question that exhibited other and more important phases, equalled only in importance, he thought, by that of education itself. It was a question of whether their young men should meet together occasionally, in a spirit of communism, and submit themselves to the control of discipline, and band together for the purposes of healthful recreation. The Volunteer organisation had been in existence for many years in the Colony, and no one who had watched the movement would deny that it had exercised a very wholesome influence upon the community. The question now before the House was simply a question of whether this influence should be no longer exercised, whether a rational means of healthful recreation should be abandoned, for the sake of a few pounds sterling.

MR. S. H. PARKER said he had no intention whatever to throw cold water upon the Volunteer movement; he merely proposed that the sum voted for its maintenance should continue as at present. He believed this would satisfy the Volunteers themselves and everybody else, except the Government. He had, however, no wish to press his amendment, as he understood that another was about to be proposed.

Amendment, with leave, withdrawn.

MR. MARMION moved as an amendment, "That in the first line of the 3rd 'sub-section the word 'and' be struck out, and that all the words after 'grant' in the second line, be struck out, and the following words be inserted in lieu thereof:—'Of £1 per head be continued.'"

"That in the 4th sub-section between 'Volunteer' and 'a,' the words 'enlisting in the future' be inserted; and the words '£4' be struck out, and '£2' be inserted in lieu thereof."

"That the 5th sub-section remain as printed."

The hon. member said he was ready to acknowledge that the Government had taken a great deal of trouble with regard to this matter, and possibly it would have appeared more gracious if the House had

accepted their proposals in detail. But he had no doubt the Government would be prepared to receive the suggestions of the House, and to accept them in the spirit in which they were made. He agreed with the hon. members who had opposed the appointment of a military officer of rank to the office of Inspector, which would probably involve an expenditure that would possibly lead to the breaking up of the entire force as a luxury which the Colony could not afford. He thought an easy solution of this difficulty would be found in the appointment of one of the officers of the force to perform that duty. The Government, he was sure, would see that the simple wish of the House was to limit the expenditure on the Volunteers within our means, and at the same time to maintain the present efficiency of the force.

MR. SHENTON moved, That the following clause be added to the proposed amendment:—"Provided always that the "annual expenditure for the Volunteer "Force shall not exceed £1,000."

Agreed to.

The amendment, as amended, was then put and passed.

MR. S. H. PARKER moved, "That "with regard to the office of Inspector "of Volunteers, the Council while thank- "ing Colonel Harvest for having so long "gratuitously discharged the onerous "duties of Inspector, regrets that in the "present financial condition of the "Colony, it feels itself unable to provide "the necessary pay and allowances for "any military officer as Inspector, and "suggests for the consideration of His "Excellency, whether some arrangement "might not be made by which one of the "Senior Officers of Volunteers might "perform the necessary inspection."

This was agreed to, without further discussion, and the House resumed.

BILLS OF EXCHANGE BILL.

MR. S. H. PARKER moved the second reading of a Bill to declare the law relating to the acceptance of Bills of Exchange. The hon. member said the Bill was a mere transcript of an Act passed in England last year, in consequence of doubts having arisen as to the true effect and intention of a mercantile enactment as to whether the mere signature of the

drawee of a Bill of Exchange constituted of itself—without any additional words relating to the acceptance being endorsed on the Bill—a sufficient acceptance within the meaning of the statute. The object of the present Bill was to declare that such would be a sufficient acceptance.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) seconded the motion for the second reading of the Bill, which he regarded as a very valuable enactment for the community. Bankers and merchants would be very much indebted to his hon. friend the mover of the Bill for introducing such a measure, and he hoped it would pass into law.

Bill read a second time, *sub silentio*.

BANKERS' BOOKS EVIDENCE BILL.

MR. S. H. PARKER moved the second reading of a Bill to amend the law with reference to Bankers' Books Evidence, the object of the Bill being to facilitate the proof of transactions recorded in the ledgers and other account books belonging to banks. This Bill, like the previous one, was also introduced for the purpose of assimilating our law on the subject with that in operation in England. If it passed, it would obviate the necessity of bankers producing their ledgers and account books as evidence in courts of law, unless by special order of the judge, extracts from such books, supported by affidavit, being regarded as sufficient proof. Power was however given, on the application of any party to any legal proceedings, and under order of the judge of the Supreme Court, to inspect the original entries in the books of the bank, if not satisfied as to the genuineness of the extract.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), in seconding the motion for the second reading of the Bill, said it would prove a very valuable addition to our statute book, and would very much facilitate proceedings in courts of law where bankers were concerned.

Bill read a second time, *sub silentio*.

RAILWAYS ACT, 1878, AMENDMENT BILL.

On the motion of the ACTING ATTORNEY GENERAL (Hon. G. W.

Leake) this Bill was recommitted, and a new Clause added, to stand as Clause 1, the other Clauses to be numbered consecutively. [*Vide* "Votes and Proceedings," p. 68.]

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

LEGISLATIVE COUNCIL,

Friday, 22nd August, 1879.

Personal Explanation—Application for Lands between De Grey and Fitzroy Rivers—Message (No. 5) from His Excellency the Governor: Volunteers—Message (No. 6): Assent to Bills—Message (No. 7): Acknowledging Resolution re Distribution of the Loan for Roads—Applications for Land in Northern District: How treated by the Government—New Bills—Dredging out Sand Banks in the River Swan—Divorce and Matrimonial Causes Ordinance, Amendment Bill: second reading; in committee—Elementary Education Act, Amendment Bill: motion for second reading—Timber Licenses—Bills of Exchange Bill: in committee—Bankers' Books Evidence Bill: in committee—Railways Act, 1878, Amendment Bill: further re-committed—Adjournment.

THE SPEAKER took the Chair at 7 p.m.

PRAYERS.

PERSONAL EXPLANATION.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): It will be in the recollection of the House that when certain papers relating to the removal of Guano from the Lacepedes were moved for on Wednesday evening by the hon. member for Perth, I asked Mr. Speaker if I had a right to reply to the remarks that fell from the hon. member on that occasion, and was informed that as there was no question before the House no discussion could take place. As a matter of course I bowed to His Honor's decision, and I am at present thankful that the opportunity of replying was not allowed me at the time, for possibly in the heat of debate I might have been led to descend to a level with the tone of the

remarks of the hon. member himself. I would now beg, in the first place, to draw attention to the words that fell from the hon. member on that occasion, when I informed him that the Government deemed it inexpedient to furnish all the papers asked for, and that I was by no means ignorant of the meaning of the word contract as insinuated by the hon. member. His reply was: "It appears from the explanations offered by the hon. gentleman that when I asked for these papers the first time, the Government had full intention to deceive this House, knowing as they did—as the hon. gentleman tells us now—that a tender was not a contract." After further cavilling at the reply I had given him, he concluded by saying—"I contend here, before all the members of this House, that the Government had no right to give us a document which purported to be a contract but which was no contract at all, and which was put forward simply, apparently, for the purpose of deceiving, and for no other purpose whatever." Now, sir, before proceeding any further with the explanation which I have risen to make, I would draw the attention of the House to the Standing Orders which govern our proceedings, one of which is as follows: "Whenever any member shall make use of any expression, personal and disorderly, or capable of being applied offensively to any other member, the member so offending shall be required to withdraw the expression, and to make a satisfactory apology to the Council." I much regret, sir, that the Chair did not defend me on the occasion when so offensive a charge was made against a member of this House and of the Government as that documents had been laid on the Table for no other purpose than to deceive hon. members. I regret exceedingly to see this honorable House descend from the high standard of courtesy which hitherto has governed its proceedings, and degenerate to the style of oratory which we occasionally observe adopted by representatives in other assemblies, and which I can fully imagine some hon. members may consider a highly proper style of oratory. I myself have no wish to descend to that level, and I regret exceedingly that the Chair did not think proper, on the occasion I