

Mr. PHILLIPS and Mr. NEWMAN supported the amendment, contending that the actual outlay might, in no sense, represent the actual value of improvements effected.

Amendment put, "That all words after the words 'such portion' be struck out," upon which a division was called for, the result being as follows:—

Ayes ..... 6  
Noes ..... 10

Majority against 4

Ayes. Mr. Phillips Mr. Newman Mr. Laue Mr. Hassell Mr. Monger Mr. Brown (Teller.)	Noes. The Hon. F. P. Barlee The Hon. R. J. Walcott The Speaker Mr. Steere Mr. Shenton Mr. Russell Mr. Moore Mr. Drummond Mr. Marmion The Hon. M. Fraser (Teller.)
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Amendment thus negatived.

Paragraph 8 agreed to.

Pastoral Lands, paragraph 9: Improvements may be considered to be either buildings, wells, tanks, dams, cultivation, grass paddocks, fencing, poison clearing, or any beneficial work done on the run to increase its productiveness and powers of carrying stock—

Mr. DRUMMOND moved that the words "poison clearing" be struck out as, he contended, it would be impossible for a tillage lease holder to prove the actual amount of outlay expended in clearing poison.

Mr. LOGUE, the ATTORNEY GENERAL, Mr. NEWMAN, and Mr. BROWN opposed the motion, which was supported by Mr. MARMION, and affirmed.

Amendment agreed to.

Paragraph 9, as amended, agreed to.

Paragraphs 10 to 19 agreed to.

Progress reported, and leave obtained to sit again.

The Council adjourned at 5.10 p.m.

## LEGISLATIVE COUNCIL,

Friday, 11th August, 1871.

Flour and Wheat: petition—Overdrafts on Estimates: in committee—Road Boards—Scab-in-Sheep Bill: second reading—Tariff Act Amendment Bill: third reading—Aboriginal Natives: select committee report—Land Regulations: select committee report: in committee.

The SPEAKER took the Chair at 6 p.m.  
PRAYERS.

The Minutes were read and confirmed.

## FLOUR AND WHEAT: PETITION

Mr. CARR presented a petition signed by 410 of the inhabitants of Perth, protesting against the imposition of duty on breadstuffs. In asking that it might be received, it was not his intention of reiterating the many and cogent arguments that had already been adduced in favor of free trade principles. He simply supported the memorial on the broad principle that food of no description whatever should be taxed, and he hoped it would receive the consideration, which it was entitled to, emanating, as it did, from, and expressing the opinion of, a numerous portion of the inhabitants of Perth.

The petition was received, and ordered to be read.

## OVERDRAFTS ON ESTIMATES.

In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) in moving that the Council do then resolve itself into a committee of the whole, to take into consideration the question of overdrafts on the Estimates for the current year, said, that on more than one occasion during the present session he had cursorily alluded to the matter, and intimated his intention of bringing the question more prominently before the House before the close of the session. He had waited until the Estimates had been passed, so that no confusion should arise in dealing with the finances for the year 1872 at the same time as with the finances of 1871. His present object was to place before the House, as briefly and concisely as possible, a statement of the probable overdrafts that would occur in connection with the various items relating to the Public Service. This statement was based on the expenditure already incurred and the estimated future expenditure during the year. When he submitted his financial statement to the House, at an earlier period of the session, he then stated that an estimate, however carefully calculated, was but an estimate, after all, and that inevitable and unforeseen circumstances might arise, which would render the most elaborately calculated fiscal scheme incorrect and fallible. He had been told that Estimates should not be deviated from in the least degree. He assured hon. members that, if such a thing were possible, he would only be too happy to submit such a financial statement to

the House at the commencement of the year as, at the end of the same, would render it unnecessary for him to ask for any further sums to carry on the Public Service. But this was absolutely impracticable, unless the practice obtaining in other countries of allowing such a margin on each item as would meet the probable excess of expenditure, be adopted here. During the many years he had been responsible for the finances of the colony, although it had ever been his desire to estimate the revenue and the expenditure as approximate as the information at his command enabled him to do; yet, in all cases, circumstances, over which the Government had no control, had arisen, which necessitated his bringing forward a supplementary estimate of extra expenditure, connected with such items as the utmost carefulness and foresight could not have obviated. At the present time there were no overdrafts, but he thought it his duty to bring prominently before the House an estimate of what he believed would be the probable overdrafts on the various items connected with the Public Service. It was possible, with the saving which might be effected on other items, and an increase in the actual on the estimated revenue, together with the amount of £3,000 already voted of the Council for contingent expenditure, that the actual expenditure during the year would not much exceed the sum voted altogether. But, the principle upon which the Estimates were based was that when a specific amount was voted for one item, no part of that sum unexpended could, strictly speaking, be transferred to another item of the Public Service, in connection with which the estimated amount voted did not meet the actual expenditure. So far as he could understand every possible economy had been exercised on the part of the Government, and, he would venture to say, that not one penny of the public money had been expended that could fairly have been avoided. He had never, during the whole term of his official experience, had to say "No" to so many applications for expenditure of money in connection with the Public Services, as during the current year. While, on the one hand, he was prepared to affirm that, with every desire on his part, and on the part of the Government, to meet the wishes of the Council, as far as related to limiting the expenditure within the sums voted by that House; on the other hand, circumstances, which no human foresight could have seen, might arise which would necessitate it. It would be for the House to decide whether they would at present empower the Government to expend such sums as would be inevitable, or, whether hon. members preferred being summoned together

at a later period of the year, when a more approximate statement of overdrafts could be submitted for their approval. The first item in connection with which he calculated that an overdraft was inevitable, was the Printing Department, for which he estimated that about £100 would be required, as it would be found necessary to employ extra hands in bookbinding and other matters which had not been provided for in last year's Estimates. With regard to this department, he would again call the attention of hon. members to the return which he had, a few days previously, laid on the table of the House, and which showed very clearly that the department was in a state of the utmost efficiency, and that it caused a considerable saving in the expenditure of public funds in connection with printing. The next item related to the Legislative Council Chamber, connected with the lighting of which, and some additional fixtures requisite, the small sum of £25 would probably be required. The next item was a heavier one, but it was one that could not possibly be avoided. He alluded to extra expenses in connection with the Judicial Department for the payment of jurors and witnesses. This he estimated at about £800. He calculated that for Charitable Allowances, a sum of about £1,500 would be required, all of which would literally be expended in the maintenance of paupers, who, he was sorry to observe, were considerably increasing. The next item was an analogous one: nearly £300, it was estimated, would be required in connection with hospital expenses, and the relief of the indigent sick. He regretted to state that the prospects of the colony, in regard of the maintenance of paupers, were by no means encouraging, and he feared that an increased sum would be required for that purpose for many years. Another estimated overdraft was connected with Rottnest Establishment, amounting to about £200, which, however, would be refunded to the Government. Relative to the conveyance of mails, a sum of between £800 or £850 would probably be required, in connection with the Peninsula and Oriental Company's contract; and £800 or £900 was the estimated overdraft connected with roads and bridges. The last, but by no means the least, item was under the head of "miscellaneous," for which he calculated that about £2,000 would be required. This consisted of the vote given by the Council in connection with the action of Clarkson versus the Sheriff; of the sum of £1,200 to be expended in improving the sandhills at Geraldton, about £900 of which, however, would be refunded for debts due for seed wheat; £200 the Government was

authorised by the Council to expend in fostering coffee plantation and sericulture; there was also a sum of £290 or £300 connected with incidental expenses, struck out of the Estimates last year; a sum of £300, or thereabouts, would be required in connection with the Harbour and Light Department, chiefly arising out of expenses relating to lighthouses, buoys, and moorings, three years' rent of quarters of Harbor Master's and pilot's crews, water-proof and other clothing also for those crews, which the Government was in the habit of importing, but out of the last item the greater portion would be repaid; a sum of £200 voted for exploration of the country eastward of Hampton Plains; and lastly, Commissariat Refunds, the amount of which was uncertain. The whole of these overdrafts he estimated at from £7,000 to £8,000. On the credit side, however, might be placed the sum of £1,000 on the Estimates for Thompson's road steamer, and a saving of £500 in connection with the stone crushers, as also the £600 voted for immigration, which would probably not be required. Any other information that hon. members might be desirous of obtaining, he would gladly afford them. He would be very happy if, between this and at the end of the year, the revenue on the colony would be so increased that there might be no need to carry on the Government, but if such had to be done it would have to be a first charge on the revenue of 1872. Having submitted his statement to the House it then remained for hon. members to come to some resolution with regard to it, and to determine what course they would pursue.

The SPEAKER, having briefly reviewed the various items of overdraft, thought that the amounts were so fairly calculated that he, for one, did not see how they were to be avoided; and, so far as he was concerned, he would vote that they be granted.

The COLONIAL SECRETARY (Hon. F. P. Barlee) expressed his satisfaction with the fair spirit in which the Speaker had met the views of the Government in the matter. He would again assure the House that the Government, in no way, desired to exceed the amounts voted in the Estimates. If there was one thing more than another upon which the members of the Government had set their heart upon it was that the Council and themselves should work together harmoniously, and hand in hand. With the leave of the House, he would submit for its affirmation a resolution to the effect that the Council, having heard the statement of the Colonial Secretary respecting the probable overdrafts connected with the Estimates of the current year, was of opinion

that there was no necessity that the Council should be convened at a later period especially to consider these overdrafts, for which they would be prepared to vote an appropriation after the expiration of the year.

After a few words from Mr. NEWMAN the resolution was affirmed.

#### ROAD BOARDS.

Mr. SHENTON, in accordance with notice, moved—

That it is the opinion of this Council that the money voted for roads for the year 1872 be distributed among the road boards according to the same ratio as the present year.

He had been informed on the previous day that this would be impossible, as certain new districts had been declared, but he contended that these districts were mere sub-divisions of the formerly defined districts, and therefore he saw no reason why the distribution should not be according to the same ratio.

Mr. LOGUE seconded the motion.

The COLONIAL SECRETARY (Hon. F. P. Barlee) pointed out how impracticable it would be to carry the proposed resolution. On the Albany Road, for instance, where the convict labor had been withdrawn, the amount that would be required to keep that line in repair would necessarily be larger than last year. If, however, the intention of the hon. member was that the money should be equitably distributed in due proportions throughout the various districts of the colony, there could be no objection to his motion.

Mr. STEERE moved, as an amendment, that the amount voted for roads and bridges for the year 1872 be distributed in each district in the same proportion as the present year.

Mr. DRUMMOND asked if there was any reason why the convicts should be called in from the Albany Road?

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that there was no reason so far as this colony was concerned, but unfortunately there was a very strong reason outside the colony. The Imperial Government had issued instructions for curtailing all possible expenses, by concentration and other economic means. He would be happy to support the motion before the House, were it practicable to carry it out.

After a few words from the SURVEYOR GENERAL, Mr. GULL and Mr. MARMION, the amendment was put, "That the amount

voted for roads and bridges for the year 1872, be distributed in each district in the same proportion as in 1871," upon which a division was called for, the result being as follows:—

Ayes ..... 7  
Noes ..... 10

Majority against 3

Ayes.	Noes.
Mr. Drummond	The Hon. M. Fraser
Mr. Logue	The Hon. R. J. Walcott
Mr. Phillips	Mr. Marmion
Mr. Steere	Mr. Newman
Mr. Munger	Mr. Moore
Mr. Gull	Mr. Brown
Mr. Shenton (Teller.)	Mr. Carr
	Mr. Russell
	The Hon. F. P. Barlee
	(Teller.)

Amendment thus negatived.

Motion agreed to.

#### SCAB-IN-SHEEP BILL.

##### Second Reading.

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

The measure was strongly opposed, and Mr. DRUMMOND moved that the Bill be read a second time this day six months.

Amendment agreed to.

#### TARIFF ACT AMENDMENT BILL.

##### Third Reading.

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

Question put, "That the Bill be now read a third time," upon which a division was called for, the result being as follows:—

Ayes ..... 10  
Noes ..... 7

Majority for 3

Ayes.	Noes.
Mr. Drummond	The Hon. F. P. Barlee
Mr. Phillips	The Hon. M. Fraser
Mr. Brown	The Hon. R. J. Walcott
Mr. Munger	Mr. Newman
Mr. Gull	Mr. Russell
Mr. Moore	Mr. Marmion
Mr. Shenton	Mr. Carr (Teller.)
Mr. Hassell	
Mr. Steere	
Mr. Logue (Teller.)	

Question thus passed.

The Bill was read a third time and passed.

#### ABORIGINAL NATIVES.

##### Select Committee Report.

The ATTORNEY GENERAL (Hon. R. J. Walcott) moved the adoption of the report of the select committee recommending the passing of an Act relating to apprentices, and also that grants of land might be made to such Aboriginal natives as were recommended by the principal of any Native Industrial Institution, upon the following conditions:—That no Aboriginal native shall be permitted to sell, transfer, or let such land, without the recommendation of the principal of a Native Industrial Institution, and the consent of the Governor, the latter to reserve the right to resume all grants to Aboriginal natives should the grantees neglect to improve or cultivate the land so granted for three consecutive years.

The report, after a brief discussion, was adopted without amendment.

#### LAND REGULATIONS.

##### Select Committee Report: In Committee.

##### Resumed debate.

Poison Lands, paragraph 1: Any person who, at the time of these Regulations coming into force, shall be in the occupation of Crown Lands which shall be proved to the satisfaction of the Commissioner of Crown Lands by survey—to be made at the expense of the lessee prior to the issue of lease, the costs of which survey shall be deposited prior to survey, at such rate as may be current in the Colony—may take up such land infested with poison, in blocks of not less than one thousand acres, for a period of twenty-one years, on payment of £1 per one thousand acres per annum; and if at any time during the term of the lease, or at its expiration, the lessee shall have fenced in the whole block with a substantial fence, and have completely eradicated the poison plant therefrom, he shall be entitled to receive the land in fee simple—

The SURVEYOR GENERAL (Hon. M. Fraser) moved that the paragraph be struck out, and the following paragraph substituted:—

It shall be lawful for the Governor in Council, on the recommendation of the Commissioner of Crown Lands, supported by such evidence as may be required to prove that the land applied for is infested by poisonous indigenous

plants, and that a proper survey has been made, to grant a pre-emptive right to such land for a term of 21 years on the following conditions:—

- (1) That no less than 1,000 acres be taken up;
- (2) That £1 be paid every year in advance for each 1,000 or fraction of 1,000 acres;
- (3) That all expenses incurred in survey and in the production of necessary evidence have been previously deposited with the Receiver of the Revenue, or paid to the parties concerned. If the land that may be so granted shall be completely fenced in with a good substantial fence, and the poisonous indigenous plants entirely eradicated therefrom, the occupier shall at the expiration of the aforesaid term of years be entitled to receive, on payment of such fees as are required by these regulations, a Crown grant. No lands held under lease or license for pastoral purposes are to be included in this provision.

Amendment put, upon which a division was called for, the result being as follows:—

Ayes .....	10
Noes .....	6

Majority for	4
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<p>Ayes.</p> <p>The Hon. F. P. Barlee The Hon. R. J. Walcott Mr. Drummond Mr. Hassell Mr. Phillips Mr. Steere Mr. Newman Mr. Marmion Mr. Moore The Hon. M. Fraser (Teller.)</p>	<p>Noes.</p> <p>Mr. Shenton Mr. Monger Mr. Brown Mr. Russell Mr. Gull Mr. Logue (Teller.)</p>
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Amendment thus passed.

Mr. LOGUE moved that the words "or license" at the end of the substituted paragraph be struck out.

Amendment put, "That the words 'or license' be struck out," upon which a division was called for, the result being as follows:—

Ayes .....	4
Noes .....	10

Majority against	6
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Ayes.

Mr. Shenton  
Mr. Brown  
Mr. Moore  
Mr. Logue (Teller.)

Noes.

The Hon. F. P. Barlee  
The Hon. R. J. Walcott  
Mr. Phillips  
Mr. Drummond  
Mr. Marmion  
Mr. Gull  
Mr. Russell  
Mr. Monger  
Mr. Steere  
The Hon. M. Fraser  
(Teller.)

Amendment thus negatived.

New paragraph agreed to.

Poison Lands, paragraph 2: Any unoccupied lands which shall be proved to the satisfaction of the Commissioner of Crown Lands, by such evidence as may be required, to be infested with the poison plant, may be taken up in blocks of not less than one thousand acres, for a period of twenty-one years, on payment of £1 per one thousand acres per annum; and if at any time during the term of the lease or at its expiration the lessee shall have fenced in the whole block with a substantial fence, and have completely eradicated the poison plant therefrom, he shall be entitled to receive the land in fee simple, on payment of the expenses of survey.

The SURVEYOR GENERAL (Hon. M. Fraser) moved that the paragraph be expunged.

Amendment agreed to.

New regulations—

Mr. DRUMMOND moved the insertion of the following new regulations:—

In any unoccupied waste lands known to be infested with poison plants, and which is proved to be so to the satisfaction of the Commissioner of Crown Lands, by good and sufficient evidence, any person may obtain a lease of the same for a period of 21 years, at the rate of 2s. 6d., per 1,000 acres; but in no case shall the rent paid for such lands amount to a less sum than £1; provided that any such lease shall determine on application made to lease the land in it under the next preceding section.

After a brief discussion, the new regulations were agreed to.

Progress reported, and leave obtained to sit again.

The Council adjourned at 9.30 p.m.