

here introduced some important measure upon which there might be wide differences of opinion, nobody could question these two unofficial members of the Executive as to their part in the matter: nobody could bring them to account. The House would not think of making scapegoats of these two members, or to condemn them in any way, for it might be that their action in the Executive was such as, if it could be divulged, would be found to be quite in harmony with the feeling of the majority in that House. On the other hand, their action as members of the Executive might have been such as to have been entirely opposed to the views of the majority in the House, but the House could not take them to task for it, as it would be quite in the dark as to what view they had taken of the matter in the Executive. It was therefore absurd to say that these two members would be responsible to the Legislature. It seemed to him that they were asked to turn two of their members into that Executive to be responsible to nobody, and who would be absolutely without responsibility. That was such a grossly illogical proposition, such a ridiculously illogical change, that for his own part he could not imagine how any member who had any idea of what was due to constitutionalism could ever think of voting for it.

THE COLONIAL SECRETARY (Hon. M. Fraser) said, if no other member intended rising, he should like to make a few remarks. He thought himself it was a pity that hon. members at this stage should have addressed themselves to this question at such length and with such earnestness. There was really nothing yet before the House to call forth these addresses, and those who spoke on the subject were in the position of a preacher speaking without a text, or of a mathematician attempting to solve a problem before it was set. Hon. members were aware that His Excellency proposed to address the House on the subject by message—they were told so by the Governor in his Speech—and that the whole question would be placed before them, with His Excellency's own views on the subject. He therefore thought it was premature at this stage to discuss the proposition at all, and he thought it would have been better if

those hon. members who, like the hon. member for Perth, had spoken with so much vehemence on the subject, had restrained themselves until they had at any rate a text to preach upon. He did not intend at present to refer to any other matter touched upon in the course of the debate; ample opportunity would be given them for discussing all these matters in due course. He only hoped, in conclusion, that their deliberations would be attended with good to the colony, and that the feeling of unanimity which had generally characterised the debate upon the Governor's address would also characterise all their proceedings, throughout the session.

The question was then put—That the report as read be adopted—which was agreed to; and it was resolved that the Address-in-Reply be presented to His Excellency on July 28th.

The House adjourned at a quarter-past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 27th July, 1885.

Eastern Railway Loan: Unexpended balance—Free Passes on Railways to Members of the Legislative Council—Message (No. 1): Appointment of two Unofficial Members of the Executive Council—Message (No. 2): Defence of King George's Sound and Fremantle—Message (No. 3): Land Regulations—Message (No. 4): Indemnification for War Losses—Message (No. 5): Miss Barlee's proposal for Training Home for Girls—Message (No. 6): Mr. Lempriere's proposal for the establishment of Ostrich Farming—Message (No. 7): Forwarding report of Sanitary Commission—Message (No. 8): Proposal of Mr. Geo. Smith, of Queensland, for the establishment of the Sugar Industry—Message (No. 9): Water-Boring, Eucla District—Law and Parliamentary Committee: Appointment of Unofficial Member—Explosives Bill: first reading—Brands Act Amendment Bill: second reading—Bush Fires Bill: second reading—Excess Bill, 1884: second reading—Appointment of Chairman of Committees—Dog Act Amendment Bill: in committee—Adjournment.

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

PRAYERS.

EASTERN RAILWAY LOAN (3RD SECTION): UNEXPENDED BALANCE.

MR. SHENTON, in accordance with notice, asked the Engineer-in-Chief to place upon the table a return showing the estimated liabilities against the unexpended balance of £23,788 3s. 7d.—the amount remaining to the credit of the Eastern Railway Loan, on the 1st July, 1885.

The return asked for was furnished. (*Vide* "Votes and Proceedings," p. 15.)

FREE PASSES ON RAILWAYS TO MEMBERS OF COUNCIL.

MR. GRANT, with leave, withdrew the motion standing in his name—that, in the opinion of the House, it was desirable that the members of the Legislative Council should be provided with free passes on the railways of the colony.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): The hon. member having withdrawn his motion, I may state that I had this morning a consultation with His Excellency the Governor, which resulted in his authorising me to grant free passes to the members of the Legislative Council. I have therefore had temporary passes prepared, which will be available for hon. members until the permanent ones can be got ready. Meanwhile I must ask hon. members to furnish me with their photographs, as, following the example of the French Senate and Legislative Chamber, I propose to have these passes made with the photograph of the holder upon them, which will serve not only to embellish the passes, but also to distinguish them from those that may be given to ordinary persons.

MR. PARKER asked the hon. gentleman whether the same privilege as regards free passes would be extended to members of the Legislatures of the other colonies visiting Western Australia?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): Yes, sir; any distinguished visitor coming here from the neighboring colonies will be received with the same amount of courtesy as is shown towards the members of this House, and other distinguished persons from Western Australia when visiting those colonies.

MESSAGE (No. 1): PROPOSAL TO APPOINT TWO UNOFFICIAL MEMBERS OF THE EXECUTIVE COUNCIL.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to bring before the Honorable the Legislative Council the question of the appointment of two unofficial members of the Executive Council.

"2. This subject was referred to as follows, in the Speech with which the Governor opened the Session:—

"The important questions of all kinds now demanding my attention, lead me to desire the assistance of the two unofficial members of the Executive Council contemplated by the fourth clause of the Royal Instructions under which I administer this Government.

"It not only appears that these two additional members of the Executive may, here as elsewhere, most usefully be selected from Your Honorable Council, but that one principal object in view, namely, an increase of the influence and participation of the people of the Colony in its government under the present Constitution, will be best served by the appointment of two gentlemen recommended to me by yourselves. I shall accordingly ask you at an early date to favor me, should you approve of the proposal, with the names of the two members of Your House whom you would prefer to see added to the present Executive Council. In communicating with you on the subject, I shall further explain what is intended."

"3. Referring to some objections which have been raised in the public press to the proposal thus put forward, the Governor wishes it to be understood that it is not regarded by him as a government measure which it is his duty to press upon the Legislature. It is offered as a popular concession, with the object of strengthening the counsels of the Government by sharing them with two leading colonists, and of promoting the satisfactory working of the present constitution, so long as it lasts. If, from any reason which the Governor cannot at present comprehend, a majority of the Legislature, even excluding the four official members,

"should not think it expedient to bring into practice, here, the constitutional principle of unofficial members of the Executive Council, the appointments will not be proceeded with at present. Desiring solely to promote the efficiency of the administration, the Governor will now explain the matter fully to your Honorable Council.

"4. It may be useful, in the first instance, to refer to the Colony of Natal, the constitution of which resembles that of this Colony, and where the Executive Council has long included two unofficial members. On reference to the Colonial Office List, it will be seen that the constitution of Natal was modified by Royal charter for this purpose in the year 1869, and that 'two members of the Legislative Council are elected members of the Executive Council.'

"5. Since the year 1869, the composition of the Natal Legislative Council has several times been changed, and it has in turn consisted of four official and twelve elected members; of five official and fifteen elected members; of five official, eight nominated, and fifteen elected members; and of seven official and twenty-three elected members.

"6. Under these successive changes, the principle of an unofficial element in the Executive Council, chosen from the Legislature, has been adhered to, and regarded as beneficial. As your Honorable House is aware, the Governor formerly held office in Natal; and has therefore had experience of the working of the arrangement in question, which was, and is, a valuable amelioration of a constitution very similar to, and in one of its phases almost identical with, that of our own Colony.

"7. On assuming this Government, two years ago, the Governor found that the constitution of Western Australia provided for two unofficial members of the Executive Council, but that the power to appoint them had not been exercised.

"8. Having considered the matter, and conferred with Her Majesty's Government, the Governor informed Your Honorable House, by his Message No. 15 of the 1st of August last, that, 'in view of the very important questions now requiring the careful and united

"consideration of the Government and 'Legislature of the Colony,' he had decided, subject to Her Majesty's approval, to appoint one unofficial member of the Executive Council. This was accordingly done, and the Governor confidently states that the satisfactory settlement of the weighty and difficult business which occupied Your Honorable House during last Session was due, in no small measure, to the manner in which Mr. Steere, the gentleman appointed to the Executive Council, placed the Governor in possession of his own views and those of the elected members.

"9. Perceiving the valuable result of an appointment to one of the unofficial seats in the Executive Council, the Governor, while recently in London, consulted with Her Majesty's Government respecting the expediency of filling up the second seat, and obtained the necessary authority for doing so, in the manner now contemplated.

"10. The general elections have recently taken place in this Colony, and the question of Responsible Government has been fully submitted to the constituencies, with an indecisive result. It seems the prevailing opinion that the present constitution will have a further term, the duration of which must depend on circumstances which cannot be foreseen. As he stated on a public occasion, it is the Governor's desire to make the short period yet to pass before West Australians can take over the whole management of their affairs as tolerable and acceptable to the people as possible, by interpreting and working the present constitution in a liberal way, to the very utmost extent compatible with good government, and it naturally appears that one step which may be taken, with this object, is to give effect to an arrangement which has not only been made with advantage under the similar constitution of Natal, but which already, though not put in force, forms part of the actual constitution of this Colony, that is, to appoint two unofficial members to the Executive Council.

"11. Mr. Steere, in accordance with an arrangement previously made, having tendered his resignation on the 23rd ultimo, the Governor has accepted it,

"and is therefore in a position to make the present proposal for filling the two unofficial seats at his Council board.

"12. It is scarcely necessary to discuss the benefit which will accrue to the administration, to Your Honorable House, and to the Colony at large, by the appointment to the Executive Council, subject to Her Majesty's pleasure, of two gentlemen designated, in the first instance, by your vote. Though the power of appointment is vested by the Royal Instructions in the Governor, subject to Her Majesty's approval, he has the undoubted right to consult Your Honorable House in this as in any other matter, and, the main object being to place the Executive in ready touch of the views of the Legislative Council and of the community at large, the advantage of his doing so is obvious.

"13. It cannot be too clearly understood that the oath and duties of an unofficial Executive Councillor do not interfere in any way whatever, and are not in any way incompatible, with the independence, or with the duties towards his constituents, of a member of Your Honorable House. So far as the Governor is aware, no such interference or incompatibility has ever been noticed to exist in the other Colony which has been mentioned, and there is no reason why it should occur in Western Australia. An unofficial seat in the Executive Council does not lay its holder under any obligation to support the Government. Should an unofficial Executive Councillor find himself thoroughly out of harmony with the Governor's policy, he would probably think fit to resign his seat in the Executive, and the Governor has known this to happen. But, whether in the Executive or Legislative Council, the voice and the vote of an unofficial Executive Councillor are free, subject only to the restraint of an oath which does no violence to his other duties. This oath binds him 'to the best of his judgment, and at all times when thereto required, freely to give his advice and counsel to the Governor for the good management of public affairs; not to reveal matters debated in council and committed to his secrecy; and to be in all things a true and faithful Councillor,' an obligation

"which is not inconsistent with any other political duty or position whatsoever.

"14. In order that the representative character of the proposed appointments may not become obsolete, the Governor would make them on the understanding that the holders will resign whenever the Legislative Council may be dissolved. Your Honorable House would thus have, from time to time, an opportunity of reconsidering your recommendations in the matter.

"15. The Governor now requests Your Honorable House, should you approve of what is proposed, to favor him with the names of two of your number whom you would prefer to see added to the present Executive Council.

"Government House, Perth, 27th July, 1885."

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that the Message be taken into consideration on the following Friday, which was agreed to.

MESSAGE (No. 2): DEFENCE OF KING GEORGE'S SOUND AND FREMANTLE.

MR. SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor, with reference to the fifth paragraph of the Speech with which he opened the Session, to transmit, herewith, for the consideration of the Honorable the Legislative Council, two Despatches, as named in the margin,* which he has received from Her Majesty's Government, respecting the measures to be taken for the defence of King George's Sound and the town and port of Fremantle, in case of war.

"2. It will be seen that the action advised as regards King George's Sound is of a federal nature, and will require the concurrence of the other Colonies interested. The Governor has caused a telegram to be addressed to each Government, requesting early consideration of the matter. When the replies are received, the Governor will further communicate with Your Honorable House.

* Secretary of State to Governor, Nos. 43 & 44, dated 12th June, 1885—See Printed Papers Nos. 30 and 31.]

"3. As regards Fremantle, it will be seen that a first charge of from £3,000 to £4,000 will fall on this Colony if the proposals of Her Majesty's Government be accepted. There would be also an annual charge, in connection with the care and maintenance of the guns, and the provision of proper instruction in drill. The volunteers would be able to provide artillerymen for working the guns, but a nucleus of a few trained men would probably be required.

"4. The Governor recommends the proposals of Her Majesty's Government in this important matter to the favorable consideration of the Legislature; and he would advise the immediate acceptance of the scheme for the port of Fremantle, in order that, as suggested by the Right Honorable the Secretary of State, a telegram may be sent, and the guns and ammunition at once shipped.

"Government House, Perth, 27th July, 1885."

The consideration of His Excellency's Message was made an order of the day for August 3.

MESSAGE (No. 3): LAND REGULATIONS.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to request the advice of the Honorable the Legislative Council on the important subject of the Land Regulations of the Colony.

"2. This subject was mentioned in the 14th paragraph of the Speech with which the Governor opened the Session, as follows:—'The approaching expiry of many of the Central District Pastoral Leases, and representations deserving of attention which I have received from various quarters, and which will be laid before you, appear to render it expedient that the Land Regulations of the Colony should now be examined, in order that it may be settled on what terms the existing leases shall be renewed, and in order also that it may be considered whether any amendment be advisable in the present method of alienating the Crown Lands under special occupation licenses or otherwise. I shall address

"you separately on this very important matter, in the arrangement of which you will no doubt desire that vested interests should be accorded the weight that is proper, and that is compatible with the welfare and progress of the whole community."

"3. The representations alluded to in the above extract have been printed and are transmitted herewith. An important paper giving the full views of the Surveyor General and Commissioner of Crown Lands is also enclosed, and deserves attention as the outcome of the experience of the Head of the Lands Department.*

"4. The most pressing matters necessary to be determined are, the conditions to be attached to the renewal of pastoral leases in different parts of the Colony, and the modifications which have been urged in the terms of special occupation licenses.

"5. The Surveyor General proposes that the land system of the Colony should be completely altered. It may, perhaps, be doubted by some whether survey before selection and agricultural areas are within the means of the Government, or altogether suitable to the conditions of the Colony; but the Governor remits the entire matter, in the first instance, to the free and full consideration of Your Honorable House.

"6. The only opinion which the Governor would express at present, is, that it seems to him to be impolitic to disturb the Land Regulations oftener than is absolutely required, and that therefore the whole question should now be considered, and, if possible, settled for some years to come. This of itself would be a work sufficient to distinguish a Session of the Legislature.

"Government House, Perth, 27th July, 1885."

[* See Printed Paper No. 29.]

The consideration of the Message was fixed for July 29.

MESSAGE (No. 4): INDEMNIFICATION FOR WAR LOSSES.

MR. SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to transmit, herewith, for the consideration of

"the Honorable the Legislative Council, "a circular letter,† dated 6th of May "last, from the Colonial Secretary of New "South Wales, with an enclosure from "the Naval Commander-in-Chief of the "Australian Station, on the subject of "a general indemnification by all the "Australian Colonies for loss or injury "to any one particular colony from the "attack of a foreign enemy in time of "war.

"2. The proposal put forward with "such able argument and in such stirring "words by Admiral Tryon, and so strongly "supported by the New South Wales "Government, appears to the Governor "to be of particular value to this Colony, "and the Governor would be glad to "learn that it had been agreed to by "Your Honorable House, on the under- "standing that it shall be also adhered "to by all the other colonies concerned, "and that any contribution under the "agreement shall be reckoned on the "basis of population, and shall not exceed "a certain maximum amount.

"Government House, Perth, 27th July, "1885."

[† See Printed Paper A 2.]

The consideration of the Message was made an order of the day for August 5.

MESSAGE (No. 5): MISS BARLEE'S PRO-
POSAL *re* TRAINING HOME FOR GIRLS.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to "enclose, herewith, for the consideration "of the Honorable the Legislative "Council, a letter‡ from the Crown "Agents for the Colonies in London, "dated the 2nd of April last, with an "enclosure from Miss Barlee, advocating "the establishment in this Colony of a "Training Home for Girls, to be intro- "duced from England with the object of "supplying the demand for respectable "female servants.

"2. The Governor has no doubt of the "benefits which would accrue to the "Colony from such an institution, pro- "perly established and conducted, here "and in England, but he fears the ex- "pense would be considerable, and it

"seems a question whether it is within "our means at the present time.

"Government House, Perth, 27th July, "1885."

[‡ See Printed Paper A 3.]

The consideration of the Message was fixed for July 30.

MESSAGE (No. 6): MR. LEMPRIERE'S
PROPOSAL *re* OSTRICH FARMING.

MR. SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to con- "sult the Honorable the Legislative "Council upon the subject of the enclosed "application,|| dated the 10th of Decem- "ber last, from Mr. Everard Lempriere, "a gentleman who is desirous of estab- "lishing Ostrich Farming in this Colony.

"2. Mr. Lempriere requests some fur- "ther encouragement than the Governor "can offer him without asking the advice "and concurrence of the Legislature, and "obtaining the authority of the Right "Honorable the Secretary of State for "the Colonies.

"3. The Governor would suggest to "Your Honorable House that Mr. Lem- "priere might be offered a free grant of "5,000 acres of Crown Land, in a suitable "locality to be approved by the Govern- "ment, subject to the condition that the "land be not absolutely conveyed to him "until there shall be on his farm or "farms two hundred and fifty pairs of "full grown ostriches. The concession to "be void and of no effect if no ostriches "shall have been introduced within three "years, or if the stipulated number be "not reached within ten years, or if, at "any time after five years, the number of "ostriches be less than fifty pairs.

"4. The Governor has reason to believe "that Mr. Lempriere will agree to these "terms, and will carry out his operations "in a *bonâ fide* manner.

"Government House, Perth, 27th July, "1885."

[|| See Printed Paper A. 4.]

The Message was ordered to be taken into consideration on July 29.

MESSAGE (No. 7): REPORT OF SANI-
TARY COMMISSION.

MR. SPEAKER informed the House that he had received the following Mes- sage from His Excellency the Governor:

"The Report of the Commission appointed to inquire into the Sanitary Condition of the city of Perth and the town of Fremantle, has been laid before the Honorable the Legislative Council, and is in the hands of members.*

"2. The Governor is of opinion that the recommendations contained in the Report should, as far as possible, be acted upon.

"3. One of the first steps necessary would be the framing of a law constituting a Central Board of Health.

"4. It will be requisite to provide for the proper inspection and removal of nuisances, and for the introduction of the dry-earth system in localities to be determined by some authority having power to enforce its decisions.

"5. Before proceeding in the matter, the Governor will be glad to learn the views of the Legislature.

"Government House, Perth, 27th July, 1885."

[* See Printed Paper No. 20.]

The consideration of the Message was made an order of the day for July 28.

MESSAGE (No. 8): MR. GEO. SMITH'S SCHEME FOR THE ESTABLISHMENT OF THE SUGAR INDUSTRY.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to transmit, herewith, for the consideration of the Honorable the Legislative Council, a letter† received from Mr. George Smith, of Mackay, in the Colony of Queensland, proposing a scheme on an extensive scale for the establishment of the Sugar Industry in the tropical northern territory of Western Australia.

"2. The Governor is of opinion that some increased efforts might perhaps be made by this Government for the utilisation of the lands in the Kimberley District which are presumed to be capable of producing the sugar-cane, but he does not think that any scheme should be framed with the view of specially attracting the immigrants from Queensland described by Mr. Smith.

"3. The Legislature are invited to consider whether it may not be advisable to approve of some more liberal inducement than is at present held out

"to sugar cultivators in the district mentioned, leaving any capitalists to take advantage of the terms offered who are in a position to do so.

"4. There would probably be no difficulty in obtaining the consent of the Indian Government to Coolie emigration, under proper law and supervision, to the Kimberley District, and it might be well to communicate on the subject with that Government, in order that the prospects of a sugar industry in the district might be ascertained and made known.

"Government House, Perth, 27th July, 1885."

[† See Printed Paper A 5.]

The consideration of the Message was fixed for July 30th.

MESSAGE (No. 9): WATER-BORING, EUCLA DISTRICT.

MR. SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"With reference to the enclosed application‡ from the Western Australian Pastoral Association of Sydney, Limited, for assistance towards Water-boring in the Eucla District, the Governor requests the Honorable the Legislative Council to consider whether it may not be well to expend the sum of £3,000, set apart under the head 'Boring for Water' in the schedule to the Loan Act of 1884, in assisting private effort in sinking for water in the Eucla District.

"2. The Governor would be glad to learn the precise terms the Council would advise, should the application otherwise meet with their support.

"Government House, Perth, 27th July, 1885."

[‡ See Printed Paper A 6.]

The Message was ordered to be considered on July 30th.

LAW AND PARLIAMENTARY LIBRARY COMMITTEE.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in accordance with notice, moved that the House do appoint one of its unofficial members to be a member of the Law and Parliamentary Library Committee. Last session, towards the close of it, the House appointed

the hon. member opposite (Mr. Brown) to be a member of the Library Committee; but a few days afterwards, owing to a dissolution of the Council, the hon. member ceased his connection with the Library, and the Chief Justice and himself (the Attorney General) were sorry to be deprived of his assistance; and, should it be the pleasure of the House to nominate the hon. member again, they would be very glad to have him on the Committee.

MR. STEERE said if the opinion just given by the Attorney General was a correct one,—that the hon. member for the Gascoyne ceased to be a member of the Library Committee when the Council was dissolved—then he thought the Act ought to be amended, so that the Committee should never be without an unofficial member of that House represented upon it. He was doubtful himself whether the hon. member for the Gascoyne *had* ceased to be a member of the Library Committee. He noticed that the Act said: "The Chief Justice and the Attorney General for the time being, or such two other officers as the Governor may appoint, shall, together with one unofficial member of the Legislative Council, to be appointed in that behalf by the said Council from time to time, form the Law and Parliamentary Library Committee." The Act did not go on to say that if the Council should be dissolved the unofficial member became *functus officio* as a member of the Library Committee; and he thought it was a pity, if the Attorney General was of opinion that such would be the case, that he did not point it out to the House last session—in view of the fact that the Council was about to be dissolved—so that the Library Committee should not be without an unofficial member of that House upon it all this time. He thought it was very desirous indeed that the Act should be amended; so that, in the event of a dissolution, the unofficial member should still retain his seat on the Library Committee, until the new Council had an opportunity of confirming the appointment, or of appointing somebody else.

MR. BROWN said the House did him the honor last year of electing him a member of this Committee, and if, as the hon. member Mr. Steere thought, the law did not contemplate that he should resign upon a dissolution of the Council,

an apology was due from him for not having attended the meetings of the Committee. But the Attorney General had pointed out to him in a very kindly manner that according to the law it seemed he was no longer a member of the Committee, the Council having been dissolved. In the case of the Finance Committee, it was specially provided by law that, notwithstanding a dissolution of the Council, the members of the Finance Committee should continue to be members until the next session of Council. With this explanation, he might say that he perfectly agreed with the hon. member Mr. Steere that, if the contrary was the case with regard to unofficial members of the Library Committee, it was very desirable they should have an amendment of the Act, making the same provision as regards continuing in office as applied to members of the Finance Committee.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the hon. member, Mr. Steere, had alluded to the decision which the Chief Justice and himself (the Attorney General) had come to with reference to this matter, and the hon. member said he had grave doubts as to the soundness and the legality of that decision. He was glad to find that the hon. member, whom he had always found very confident in his opinions, had now arrived at that stage when he had doubts, and that the hon. member was not quite sure that upon a point of law the Chief Justice and himself (the Attorney General) had arrived at a wrong decision. He did not intend to give any reason for the opinion which the Chief Justice and himself had arrived at,—though possibly it might remove the doubts on the hon. member's mind; but, when the hon. member said that he (the Attorney General) ought to have known this before the session closed, last year, and that he ought to have informed the House of the possibility of such a contingency arising, he might state that at that time neither he nor the hon. member himself knew that the House would have been dissolved when it was dissolved. The House need not necessarily have been dissolved for some time longer, and the hon. member gave him credit for more prescience than he possessed. He would now leave the hon. member in that state of doubt which he was glad to find

him in. With regard to the hon. member opposite, the leader of the Opposition, he had no wish whatever to move that the House should re-appoint him, further than to say this—which he was pleased to have an opportunity of saying on the part of the Chief Justice and himself—that it would give them the greatest pleasure to receive the hon. member as a member of this Committee.

MR. MARMION then moved that Mr. Brown be appointed an unofficial member of the Law and Parliamentary Library Committee.

This was agreed to, *nem. con.*

EXPLOSIVES BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the first reading of a Bill to consolidate and amend the law with respect to the manufacturing, importing, keeping, carrying, and selling of Gunpowder and other Explosives and Dangerous Substances.

Motion agreed to.

Bill read a first time.

BRANDS ACT AMENDMENT BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved the second reading of a bill to amend the law relating to the branding of live stock. He said he was not aware that it was necessary for him to say more than to draw the attention of the House to the preamble of the bill, which explained its purpose, namely, to amend the Brands Act, so as to include camels, goats, and pigs within its provisions. With this observation he begged to move that the bill be now read a second time.

MR. BURT said he had an amendment to propose, namely, that the bill be read a second time that day six months. He did not know whether hon. members had given any attention to the bill, but it seemed to him a very small matter indeed. Its object was to amend an Act consolidating the law on the subject of branding live stock, an Act which had only been in operation three or four years, and which was again amended two years ago. They were now asked to tinker it again, and for what purpose? Because, he believed, some gentleman or other had introduced a camel into the country;

and, the Government having nothing to do in the shape of legislation, had started to brand this camel. He knew a gentleman in that House who purposed introducing a donkey, a four-legged donkey, into the colony next year, and the probability was they would then have to amend the bill again, so as to enable the Government to brand that donkey. Now, really, was it necessary to brand camels in this colony? Why, we did not know what a camel was until a few years ago, when a few of them came over with an exploring expedition from South Australia. He believed the contractor for the Roebourne telegraph line had since then introduced a few camels for transport purposes, and the House was now asked to legislate on the subject, and to put all the machinery of the law in motion in order to enable the Government to brand these few camels. He would ask the House what was the use, what was the object of branding live stock? Was it not simply to enable the owners to keep an eye upon them, and, in the event of their straying, to have them identified? But, seeing that there were not more than half a dozen camels in the whole colony, and that they all belonged to one and the same person, what was the use of branding them, what was the use of this bill? Passing on to another section of the bill, he observed it was contemplated to brand and earmark goats and pigs. Surely if there was any necessity to brand and earmark goats and pigs, it would have occurred to some hon. members of the House to have suggested it when the law on the subject was consolidated four years ago. What would be the effect of clause 4? Why, that all our pigs and goats would have to be wool-marked in the same manner as sheep.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): The hon. member is wrong. The hon. member has not read the clause.

MR. BURT (after glancing at the bill) said he begged pardon; the bill was certainly not quite so foolish as he thought it was. But really was there any necessity for such a bill? Was the time of the House to be taken up in legislating for the branding of camels, goats, and pigs, and in disturbing an Act that had been consolidated only four years ago, when the whole subject received the fullest

consideration which the collective wisdom of that House could give it.

MR. BROWN said he thought it would have been a pity if, when they were considering that Act four years ago, some hon. member had proposed that its provisions should apply to goats and pigs; for the result in that case would probably have been that the very useful provision dealing with the registration of sheep brands now on the statute book would not have become law, as the whole bill would have been ridiculed, if its provisions had been made applicable to goats and pigs. He looked upon the present bill as a proof that the Act referred to, and especially that provision of it applying to the registration of brands as regards sheep, had worked well, and that it was desired by some persons—for the Government, as a rule, did not move in these matters unless they were desired to do so—that it was desired by some persons that the same facilities should be afforded them for protecting their property in goats and pigs as the sheepowner had for protecting his property in sheep. If the bill only applied to camels, he should have said there was no necessity for it,—no necessity to interfere with the Act already in force; but, while they were about it, and as there were camels in the colony, he thought they might as well make the bill apply to camels as well as to goats and pigs. As regards goats and pigs, there were parts of the colony—the Greenough and Dongarra, for instance—where there were a large number of these animals running about together, and frequently disputes and litigation occurred simply because there was no provision in the present Act dealing with the branding of goats and pigs. The bill should certainly have his support.

MR. GRANT thought there was very good reason for bringing in this bill. Our conditions had very much altered since 1882, when the Act now in force was passed. We had camels in the country now, which we had not then, and we were likely to have more. No doubt many would be brought over to the Kimberley district, where they would be very useful for carrying purposes, in the same way as they had been found in the Northern Territory of South Australia.

The motion for the second reading of the bill was then put and passed.

BUSH FIRES BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser), in moving the second reading of a bill to diminish the dangers resulting from bush fires, said he felt this was a useful bill, and he thought all who had read it would agree as to the desirability in the first place of allowing some latitude to the Governor to decide from time to time at what period of the year it shall be lawful to set fire to the bush, in various parts of the colony. In a vast territory like ours, embracing many climates, it might be expedient to burn the bush in one part while it would be manifestly inexpedient and dangerous to burn it in another part. The season that would suit the southern portion of the colony would not suit the northern portions of the colony, within the tropics; and in response to numerous representations made on the subject to the Government, this bill was now brought forward. He thought it was a bill that would commend itself to every hon. member, and especially to country members. The main provision of the bill was to be found in the clause which gave the Governor discretionary power to determine the time of the year when setting fire to the bush would be permissible. The remaining clauses were of a penal character, providing certain penalties for infringements of the law.

The bill was read a second time without discussion.

EXCESS BILL, 1884.

THE COLONIAL SECRETARY (Hon. M. Fraser), in moving the second reading of a Bill to confirm the expenditure for the services of the year 1884, beyond the grants for that year, said hon. members were already in possession of papers giving the details of the expenditure incurred, and hon. members would see how careful the Government had been of the requirements of the Audit Act, and that in no instance, he thought he was right in saying, had any expenditure been incurred, outside that sanctioned by the House, without the Government in the first instance securing the advice of the Finance Committee. Looking at the small sum which the bill covered (£724 17s. 1d.) compared with some previous Excess

Bills—he remembered having to bring in an Excess Bill some years ago for £23,000 or £24,000—he thought all hon. members would agree that the Audit Act had been indeed a very useful measure.

The bill was read a second time, *sub silentio*.

ELECTION OF CHAIRMAN OF COMMITTEES.

THE COLONIAL SECRETARY (Hon. M. Fraser): I rise, Sir, for the purpose of proposing that the hon. member for Albany, whom we have known now for several years, and who during two or three Councils past filled the office of Chairman of Committees, to the satisfaction, I venture to say, of every hon. member of this House—I rise, Sir, to propose that Sir Thomas Cockburn-Campbell be again appointed Chairman of Committees.

MR. BROWN: I have the greatest pleasure in seconding the nomination. We have seen how ably and conscientiously the hon. member for Plantagenet has discharged the duties of the office in the past, and any comment on my part on the present occasion would be superfluous.

The motion was agreed to, *nem. con.*

SIR T. COCKBURN-CAMPBELL thanked hon. members for the kind terms in which they had proposed and seconded his appointment. He could only say that, if the House desired it, he should continue in the position which he had occupied in the past.

DOG ACT AMENDMENT BILL.

The House then went into committee on this bill.

Clause 1—Time of registering dogs extended to 30 days:

Agreed to, without comment.

Clause 2—Penalty for non-registration:

Agreed to, without discussion.

Clause 3—Saving clause:

MR. BROWN moved that progress be reported, in order that some amendments of which the hon. member for Geraldton had given notice might be printed.

This was agreed to.

Progress reported.

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

LEGISLATIVE COUNCIL,

Tuesday, 28th July, 1885.

Instruction to Crown Agents re Immigration—Return re Destruction of Wild Dogs—The Address in Reply: Presentation of, to the Governor—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

INSTRUCTION TO CROWN AGENTS RE IMMIGRATION.

MR. STEERE, in accordance with notice, asked the Colonial Secretary to lay on the table a copy of the instructions sent by the Board of Immigration to the Crown Agents, empowering them to select a number of emigrants, other than nominated emigrants, to make up the full complement of 500, which it was intended to introduce during the year, in accordance with the report of the Board presented to the House last session.

THE COLONIAL SECRETARY (replying some days afterwards) said: No instructions were sent to the Emigration Agency in London to select and forward the complement of 500 immigrants intended to be introduced in 1884, because although only 351 immigrants, equal to 290½ statute adults, arrived during last year, there were no less than 787 nominations approved by the Immigration Board in the hands of the London Agency.

DESTRUCTION OF WILD DOGS.

MR. STEERE, in accordance with notice, asked the Colonial Secretary to lay upon the table a return of the number of wild dogs which had been destroyed since the coming into force of "The Dog Act, 1883," in each district of the Colony, and the amount of money paid for their destruction.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the return asked for would be supplied as soon as it could be made out.

PRESENTATION OF THE ADDRESS IN REPLY.

At half-past twelve o'clock, p.m., the Council adjourned, and hon. members proceeded to Government House to present the Address in Reply to His Excellency's Speech, and, upon the House re-assembling,—