

LEGISLATIVE COUNCIL,

Friday, 8th August, 1879.

Lands in the North-West District—Messages from His Excellency the Governor: Nos. 1, 2, and 3—Importation of Foreign Stock—Gun Licensing Bill: first reading—District Roads Board Audit Bill, 1879: first reading—Grants to Roads Boards—Scab in Sheep Bill: first reading—Central Road Board—Tenders on account of Roads Loan—Adjournment of the House—Duties of the Superintendent of Roads—Administration of Wild Cattle Nuisance Act—Facilities in looking for Strayed Stock—Customs Ordinance Amendment Bill—Adjournment.

THE SPEAKER took the Chair at seven p.m.

PRAYERS.

RETURN OF LAND APPLICATIONS IN THE NORTH-WEST DISTRICT.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) laid on the Table the return asked for by Mr. Shenton, showing the number of applications made, with the acreage in each case, for all lands applied for in the North-West district, between the De Grey and Fitzroy Rivers, since the 1st January, 1879. The hon. gentleman in presenting the return said it did not disclose the names of the several applicants, for the obvious reason that it might prejudice their claims, but he assured the House that the list did not embrace the name of any Government Officer, or of any Official connected with the Government.

MESSAGE (No. 1) FROM HIS EXCELLENCY THE GOVERNOR.

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

"The Governor has the honor to acknowledge the receipt of the following addresses from your Honorable Body:

"No. 1.—Praying that His Excellency will be pleased to make provision for the pay of the military officer appointed A.D.C. to the Governor.

"No. 2.—Praying that His Excellency will place on the Estimates a sum, not exceeding £1,000, to ensure the products of the Colony being properly represented at the forthcoming Exhibition, to be held at Melbourne, in 1880.

"No. 3.—Praying that His Excellency will be pleased to direct certain returns, therein mentioned, to be laid on the Table of the House.

"No. 4.—Praying that His Excellency will be pleased to furnish the House with all particulars and correspondence relating to the payment of £500 to Sir P. C. Owen.

"No. 5.—Submitting that it is desirable that a copy of *Hansard*, the Votes and Proceedings of the Council, and the Blue Book, should be gratuitously supplied by the Government to each and every Mechanics' or Literary Institute or Public Reading Room in the Colony.

"The Governor has the honor to inform your Honorable House in reply, to Nos. 1, 2, and 5.—That His Excellency has much pleasure in complying with the request of the Council.

"No. 3.—With respect to return A, His Excellency deems it right to remind your Honorable House that, as pointed out in his opening speech, the accounts of the Colony have not been kept in such a manner as will allow of the balance sheet sought for being at once obtained from them. A careful analysis of these accounts, extending over several years, will be necessary for the purpose. Such an analysis will however supply, in addition to the particulars now required, an exact statement of the financial position of the Colony at fixed periods, and will explain when and under what circumstances the balance, which it at one time possessed, has resulted in the deficit now found to exist.

"Under ordinary circumstances it would be the duty of the Government to undertake such an investigation without delay, but before doing so, His Excellency thinks it his duty to enquire whether, in the opinion of your Honorable House, it would not be more satisfactory to the public that it should be carried out by a Select Committee of your Honorable Body.

"Returns B, C, D, and E will be furnished.

"As to return F.—His Excellency regrets that he is unable to furnish the return in question, as the contractor is still preferring a claim in respect to his contract.

"No. 4.—This will be supplied.
"Government House, Perth, 8th
"August, 1879."

MESSAGE (No. 2) FROM HIS EXCEL-
LENCY THE GOVERNOR.

MR. SPEAKER also announced the receipt of the following message from His Excellency the Governor, assenting to certain Bills:—

"The Governor informs Your Honorable House that he has this day assented, in Her Majesty's name, to the under-mentioned Bills passed by the Legislative Council during the present Session of the Legislature:—

1. "*An Act to regulate the appointment of certain Public Officers.*"
2. "*An Act to prohibit the use of Dynamite or other explosive substances for the purpose of catching or destroying Fish in Western Australia.*"
3. "*An Act to amend The Vendor and Purchaser Act, 1878.*"
4. "*An Act to make additional provisions for Prison Discipline in Western Australia.*"
5. "*An Act to give effect in Western Australia to Probates and Letters of Administration granted in any other part of Her Majesty's Dominions.*"

"Government House, Perth, 8th
"August, 1879."

MESSAGE (NO. 3) FROM HIS EXCEL-
LENCY THE GOVERNOR.

MR. SPEAKER further announced the receipt of the following message from His Excellency the Governor, relating to the Volunteers:—

"His Excellency has the honor to bring under the consideration of your Honorable House certain questions which have arisen with respect to the Volunteers.

"It appears that the Volunteer Rifle Companies at Perth and Fremantle had in 1872 ceased to exist, and it was considered advisable to take some steps to reorganise them on a better footing, and with a view to further this, a member, on Friday, 9th August, 1872, moved a series of resolutions in the Legislative Council. These commenced by stating the desirability of promoting the efficiency of the force, and then proceeded to show that this object

"could be most fitly promoted by giving grants of land on certain conditions to Volunteers; concluding with a prayer to the Governor to represent the wishes of the Legislature to the Secretary of State, for an additional Land Regulation to give effect to them.

"These propositions were approved by the Legislature and submitted to His Excellency the Governor, praying him to be pleased to take the steps necessary to bring them into effect. With the sanction obtained from the Secretary of State for the Colonies, the provisions of these resolutions became law by the Land Regulations being re-proclaimed on the 22nd May, 1873. In these they appear as numbers 138, 139, and 140. Of these No. 139 has been since amended on the advice of Colonel Harvest, for some time Inspector of Volunteers, and in No. 108 of the present Regulations is found these alterations, which are however only matters of detail not affecting the main question.

"On the 22nd May, 1878, the five years' service expired, and over a year has elapsed without anything having been determined upon as to the way in which the claims of the Volunteers (enrolled before 22nd May, 1872) should be satisfied. The intention of the Government has been to set apart carefully selected blocks of land comprising one thousand acres and upwards, and within such blocks, when surveyed, the men were to choose their grants, on such conditions as their officers might elect to be fair and equitable, either by drawing lots, or by the men selecting alphabetically according to the name of each.

"This proposal has had no support from the Volunteers who appear to think they have a right to the free selection of any rural land open for sale, and demur to being called upon to take country land, suggesting even that they should be given town land of equal value in lieu. Here it is to be noticed that if free selection were permitted it would certainly give a ground of complaint to the Pensioners, as it was beyond doubt intended that the Volunteers should take their land on the same terms; and the probable result of such a course would be to flood the land market with hundreds of

"rights to select plots of 50 acres each, for it can hardly be expected that any Volunteer of the Perth or Fremantle troop or companies would himself settle on the country land, simply because the 50 acres was given to him. The present state of the case is, that no land has been set apart or occupied, although there are about 150 men who might at once prove their right to it.

"On referring to the officers commanding corps, it was ascertained that the majority of Volunteers would probably be willing to accept a money payment in lieu of, and to forego any claim for land under the Regulations.

"His Excellency then laid the whole matter before the Executive Council, and after careful deliberation the following conclusions were arrived at:—

"1st.—That it would be desirable that the Government should be placed in a position to offer to every Volunteer willing to accept it, a sum of £12 10s. in lieu of the 50 acres of land, which the Government had agreed to give him after 5 years' service.

"2nd.—That in future no Volunteer enlisting should have any claim for a grant of land in return for his services.

"3rd.—But with the 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.

"4th.—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.

"5th.—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. His Excellency requests that your Honorable House will take into consideration these proposals, and favor him with your decision thereon.

"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.

"Government House, Perth, 8th August, 1879."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved that the consideration of this message be made an Order of the Day for Monday, August 11. Agreed to.

IMPORTATION OF FOREIGN STOCK.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), in asking the House to take into consideration the papers laid before it on the state of the law regarding importation of foreign stock, said it was of course a matter of notoriety to hon. members that the introduction of stock from the United Kingdom to this Colony was regulated by certain local enactments—the Cattle Disease Ordinance, 1865, the Imported Stock Act, 1876, and the Imported Stock Act, Amendment Act, 1877. Hon. members were also aware that there existed a perfect reciprocity as to the introduction of stock between ourselves and the other Colonies. Nor need he remind the House that in other parts of the world, comparatively near to us, namely Java and Mauritius, a terrible disease had recently attacked the cattle on those islands. But there was nothing on our statute book approaching what he might call a Cattle Quarantine Act, under the provisions of which the Colony would be protected from the danger arising from the introduction of cattle or

stock from those islands, or from other parts of the world, where disease raged. True, certain precautions must be taken before cattle were shipped and landed here; but unless a vessel carried stock on board coming from a country where cattle disease was known to exist, there was no security against the introduction of infection, and it was not impossible that, any day, some most terrible disease might be introduced into the Colony, and spreading from here to the adjacent settlements, cause mortality among the flocks and herds of all the Australian Colonies. Putting an extreme case, a solitary pig or sheep, landed at Albany, and possibly suffering from some infected disease, might be the means of causing terrible havoc among the stock or flocks not only of this Colony, but—owing to the reciprocal arrangements existing between ourselves and the other Australian settlements—among the cattle and sheep in those Colonies. The House would agree with him that some more stringent regulations than at present existed were necessary to prevent such a disastrous result, and to secure the Colony against the introduction of disease. We were put to a certain extent upon our honor to prevent the other Colonies from infection through our own, and the least we could do was to provide that our legislation on the subject placed the matter on the same footing, as regards stringency of regulations, as it is in the sister settlements. The subject, as hon. members were aware, from a paper presented to the House by the Governor, had been the subject of correspondence between His Excellency and the Attorney General (Mr. Hocking), and the memorandum written by the latter was so lucid and so exhaustive that he (Mr. Leake) could not do better than read it to the House. Having read the memorandum referred to, the hon. gentleman moved that the House resolve itself into a Committee of the whole to consider the papers laid before it on the subject.

SIR T. COCKBURN-CAMPBELL moved, as an amendment, that the papers be referred to a Select Committee, consisting of the Acting Attorney General, Mr. Brown, Mr. Pearse, and the mover.

Amendment agreed to.

GUN LICENSING BILL, 1879.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved the first reading of a Bill intituled "An Act for licensing certain persons to "carry guns."

Bill read a first time.

DISTRICT ROADS BOARDS AUDIT BILL, 1879.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved the first reading of a Bill "To provide for "the preservation of the Funds of "District Roads Boards."

Bill read a first time.

GRANTS TO ROADS BOARDS.

MR. BROCKMAN asked the Colonial Secretary why the amount of money to be placed at the disposal of the Roads Boards for 1879 had not been declared by the Government, and why no money had been paid to them, except for the first quarter of the year.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), replied that the amount of money to be placed at the disposal of the Roads Boards for 1879 had not been decided by the Government, as it had been engaged in determining the appropriation of the £50,000 vote for roads.

MR. BROCKMAN said he did not feel satisfied with the reply given, and, with the view to elicit discussion on the subject, he would at the next sitting of the Council take steps to bring the matter under the consideration of the House.

CENTRAL ROAD BOARD.

MR. BROWN, in accordance with notice, called the attention of the Colonial Secretary to a paragraph in the Governor's despatch to the Secretary of State on the subject of the roads loan, and the proposed formation of a Central Road Board for controlling its expenditure. In that paragraph, His Excellency suggested that this Board should consist of the Governor (as its President), the Colonial Secretary, the Surveyor General, the Director of Public Works, and a few members of the Legislative Council. He (Mr. Brown) could not ascertain,

from enquiry among the elected members, that any of them had been appointed to a seat on this Board. His Excellency might have good reason for not having made such appointment, but he thought it would be satisfactory to the House that it should be informed of those reasons, and it was with that object in view he had called the attention of the Colonial Secretary to the paragraph in question.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) asked the hon. member to postpone the matter until Monday, as he was not then prepared to give the information sought for.

TENDERS ON ACCOUNT OF ROADS LOAN.

MR. HARDEY, in accordance with notice, asked the Colonial Secretary to furnish the House with a return showing the cash amount of tenders accepted up to the 7th August instant, on account of the £50,000 roads loan, such return to specify the exact amount of such tenders accepted on each and every line of road separately.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he was not prepared to furnish the return that evening, but would do so in the course of a few days.

ADJOURNMENT OF THE HOUSE.

MR. S. H. PARKER: I rise to move the adjournment of the House. It is sheer waste of time to go on as we have been going on during the last few days. The occupants of the Government benches do not seem prepared to carry on the business of the House, and keep putting off until a more convenient season every subject brought under their notice. Although they have had twelve months to prepare for the work of the Session they seem to be altogether unable to proceed with the business, or to afford any information, and I think it would be better for the House to adjourn—say, for a month—until the Government are prepared to go on with the work of the Session. It is absurd for hon. members to give notice of their intention to put any questions to the members of the Government, when the only reply they can get is a request to put it off until

another day. I have no wish to “hurry” the Government, or to proceed with undue haste, with the work of the House, but I certainly do think it would be more convenient that the Council should adjourn until the Government are ready to go on with the business of the country. I will therefore formally move the adjournment of the House until Monday.

MR. BROCKMAN seconded the motion.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): I at once rise to oppose the motion. I know it has been the wish of one or two hon. members that the business of the Session should be suspended, but for what object, I cannot say. Many gentlemen have attended the House from long distances, and at considerable personal inconvenience, and their time is not to be frittered away by needless adjournments. The hon. member says we have had twelve months to prepare. Prepare for what? Have we had twelve months, or twelve days’ notice of any of the questions which are on the notice paper for this evening? Is the Government expected to reply to such questions off hand, and to furnish elaborate statements at a moment’s notice? I think the hon. member must think he is addressing the municipal body of which he is the chairman, and not this Honorable House. Surely, we are not to be guided here by what he may think proper, or desire. I think the interests of the public service and of the country at large are paramount to the wishes or inclination of any individual member, and I say the business of the country must suffer if we have to adjourn the House day after day.

MR. PARKER: That’s just what I say. There would be no necessity for adjourning the House if the Government were prepared to proceed with the business.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said there was enough business now before the House to occupy its attention from day to day, without intermission, and he therefore could not consent to an adjournment at the present stage.

The motion for adjournment was then put and negatived.

DUTIES OF THE SUPERINTENDENT OF ROADS.

In reply to Mr. Hardey, THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said it was not the duty of Mr. Higman (the Superintendent of Roads) to exercise a general superintendence over all the roads throughout the Colony, nor were the Roads Boards to take instructions from him as to the making and repairing of roads, within their respective districts.

ADMINISTRATION OF WILD CATTLE NUISANCE ACT.

MR. CAREY asked the Colonial Secretary to lay on the Table a copy of the circular issued to Resident Magistrates relative to the administration of the Wild Cattle Nuisance Act, as promised by the Government last year, and reported in *Hansard*, vol. 3, p. 60.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he had quite overlooked the promise, but the omission should be rectified as soon as possible.

FACILITIES IN LOOKING FOR STRAYED STOCK.

MR. CAREY, in accordance with notice, asked the Colonial Secretary to lay on the Table a copy of the circular issued to Resident Magistrates (in accordance with a resolution of the House last year), with reference to affording increased facilities in looking for strayed stock. If the hon. gentleman was not prepared to comply with the request at present, he (Mr. Carey) would postpone the motion until next week.

Postponed accordingly.

CUSTOMS ORDINANCE, AMENDMENT BILL.

The House then went into Committee for the further consideration of this Bill, with regard to which Progress was reported on Wednesday in order to enable the Acting Attorney General to give his attention to certain suggestions offered by the hon. member for Toodyay.

After a pause of some minutes,

THE CHAIRMAN OF COMMITTEES—addressing the Acting Attorney General—asked if the hon. gentleman was prepared to go on with the Bill?

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I am perfectly prepared to proceed with the Bill, if the hon. member is prepared with his amendments.

MR. SHENTON said he was not aware it was expected of him that he should submit any amendments. He understood that the suggestions he had thrown out on Wednesday would have received the attention of the Government, and that the Attorney General would have been prepared to embody them in a new clause. As this had not been done, he begged to move that Progress be reported, and that the further consideration of the Bill in Committee be taken on Monday evening.

This was agreed to.

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

LEGISLATIVE COUNCIL,

Monday, 11th August, 1879.

Message (No. 4) from His Excellency the Governor, re Distribution of Roads Loan—Postal Facilities, Dandaragan and Yatheroo District—Elementary Education Act, 1871, Amendment Bill, 1879: first reading—Central Road Board—Timber Licenses—Public Park at Fremantle—Railways Act, 1878, Amendment Bill, 1879—Consideration of portion of Message No. 1—Consideration of Message No. 3 (Volunteers)—Adjournment.

THE SPEAKER took the Chair at 7 p.m.

PRAYERS.

MESSAGE (NO. 4) FROM HIS EXCELLENCY THE GOVERNOR—APPROPRIATION OF ROADS LOAN.

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

"After a long but necessary delay, in which the Governor has been engaged in obtaining information as to the condition of the principal main roads of