

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): The principal reason why they were exempted was this: all these surveyors—I think all of them—are already licensed under the Land Transfer Act, which is proof of a higher qualification than if they were simply licensed under this bill. It was considered that it would be rather hard upon surveyors already holding a good status in the colony, and already licensed, to compel them to pay for a license under this bill. The same remark applies to the examination; it was considered unnecessary to submit these surveyors to a further examination, before they were licensed under this Act.

The clause was then agreed to.

The remaining clauses were adopted, *sub silentio*.

Schedule A.—Form of declaration:

MR. PARKER pointed out that the usual formula, winding up a statutory declaration, was omitted; and the schedule was amended accordingly.

Schedule B.—Form of license:

MR. PARKER thought that the license ought to be embellished with the seal of the colony. A man ought to get something more than the bare signature of the Governor, for £5.

Schedule—put and passed.

Schedule C.—Fee payable to surveyors, per diem:

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) moved to insert “£3 3s.” in the blank left for the amount of fee to be charged by a licensed surveyor.

Agreed to.

Preamble and title agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Monday, 5th July, 1886.

Letter from Lady Leake acknowledging Vote of Condolence—Sir John Coode's Report: When likely to be received—Government Geologist and Public Analyst—Moneys carried to Suspense Account—Railway Platform, North Fremantle—Telegraph line from Bannister to Wandering—Importation of Stock from abroad (Message No. 2)—Excess Bill, 1881: second reading—Hawkers Act, 1882, Amendment Bill: second reading—Pearl Shell Fishery Special Revenue Bill: in committee—Land Regulations (Message No. 3)—Adjournment (Funeral of Sir Luke Leake.)

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

PRAYERS.

LETTER FROM LADY LEAKE ACKNOWLEDGING VOTE OF CONDOLENCE.

THE SPEAKER notified that he had received the following letter from Lady Leake, acknowledging the message of condolence with her, agreed to by the House, on the death of her husband, Sir Luke Leake, the late Speaker:—

“Lady Leake desires to thank the Members of the Legislative Council of Western Australia most sincerely for their kind expression of sympathy with her in the loss she has sustained by the death of her late husband, Sir Luke Samuel Leake, Kt.

“Lady Leake is deeply sensible of the numerous marks of regret for the loss of her husband, which have been shown by the inhabitants of Western Australia; and she will ever entertain a grateful remembrance of them.”

The letter was ordered to be inserted among the minutes of the Council.

SIR JOHN COODE'S REPORT ON HARBOR WORKS.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright), reverting to a question put by the hon. member for Murray and Williams some days previously, said that the Government had received a telegram from Sir John Coode, in answer to the one sent to him asking him when his report upon Harbor Works was likely to be ready. Sir John Coode's reply was to the effect that they might expect his report in about three months.

APPOINTMENT OF GOVERNMENT GEOLOGIST AND PUBLIC ANALYST.

MR. SCOTT, in accordance with notice, asked the Honorable the Acting Colonial Secretary whether it was the intention of

the Government to combine with the appointment of Government Geologist that of Public Analyst? The hon. member said that the question of the appointment of a public analyst had been spoken of in the House last session and also during previous sessions; and, although some hon. members seemed to think that there would be some difficulty in combining the functions of a public analyst with the duties of a Government geologist, still they all were agreed as to the desirability of appointing such an officer. When Mr. Hardman, the late Government geologist, was here, he told him (Mr. Scott) several times that the two offices might be combined in one person.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) replied: A Government Geologist, if appointed, might possibly be able to act also, so far as his other work allowed, as Public Analyst, and there would no doubt be an advantage in this. Should the appointment be made, the suggestion of the honorable member will be borne in mind, though such a combination of duties could only be regarded as a temporary expedient.

MONEYS CARRIED TO SUSPENSE ACCOUNT.

MR. SCOTT (for Mr. Parker) asked for a Return showing—(a.) All moneys carried to Suspense Account at the end of last year; (b.) All moneys standing to credit of Suspense Account on the 1st July, 1886.

The return asked for was laid on the table.

RAILWAY PLATFORM, NORTH FREMANTLE.

MR. PEARSE, in accordance with notice, asked the Commissioner of Railways whether it was his intention to make provision on the Estimates for 1887, for the improvement of the Railway Platform at North Fremantle? There was an urgent necessity for some improvement being made in the present platform, which afforded no shelter whatever to travellers, and was altogether too short for the requirements of traffic. The approaches, too, were dangerous, and would probably result in some serious

accident, some day. He hoped the Commissioner would see his way clear to accede to this very modest request. In so doing, he assured the hon. gentleman he would be conferring a great boon upon the inhabitants of the neighborhood.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) replied that the hon. member's suggestion would be borne in mind and duly considered, but he was unable then to make any positive statement.

TELEGRAPH LINE FROM BANNISTER TO WANDERING.

CAPTAIN FAWCETT, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place a sufficient sum on the Estimates of 1887 to construct a line of Telegraph from the Bannister to Wandering, a distance of about ten miles." The hon. and gallant member said he was better acquainted with the country referred to than most hon. members present were, and he might state for the information of the Commissioner of Public Works that it was all open country, and that the amount necessary to construct the line would be very small. The Wandering District was a very thriving district, and, although at present there were only nine houses in close proximity to the place where the proposed telegraph station would be erected, it was one of great promise, inasmuch as it would be tapped by Mr. Hordern's line of railway. There was a considerable area of country to be opened, and timber was easily procurable; and, with regard to timber, he should like to suggest, if he might presume to do so, that round poles would answer the purposes of this telegraph line as well as sawn timber and be far more economical. As telegraph lines were being constructed now in all directions, he thought the Government would be pleased to hear that the residents of the Wandering District were also anxious to get one.

MR. GRANT had much pleasure in seconding the address.

MR. SHENTON thought it had been understood, to a certain extent, the other evening, that all these addresses asking for money votes to be placed on next year's Estimates should be postponed

until in the first place they had the Supplementary Estimates for this year before them, and then the Estimates for 1887; so that they might see what money would be available for such works. It seemed to him rather early to ask for money to be placed on next year's Estimates before they had the Supplementary Estimates for the present year before them. This telegraph line might be a very desirable one, but there were other lines of far more importance required in places possessing ten times the population of the Wandering.

MR. MARMION understood that it was only the other day that a telegraph station was erected on the main line to Albany, purposely for the convenience of the settlers of this district, and that the station was only ten miles from the Wandering. Perhaps the hon. and gallant member would correct him if he was wrong.

CAPTAIN FAWCETT: Nine miles.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said this proposed telegraph line would, it was estimated, cost £300 at least to construct it, and £100 a year for its working and upkeep; and the total amount of revenue that might be expected from it would at the utmost only be about £10 a year. Under these circumstances the Government at all events could not support the address.

The motion, upon being put, was negatived, on the voices.

IMPORTATION OF STOCK FROM ABROAD (MESSAGE No. 2.)

On the order of the day for the consideration of His Excellency's message, relating to the introduction of stock into this colony,

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said hon. members would have gathered from the correspondence which accompanied His Excellency's message, that further recommendations had been made to this Government by the colonies of New South Wales, Victoria, and South Australia that stock should no longer be allowed to be imported into this colony from places beyond the limits of the other Australian colonies. The subject referred to by His Excellency for the

consideration of the House was, as all would admit, of very great importance, and one that ought to receive serious and careful consideration. Many representations had been made to this Government by the Governments of the eastern colonies, urging the desirability that we should act in concert with those colonies in adopting measures to prevent the introduction of disease amongst horned cattle and other stock, by prohibiting the importation of such stock from abroad. Doubtless it was of vital importance to Western Australia that we should adopt drastic measures to prevent the introduction here of any cattle disease; at the same time, he thought we ought to be careful to ascertain if, by the adoption of adequate precautionary measures, we could not effect our object, without also limiting the area from whence we may obtain a fresh supply of pure stock—which was a question affecting both agricultural and pastoral development of the colony. There was, however, another point of view from which we ought to look at the question. It must be remembered that this colony was one of a group of colonies inhabited by a kindred race, which, doubtless, before long, would form a federated portion of the British empire. Our interests ought to be theirs, and theirs ours; and he thought that when any such questions as this cropped up, affecting the common interest, we should set aside any selfish considerations and endeavor to coöperate and act in concert with our neighbors. As doubtless there were some hon. members who had a technical knowledge of this subject, and whose opinions would bear weight, anxious to address the House, he would not detain the House any longer, but would conclude by moving the following resolution: "That this House, having considered His Excellency's message, with respect to imposing restrictions to prevent the importation of stock into Western Australia from beyond the Australian Colonies, is of opinion that the following regulation should be adopted: 'No horned cattle, sheep, or swine shall be imported into the colony of Western Australia from Great Britain or Ireland, or from any other place or places beyond the limits of the Australian Colonies.'"

MR. RANDELL: Perhaps it would be

as well if the Colonial Secretary were to state whether the regulation is intended to apply to Tasmania and New Zealand. If so, it would be necessary to alter the wording of it, so as to make it apply to the Australasian instead of the Australian colonies.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said no doubt it was intended to include Tasmania and New Zealand.

MR. VENN said he should like to say a few words on this subject, as he was one of those members who a year or two ago voted against a similar proposal, and also one of those who were present at a meeting of the Victorian stockowners held in Melbourne recently, many of whom seemed to take it to heart very much that Western Australia did not assimilate her laws with theirs on this subject. With regard to the action which he took when the question was previously before the House, he thought it was only right he should say that he opposed it then on these grounds,—and he believed that other members who voted with him on that occasion did very much the same—they thought it was rather restricting their operations as regards the improvement of their stock, to compel them to go to the other colonies for their blood, rather than to England or any other country. Victoria, New South Wales, South Australia, and the other colonies had improved their own herds by importations from Great Britain and other parts of the world; and it did seem to him rather unfair that this colony should be debarred from doing so. He thought it was hardly right that Western Australia, because it was a little behind in the race, should have been shut out from enjoying the same privileges for improving its stock as the other colonies had enjoyed and profited by. At the same time he was not insensible to the fact that possibly we would be running some small amount of risk of importing diseased stock into our colony. But it had not struck him so forcibly at the time that, in doing so, we were also endangering our neighbors, for it was just possible that stock imported into this colony from abroad might, upon being landed here, be re-imported to the other colonies, and in this way render the prohibition in force there against the intro-

duction of foreign stock inoperative. This view of the case had latterly been brought pretty clearly before them, by the re-importation of certain stock to Victoria and also the introduction of some pigs to South Australia. Looking at all the circumstances he thought it would be well that we should assimilate our laws with those of the eastern colonies on this subject, as he could now see that, unless we did so, we should be leaving a sort of loophole by means of which certain—he would not say frauds, but certain contraventions of the law with regard to the importation of stock to the other colonies might be committed. Not only that, if we did not join with our neighbors in prohibiting the importation of foreign stock the probability was that our neighbors would retaliate upon us, and prevent any stock going from this colony to their own. He did not suppose that, in the present state of affairs, this would be felt here as any great grievance, for we had no large breeders of stock here, nor was it likely that stock owners or flock owners in the other colonies would come to Western Australia for fresh blood. At the same time it would not be nice for them to feel that they were in danger of having disease introduced amongst their stock, simply because this colony refused to act in concert with them in prohibiting the importation of stock from countries where disease was known to exist. For these reasons he had no objection at all to waive his own personal sentiments with regard to the provisions of the Imported Stock Bill.

MR. GRANT said he was very much in favor of the resolution. He thought there was no necessity for us in this colony to go to England for pedigree stock, in order to improve our herds; we could get all we wanted from the other colonies. It was well known that in England at present there were hundreds of cases where foot-and-mouth disease was prevalent in various forms; and it was a question of great consequence to the other colonies that we should join with them in stopping the introduction of any stock from abroad, for the present. An importation made into this colony the other day was afterwards shipped away to South Australia, in order to evade the law. He thought it would be well that we should be in

keeping with the other colonies in these matters, as it must be to our interest as well as theirs to keep disease from these shores. While on this subject, he thought it was worthy of consideration whether we should not, in self-protection, establish some sort of quarantine as regards stock introduced into the Kimberley district, so that stock-owners in the other parts of the colony might be protected. He had heard that Fisher and Lyons were about sending a mob of cattle to the Kimberley district, and it was possible that some of these cattle might find their way down here. There was danger of it, and he should like to see some sort of quarantine provided that would prevent stock introduced into the Kimberley district from going beyond a certain point. He thought it was a duty we owed to ourselves that we should take every precaution we could to provide against the introduction of disease amongst our stock.

MR. BURGESS said the resolution was undoubtedly a very important one, and he quite concurred in what had fallen from the hon. members who had spoken on the subject. But he noticed that there was no time fixed for this new regulation to come into operation. There might be stock now on the way to the colony from England—he did not know whether there was or not—but, if there was, it might prove a very serious hardship if this regulation were made to apply to any stock already on the way. He thought some date ought to be fixed for bringing it into force.

The resolution was then put and passed.

EXCESS BILL, 1881.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith), in moving the second reading of a bill to confirm the expenditure for the services of the year 1881 beyond the grants for that year, said probably it would be in the recollection of some hon. members that in the year 1882, when the Excess Bill for 1881 was introduced, exception was taken to an item amounting to £2,295 2s., charges incurred in connection with the Water Police; and the House, thinking it ought not to be called upon to pay those charges, excised the item from the bill as

introduced, and the bill was passed without it. The bill therefore had to be referred for the signification of Her Majesty's pleasure thereon, and two years having gone by and Her Majesty's pleasure not having been signified, the bill had lapsed, and consequently it had become necessary to reintroduce it. The Imperial Government had paid the amount in dispute, and therefore he did not apprehend there would be any objection to pass the bill now.

The motion for the second reading was then agreed to.

HAWKERS ACT, 1882, AMENDMENT BILL.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading of this bill, said that, inasmuch as the Hawkers Act of 1882 called for some amendment by reason of there having been discovered an inconsistency in it, as regards the punishment of offenders (owing to the incorporation with the Act of certain sections of the Shortening Ordinance), the occasion had been availed of by the Government to extend somewhat the application of the Act. It was now sought to be provided that when the justices met for the purpose of granting licenses under the Act, if there should be no other justices present but the stipendiary magistrate, that officer might act, after waiting an hour, by himself. That was the course adopted in granting licenses under the Wines, Beer, and Spirits Sale Act. It was also proposed to alter the Act so as to enable the licensing justices to meet every two months—upon the first Monday in September, November, January, March, May, and July—instead of, as at present, every three months. The application of the Act also was extended to the Northern District, and power was given to the licensing justices to grant temporary licenses for a longer time than at present. It had been pointed out to the Government that these were desirable amendments, as the Act now caused some hardship in the case of those who obtained licenses under it; and, therefore, having occasion to amend the Act in order to remove the inconsistency he had referred to, the Government thought they would take advantage of this oppor-

tunity of introducing these other amendments.

The motion for the second reading was agreed to, *sub silentio*.

PEARL SHELL FISHERY SPECIAL REVENUE BILL.

The House went into committee on this bill, which imposes a duty upon all stores and provisions, liable to a duty, used by all vessels employed in the pearl shell industry.

Clauses 1 to 13 were agreed to, without comment.

Clause 14.—“That where any ship “shall be found within the limits of any “port of the colony, or within a league “from the coast thereof, and shall not “bring to upon signal made by any ship “or boat in Her Majesty’s service, or in “the service of the revenue, hoisting and “carrying the proper pendant and ensign “or Custom House flag in order to bring “such ship to, the master of every such “ship shall be guilty of an offence, and “on summary conviction thereof before “two or more justices of the peace in “petty sessions shall forfeit and pay a “penalty not exceeding £100, and shall “for ever thereafter be disqualified from “obtaining a license under this Act :”

MR. VENN thought this clause required some little consideration. It placed an immense power in the hands of these revenue officers. It might be that a vessel did not see the signal immediately it was made and therefore did not answer it; but, if she were not brought to, there was no option left to the justices but to fine the master and to disqualify him from ever afterwards obtaining a license. He thought there ought to be some provision made, in the event of a vessel not seeing the signal. Would not the word “may” do, instead of “shall,” before the word “forfeit”? It was just possible that these revenue officers might exercise their power very arbitrarily, but there appeared to be no discretionary power vested in the magistrates.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the clause would undoubtedly appear severe to hon. members who read it without the information which the Government possessed. It would be seen, however, that this penalty would only be imposed upon

a master after conviction. It had been represented to the Government that the foreign boats now engaged on the pearling banks were trying as much as possible to evade the payment of any export duty upon the shells which they took; and the Inspector of Fisheries was afraid that even after the passing of this somewhat stringent measure a quantity of shell would be probably taken away without having paid any duty; in fact, some of them had hinted as much to the inspector that they did not intend paying any duty. Therefore, he thought it was incumbent upon the Government, viewing what took place in the House last session, and their attention having been called to the subject, to propose some stringent measure for the protection of the revenue. Before, however, the master of any vessel could be fined and deprived of his license he must be convicted; and the justices were not likely to convict any man unless they were satisfied that he had seen the signal and wilfully disobeyed it. The clause also aimed at getting at those vessels that might come among the pearling fleet for the purpose of (to use a common expression) “easing” them of their shells without payment of any duty, and then taking the shells clear away out of the colony. It was intended that the revenue cutter should be empowered to signal any suspected vessel, and, if no notice were taken of the signal, the vessel would be known in the future, and she need not show herself on the pearling grounds afterwards. He thought it was very necessary that the law in such cases should be very stringent.

MR. SHOLL said he was inclined to agree with the hon. member for Wellington. He thought the clause was likely to operate very harshly in the case of some of these foreign crafts. He did not think that ordinary justices of the peace would be likely to place the same interpretation on the clause as the Acting Attorney General did, if they put their own construction upon it; and it struck him they would be very likely to inflict the penalty in every case. Some of these vessels might happen to see the signal for the first time as they were coming into port; and, a strange vessel coming into port and seeing Her Majesty’s ensign hoisted on the present revenue cutter would think that somebody was playing a

joke upon them, and very naturally they would take no notice of it.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) thought that Her Majesty's revenue cutter, flying the proper pendant and ensign, or the Custom House flag, would present a very imposing appearance, and bring a ship to at once.

MR. VENN said he quite agreed as to the necessity of providing very stringent penalties in cases of a wilful evasion, but what he was afraid of was that magistrates would fancy they had no discretionary power in the matter. Could not the clause be altered by the introduction of the words "shall be liable to forfeit," instead of making it a hard and fast provision?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said that would be repugnant to the other provisions of the bill. A penalty, a disqualification, must attach in the face of certain facts proved. But there must be proof to the satisfaction of the justices that the evasion was a wilful evasion. If there should be any doubt in the mind of the magistrate, it was not likely that he would convict, and subject any person to this severe penalty.

The clause was then agreed to.

The remaining clause elicited no discussion, and the bill was reported.

LAND REGULATIONS (MESSAGE No. 3).

On the order of the day for the consideration of His Excellency's message forwarding the draft of the proposed new Land Regulations,

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he did not feel quite equal to go into the matter that evening, not being very well, and he begged to move that the order of the day be discharged and made the first order for Wednesday, July 7.

Agreed to.

FUNERAL OF THE LATE SIR LUKE LEAKE.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): Sir,—As the mortal remains of our late lamented Speaker are to be conveyed to their last resting place tomorrow, I move that as a mark of respect to his memory this

House do adjourn until Wednesday evening.

Agreed to.

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

LEGISLATIVE COUNCIL,

Wednesday, 7th July, 1886.

Rabbit Act: Report of Inspectors—Sharks Bay Pearl Shell Fishery Bill: in committee—Designs and Trade Marks Act, 1884, Amendment Bill: third reading—Licensed Surveyors Bill: third reading—Pearl Shell Fishery Special Revenue Bill—New Land Regulations (Message No. 3)—Adjournment.

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

PRAYERS.

REPORTS OF INSPECTORS, UNDER THE RABBIT ACT.

SIR T. COCKBURN - CAMPBELL, asked the Acting Colonial Secretary, whether he could inform the House of the names of the inspectors appointed under the Rabbit Act, and whether he was in a position to place upon the table of the House the reports which those inspectors are expected to make yearly before the 30th June.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) laid the information asked for, together with the reports, upon the table.

SIR T. COCKBURN - CAMPBELL: Is the hon. gentleman able to inform me whether the Government intend to take any vote this session for the destruction of rabbits?

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): I am unable to say so at present.

SHARKS BAY PEARL SHELL FISHERY BILL.

The House resolved itself into a committee of the whole for the consideration of this bill in detail.