

ing the holy bonds of matrimony. It was also desirable to impose some greater restraint than was at present interposed, in the way of boys and girls who—fired with romantic visions of the bliss of matrimonial life—rushed to the first minister of religion they could find, or went before the registrar, and forthwith, swearing eternal friendship to each other, became man and wife. The object of the present Bill was to put some decent check upon such hasty and precipitate conduct, by interposing some slight obstacles in the way of carrying out any rash intentions. The Bill provided that no marriage shall be celebrated until one of the parties shall have given notice of their intention to enter the bonds of matrimony, to the District Registrar, stating the name, and profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time during which each had resided there. Such notice must be given at least seven days before the date fixed for the marriage. The District Registrar, on receiving this notice, would be forthwith required to post a copy thereof in a conspicuous place in his office, and also to enter a true copy thereof in a book to be called "The Marriage Notice Book." This book, it was proposed, should be open at all reasonable times, without fee, to all persons desirous of inspecting the same, and any person whose consent to a marriage is required by law would be empowered to forbid the celebration thereof, by writing the word "forbidden" opposite to the entry of the notice of such marriage in the book referred to. In the event of no one doing this, the Registrar would, on payment of a shilling, be required to issue a certificate to the parties intending marriage, and no marriage could be lawfully celebrated until such certificate was produced to the minister or the District Registrar celebrating the marriage. It was also provided that these certificates, once obtained, would be void unless the marriage were celebrated within three months from the date thereof. He begged to move the second reading of the Bill.

MR. S. H. PARKER moved, as an amendment, that the second reading of the Bill be made an Order of the Day for Wednesday, as members had only that

moment had a copy of it placed in their hands.

This was agreed to.

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

LEGISLATIVE COUNCIL,

Tuesday, 26th August, 1879.

The business transacted was of a mere formal character, and elicited no discussion. [*Vide* "Votes and Proceedings," p. 81.]

LEGISLATIVE COUNCIL,

Wednesday, 27th August, 1879.

Personal Explanation—Importation of goods by the lessees of Lapepede Islands, free of duty—Discrepancies in Expenditure Statement—Privileges granted to Pastoral Leaseholders—New Bills—Confirmation of Expenditure Bill—Secret Bills of Sale Bill—Message (No. 5): Volunteers—Scab-in-Sheep Bill: recommitted—Celebration of Marriage Bill: second reading—Transfer of Land Act, 1874, Amendment Bill, 1879: second reading—Registration of Births, Deaths, and Marriages Bill: second reading; third reading—Adjournment.

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

PRAYERS.

PERSONAL EXPLANATION.

MR. BROWN: I rise to take a course which I think is somewhat objectionable,—to move the adjournment of the House; but I trust that the reasons I shall give for doing so will be considered

a sufficient justification for the course I have adopted. I do so for the purpose of explaining the position I have taken up, or intended taking up, with reference to the notice of motion standing in my name, to move for certain papers connected with two cases which were dealt with by the Supreme Court of this Colony, and which we understood were submitted to the Secretary of State for the opinion of the Crown Law Officers, viz., "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to lay on the Table copies of all correspondence between His Excellency Sir W. C. F. Robinson and Her Majesty's Principal Secretary of State for the Colonies, on the subject of a conviction of Mr. Henry Gray at Geraldton, for a breach of the Customs Act, 1860, and the subsequent quashing of such conviction by His Honor the Chief Justice: and that, if possible, such copies be accompanied by a copy of any case submitted to the Law Officers of the Crown in London, and their opinion thereon:

"Also, copies of all correspondence between His Excellency the present Governor and Her Majesty's Principal Secretary of State for the Colonies, on the subject of the trials of two actions in the Supreme Court against Mr. Slade, J.P., at the suit of William Warden Miles; and of the same person and James Gallop for alleged trespasses, which actions were tried last year; and that, if possible, such copies be accompanied by a copy of any case submitted to the Law Officers of the Crown in London, and their opinion thereon." It is my intention to-night not to move this address, because, in the first instance, I believe I shall not be supported by a majority, and, in the second instance, I believe it might lead perhaps to an acrimonious, or at any rate an undesirable, discussion on the subject; and, again, because I fear that the precedent which was established by the action of Governor Robinson in withholding from the House papers of the nature referred to, would probably be followed in this case. It has been thought, I am aware by some, that in expressing my intention to move this address I was actuated by personal

motives. Now, Sir, I take this opportunity of disclaiming any such unworthy motives, and to state that I did so purely upon what appeared to me to be public grounds. I was aware that the Civil Service Regulations gave power to the Governor to submit matters of importance affecting the administration of the law to the Secretary of State, for the opinion of the Crown Law Officers, and it was no secret that in the cases referred to in the address, the Government had submitted certain points of law for the consideration of the Crown Law Officers, and I thought, Sir, that the production of the papers in those cases would be of sufficient public importance to be laid on the Table of this House, to be taken simply and literally for what they were worth. I was perfectly aware they would be mere opinions, and opinions that could not be looked upon—could not be placed in the same category—as the decision of a tribunal that would have power to reverse the decision of our own Supreme Court. But I assume the papers if produced would reveal not merely the bare opinion of the Crown Law Officers, but also the reason upon which those opinions were grounded, and I cannot but think that the publication of such correspondence, in such cases, would have an effect upon the action of the Supreme Court in all cases of a similar nature in future, and also upon the whole of the Colonial Bar. If it is not a rule to produce these opinions, why place the Government and the public in this position? We are aware that when a difference of opinion on cases of importance arises between the Crown Law Officers here and the president of the Supreme Court, the Government have the power, and exercise that power, to submit the matter for the decision of the Crown Law Officers at home, and if the result is not to be made public, and not to have any effect outside the Executive Council, then, Sir, you force the public to take another course—that of appealing to the Judicial Committee of the Privy Council. In some instances you may, in doing this, force the country to take a course which may be deemed undesirable, and which would involve a very large expenditure of public money indeed. In some instances, such as those I have referred to, it would be

undesirable to involve the country in any such costs. I am aware, Sir, that by some hon. members of the House—indeed, by many—it is thought that it would be very undesirable to produce the correspondence that I have asked for, and that its production might, in some way or other, militate against the prestige of the Supreme Court. I have no desire to press my views—even if I thought I could carry them—if such would be the effect. It is not my desire in any way to take any course that may militate against the prestige of that Court; and, such being the views of hon. members, I bow to their opinion, and therefore it is not my intention to move the address standing in my name.

IMPORTATION OF GOODS BY THE LESSEES OF THE LACEPEDE ISLANDS, FREE OF DUTY.

MR. S. H. PARKER asked the Colonial Secretary, whether any instructions had been issued to the Collector of Customs, relative to admitting goods imported by Messrs. McDonald & Co. and Mockford, or either of them, free of duty; and, if so, to lay a copy of such instructions upon the Table of the House.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied as follows:—No such instructions have been given to the Collector of Customs. The course adopted with Messrs. McDonald & Co. is the same as that which has been followed with the Lessees of Guano deposits on Sharks Bay, Browse Island, &c., who are not required to pay duty on provisions landed for the use of crews employed in collecting Guano.

MR. S. H. PARKER, with leave, asked whether any goods had been landed at Fremantle by or on behalf of Messrs. McDonald & Co., free of duty.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he was not aware that such had been done.

DISCREPANCIES IN EXPENDITURE STATEMENT.

SIR T. COCKBURN-CAMPBELL, with leave, without notice, asked the Colonial Secretary, "If he could give any explanation of the discrepancy which exists between the return of the Ex-

penditure of the Colony which is given in the Blue Book for 1875 as £169,230, and that in the Estimates for 1877, which states it to have been £173,286."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied as follows:—"The return of expenditure for 1875, published in the Blue Book for that year, was prepared early in the year 1876, and before the accounts of the Crown Agents, embracing expenditure chargeable to 1875, had been received. The return should have expressed that it was 'expenditure of the year 1875' so far as it had been ascertained to 'date.'"

PRIVILEGES GRANTED TO PASTORAL LEASEHOLDERS.

MR. CAREY, with leave, moved the following amended resolution:—"That a Select Committee be appointed to consider the advisability of extending the privileges now granted to pastoral leaseholders, to take up land on deferred payments of 5s. per acre and improvements to *bona fide* cultivators of land, to the extent of 100 acres for each head of a family; and also extending the privileges now granted to pastoral leaseholders to cut such timber as may be required for the construction of buildings, fences, or other improvements on the land to *bona fide* cultivators; and that such Committee consist of the Hon. M. Fraser, Sir T. C. Campbell, Mr. E. R. Brockman, Mr. J. T. Monger, and the mover." The hon. member said that in moving this resolution he had no desire to raise the cry of the squatter against the agriculturist, and he believed in this matter he had the support of the hon. member for Geraldton, which would show that such an idea was not in his mind. He brought the subject forward simply as an act of justice to the agriculturist, and in order that the privileges extended to one class should be extended to all, for he failed to see why in this respect there should be any distinction made between pastoral leaseholders and the agriculturists. He also brought the resolution forward in the belief, which he thought was a correct one, that if carried out it would induce settlement. He had moved that

the matter be referred to a Select Committee because it had been suggested to him that the subject would be better dealt with in the first place by such a Committee, than in the House.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) required that the Committee be formed by ballot, in accordance with one of the standing orders of the House.

Agreed to.

Hon. members having delivered the lists of names of members to serve on such Committee, in accordance with the Standing Order, the Clerk reported to the Speaker the following names of members as having the greatest number of votes:—Hon. M. Fraser, Sir T. C. Campbell, Mr. E. R. Brockman, Mr. J. T. Monger, and Mr. T. C. Carey.

Committee appointed accordingly.

NEW BILLS.

The Poison Sale Bill, 1879, and The Auctioneers' Act, 1873, Amendment Bill, were read a first time.

CONFIRMATION OF EXPENDITURE BILL.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said: Before formally moving the second reading of a Bill to confirm the expenditure for the services of the past year, beyond the grant for that year, I think that the House will be glad to hear from me a few remarks with reference to the large amount—£41,437—which has been expended for the public service in excess of the several grants made by the Legislature. I hope, before I sit down, I shall succeed in satisfying hon. members that this money has been wisely and properly expended, and that the House will see no reason to withhold its confirmation of the various sums which go to make up the amount. I may preface my remarks by saying that a very large portion of the expenditure—the advance of £16,738 0s. 2d. towards the completion of the Northern Railway and for the purposes of the Eastern Railway—has already been refunded out of the loan. I would also draw attention to the fact that the amount of Revenue actually received during the year under review fell short of the estimated revenue by £7246 11s. 5d., which sum, added to the amount repaid on account of rail-

ways out of the loan, makes a total of £23,984 11s. 5d., which I think is satisfactorily accounted for. The falling off in the Revenue, I am aware, can hardly be regarded as satisfactory, but still that is no fault of the Government, and is entirely beyond our control. Deducting the sum total of these two amounts from the overdraft, we reduce it to £17,452 13s. 3d. Before proceeding any further, I would draw the attention of the House to a return laid on the Table last Session showing the estimated revenue and expenditure for the year 1878, as approved by this House, and the probable actual revenue and expenditure. That return, to which no hon. member took exception,—and I maintain that by their silence they gave their consent to it—showed a considerable difference between the estimated revenue and the probable actual revenue. Not only was the return referred to laid on the Table of the House, but I took occasion to refer to it more than once in the course of the Session, and to harp upon it whenever hon. members asked the Government to increase our liabilities. I trust hon. members will bear this in mind. The actual revenue received during the past year was £10,543 12s. less than the estimated amount, which of course had the effect of increasing the overdraft to that extent. Deducting that sum from the amount to which the excess has already been reduced by the reductions to which I have just alluded, (£17,452 13s. 3d.), we have a balance of £6909 1s. 3d., for which the Government may be said to be responsible, and with regard to which there is no desire on our part to shirk any responsibility. Leaving out of the question altogether the fact that the House, by its silence, gave its consent to the return showing the probable actual revenue, and accepting the figures as shown on the Estimates, I will proceed to deal *seriatim* with the various items which constitute the Overdraft which the House is asked to confirm. The first item is a very trifling one, being an excess of £19 19s. 4d. under the head of "Establishment of His Excellency the Governor"—an increase necessitated in consequence of the appointment of a messenger. I hardly think the House will take exception to that item. Next comes an excess under the head of "The Legislature" (£49 10s.

2d.), caused by some additional incidental expenses. There is also a small sum of £6 16s. 2d. in connection with the Colonial Secretary's department, caused by extra clerical labor. I next come to the Works Department, where there is an overdraft of £1,062 10s., which excess arose altogether in connection with the item for Railways, including a travelling crane (£259 1s. 7d.), replacing wagon iron work, etc., (£396 2s. 2d.), and a supply of spare parts for engines (£407 6s. 3d.)—all necessary expenditure. The next department where there is any excess is the Customs, the overdraft in connection with that service being £369 8s. 2d. All this expenditure was on account of the revenue cutter—including provisions, wear and tear, etc.; I may also state that it includes supplies purchased in 1877 and paid for in 1878, to the value of £238 4s. 5d. This revenue cutter has proved a very costly service to the Government, and I may here inform hon. members that we have done away with the present cutter, and are now in consultation with parties who can afford us valuable information on the subject, with a view to enable us to have the pearling grounds periodically visited and protected at a far less cost than has been entailed in connection with this service, as heretofore carried out. The next overdraft to which I would draw the attention of the House is that in connection with the Postal and Telegraph Department (£1084 10s. 2d.), with reference to which hon. members have before them all necessary information. The increased expenditure was incurred in the organisation of the overland royal mail service, and I cannot but think hon. members, bearing in mind the increased facilities afforded by that service, both as regards mails and passengers, will agree with me that this money has been wisely and properly spent in the interests of the Colony. There is a slight excess also in connection with the item "Administration of Justice" (£480 4s. 11d.), the amount provided for the payment of jurors and witnesses having been found insufficient. This is an item which it is impossible to estimate with any certainty, as the amount required must necessarily vary with the number of cases for trial, and the distance which jurors and witnesses have to be brought. Some cases,

though the gravity of the offence may not be great, cost the country very large sums of money, but the administration of justice must of course be supported. There is a rather heavy overdraft in connection with the Medical Department (£776), of which it may be said, as of the last item, that the expenditure is entirely beyond the control of the Government, and depends upon the admissions to the hospital and the other institutions connected with this department. The excess is caused by the total inadequacy of the estimate for this service. For years past there has been an overdraft under this head, arising from the same cause. I do not blame my predecessor in office, nor do I blame this House, for cutting down expenditure as far as possible, and limiting the grants for the various services to certain bounds, but it is evident, judging from the result of past years, when the vote for the medical department has invariably proved inadequate, that the grant for this service will have to be increased, if the House wishes to avoid overdrafts in connection with it. I next come to the Harbor and Light Department, where there is an excess of £433 3s. This arises, in part, from the fact that no provision was made on the Estimates for an assistant light-keeper at Fremantle, and for a man to take charge of the quarantine station at Albany. There is also a sum of £117 12s. 2d. for clothing sold to men connected with the department, but this item,—as my hon. friend the Commissioner of Crown Lands would say—is a mere matter of account, as the amount is repaid into the chest by the men. The remainder of this overdraft is made up by the surplus anchors, chains, and clothing in store at the close of the year, for use in 1879, to the value of £229 10s. 4d. The next overdraft is that in connection with the Police Department, with regard to which hon. members are already in possession of full information, from the report of the Superintendent of Police. There is also an excess in connection with the Government Printer's department (£284 15s. 4d.) caused by extra labor employed, as the work required from the department was more than the staff provided for the year could accomplish—a circumstance which I think we may honestly admit is attributable to the

practice so freely indulged in by hon. members of this House in calling for returns and papers. There is also, as usual, an overdraft in connection with the item "Poor House and Charitable Allowances" (£314 4s. 9d.), caused by increased pauperism, the daily average of paupers throughout the Colony for the year being 34 in excess of the previous year. It is, of course, impossible to estimate such an item as this to a nicety; it must fluctuate with circumstances, and all the Government can do is to see that the money is expended judiciously and economically, which the House may rest assured is being done. The next item is a more serious one, there being an overdraft of £4476 12s. 1d. in connection with the Public Works Department. This was partly caused by the amount voted for repairs of public buildings having proved insufficient for the purpose, and by the erection of a lighthouse at Champion Bay, public buildings at Roebourne, and school-houses at Perth and Fremantle, for which services no provision was made on the Estimates for 1878. I may, however, say that a sum of £2000 was provided for school houses in 1876, which amount was not then drawn—so that the expenditure to that extent may be said to have been sanctioned by the House, though not on the Estimates for the past year. There is a slight overdraft (£266) under the head of "Roads and Bridges," arising partly from a lapsed grant voted in 1877 having been paid last year, and partly from an excess of grants to roads during that year. Now I come to a very large amount indeed—no less than £30,000 2s. 1d., under the head of "Miscellaneous," with reference to which hon. members will find particulars in the remarks on the expenditure statement already laid on the Table. From this it will be seen that the first item of £1,193 16s. 3d. embraces sundry small charges, such as official telegrams via Eucla (£223 7s.), premium on drafts to Crown Agents (£120), advertisements and subscriptions to the local newspapers (£84 19s. 5d.), expenses in connection with sand drift in the harbor at Albany (£216 8s.), and interest on the overdraft at the W. A. Bank (£363 19s. 10d.). The next item under this head is a large one, namely £5,999 17s. 10d., expended in connection

with the telegraph line to Eucla. Only £2,000 was provided for this service, which however took £8,000 to complete. I need not inform hon. members that the work has been efficiently done, for at the last Session the House voted an honorarium to the public officers employed in the construction of the line, and publicly expressed its thanks to the leader of the survey party connected with the work. The next item under the head of "Miscellaneous" is one I have already dealt with. I allude to the sum of £16,738 advanced in connection with railways, but which sum has subsequently been repaid from the public loan of 1878. The next item, "Paris Exhibition, £700," is fully explained in the remarks on the expenditure statement already in the hands of hon. members, and the amount paid to Sir John Coode for his services in connection with harbor works and for printing his report (£418 1s. 6d.) needs no explanation on my part. The next item under the head of "Miscellaneous" is that in connection with special surveys at the North-West, and the exploration under Mr. A. Forrest (£2,112). With regard to this item a sum of £1,000 was sanctioned by a resolution of the House in 1877. It was also arranged that any savings on Lands should be appropriated to this special survey, and a sum of £371 1s. 4d. became available from that source—thus reducing the actual excess to £741 3s. 10d., which amount is to be short drawn by the Land Department on its vote for contingencies in the current year. Another item is that of the expenses incurred in searching for Guano Islands, pursuant to a resolution of the House last Session. That search, I regret to say, proved fruitless. The last item under this head is "Lacepede Islands, £1,233 4s. 6d." No vote has hitherto been taken for this service, which I may say yields a good return for the expenditure incurred in connection with it. The expenses heretofore have been more than met by the receipts from Guano. This makes a total of £29,880 16s. 5d. under the head of "Miscellaneous;" the balance (£463 5s. 8d.) includes a large number of petty payments too numerous to be given in detail, some of which, however, are enumerated in the expenditure statement printed for the information of the House. Having now

glanced at all the items constituting the Overdraft for the past year, and entered into an explanation with regard to each of them, which I trust will prove satisfactory to the House, and show hon. members at least that the Government are desirous of affording them every information on the subject, and that we do not shirk the most searching investigation, I now beg to move the second reading of the Bill to confirm the expenditure referred to.

MR. S. H. PARKER rose to move an amendment. He thought it was the duty of the House before passing that Bill—especially after what had fallen from the hon. gentleman who had just moved its second reading, who had accused hon. members of having on a former occasion by their silence given their consent—to pause before assenting to a measure confirming so large an expenditure. He was prepared to say that the House was not responsible in any way for this excessive expenditure, and on the present occasion he thought it was their bounden duty before they allowed the present Bill to advance another stage to see that every single penny of the money with which it dealt was accounted for to that House. He noticed that no reference whatever had been made to any underdrafts, but if hon. members would look at "Return B" laid on the Table the other day among the financial returns he had called for, they would see that under the head of "Miscellaneous" alone there were underdrafts amounting to £1,498. This had been quietly allowed to drop out. No mention was made of it whatever. Surely these underdrafts ought to be taken into account, as well as the overdrafts; but it appeared no notice was taken of them at all, and hon. members on reference to the comparative statement of expenditure would find that a great deal had not been accounted for. For instance, in a footnote on the sixth page, referring to the "Miscellaneous" items, it was stated that, in the returns given (and just now referred to by the hon. gentleman opposite, in the course of his speech), all payments amounting to £50 and upwards were included in the return; but on referring to "Return B," already alluded to, he found that a sum of £459 (the excess on the vote for the

"travelling expenses of officials") had not been accounted for at all, or explained in any way, although the Government took credit to themselves for having accounted for all overdrafts amounting to £50 and upwards. No doubt, as the hon. gentleman said, the money had been most wisely and properly expended, but all he (Mr. Parker) had to say was, it would be the duty of the House when it went into Committee on this Bill to see for itself that this particular item, as well as other items, had been wisely spent, and to call upon the Government to furnish the Committee with a return showing who the officials were who had incurred these excessive travelling expenses. Hon. members would possibly remember that last year this very same complaint was made against the Government for not taking into account the underdrafts. He himself had called the attention of the Government to this matter, and the Colonial Secretary, in reply, said: "As for the information which the hon. member thinks should be supplied to the House with regard to these unexpended balances, he, for one, would be happy in future to furnish him with the information he desired, and the items would henceforth appear as he wished." (*Hansard*, p. 71). But what did they find now? The same course adopted as in previous Sessions, and no reference whatever made to the unexpended balances, and no information whatever regarding them, notwithstanding the hon. gentleman's promise to furnish such information in future. No doubt it was a very wise course to follow on the part of the Government—and no doubt they had the best intention to spend the money wisely—but whether they had done so or not was a matter for the consideration of that House. He would like, when the House went into Committee on the Bill, to be furnished with some further information relative to the overdrafts of £604 in the item "Repairs of Public Buildings," with regard to which the only explanation as yet afforded to the House was the simple statement that the amount provided for that purpose was found to be insufficient. Again he noticed among the overdrafts a sum of £216 8s., "Expenses in connection with Sand Drift at harbor, Al-

bany"; also, item, "Man in charge of Quarantine Station at Albany, £72." No vote had ever been asked in the House for these services, and surely hon. members were entitled to some information on the subject. It was all very well for the hon. gentleman opposite to say that hon. members by their silence gave their consent; but these items were never mentioned to the House at all. Why did not the Government, when the Council met in July last, ask for an affirmative vote for these services? While on this subject he would ask hon. members to look at the Return marked "C," furnished the previous day, purporting to show the whole cost of organising and equipping the Government Overland Mail Service. The total cost as shown by that return was £1156 16s. 2d. It was a very strange thing that when he moved for that return the Colonial Secretary said we had it already before us in the report of the Superintendent of Police; but it was a singular thing that, while Captain Smith calculated the cost of organising and equipping the service at £1161, the Government now made out the cost to be £1156. The difference was not much certainly, but it showed how incorrectly the Government accounts had been kept. Another remarkable discrepancy in connection with this very service was, whereas the Superintendent of Police in his report said the average monthly cost of its upkeep for the first seven months had been £148 12s. 10d., the return laid on the Table the previous day by the Government showed that the cost of upkeep during that period had been £889, or £127 per month. This was a discrepancy which he thought it behoved the Colonial Secretary to account for, when the house went into Committee on the Bill. The same with regard to the Special Surveys at the North-West, the expenses connected with which had doubled the amount voted for the purpose by the House. "Refunds," again; surely the House was entitled to some account for this item. For these reasons he thought it would be most imprudent to advance the Bill one stage. It was their duty to let it remain *in statu quo* until they were afforded every information with respect to the various overdrafts, which, in view of

the financial condition of the Colony, were much to be regretted. In his opening speech at the last Session His Excellency, referring to this matter said "although there was nothing in our financial position to give cause for apprehension, he thought it would be found necessary to exercise economy in our expenditure during the remainder of the current year." The Bill before the House did not show that what was preached on that occasion had been practised. The hon. gentleman said the House sanctioned this expenditure by its silence. How could hon. members interfere with the expenditure? They could never have anticipated it, in the face of the hon. gentleman's statement to the House last Session, when the Roads Loan was under discussion, that though at one time there had been a surplus available for expenditure on such works as the Eucla Telegraph there was no such surplus now—"not more than would meet our liabilities at the end of the year." He would now formally move, as an amendment upon the motion for the second reading of the Bill before the House, that the Bill be not now read.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved, as a further amendment, that the Bill be referred to a Select Committee, to be elected by ballot.

MR. SHENTON seconded the motion, which he thought would be the best plan to get out of the difficulty.

MR. PARKER thereupon withdrew his amendment.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said it was merely owing to inadvertence on his part that he had not, in moving the second reading, referred to the item of "Travelling Expenses of Officials," alluded to by the hon. member for Perth. If the House would bear in mind that both His Excellency the Governor and himself were new to the Colony, and that it was necessary that His Excellency should make a tour of the country, and also that he himself should do so in order the better to become acquainted with the requirements of the Colony: if hon. members would bear this in mind, the excess that had taken place in the vote for travelling expenses of officials would partly be accounted for. With regard to

refunds, they were chiefly drawbacks on account of Customs. When the House went into Committee on the Bill, he would be perfectly prepared to afford hon. members every information with regard to any other item which they might wish to have.

MR. BROWN: I desire to support the amendment that the Bill be referred to a Select Committee, but I would ask hon. members to bear in mind the action of the House with reference to a similar Bill last Session. When that Bill came on for discussion, and the motion was made for its committal, I moved as an amendment that it be referred to a Select Committee, for I considered it was only by such a Committee, armed with power to call for persons and papers, such a Bill could be properly dealt with. It was then ruled that it was out of order to refer a question of finance to a Select Committee.

MR. SPEAKER: I have already pointed out that the ruling on that occasion was an erroneous one. There is no doubt the Bill can be referred to a Select Committee, if such is the wish of the House.

Amendment put and passed.

Hon. members having delivered the lists of names of members to serve on the Select Committee in accordance with the Standing Order, the Clerk reported to the Speaker the following names of members as having the greatest number of votes:—Mr. Shenton, Mr. M. Brown, Hon. R. T. Goldsworthy, Sir T. C. Campbell, Mr. T. C. Carey, Mr. S. H. Parker, and Mr. Marmion.

Bill referred to Select Committee.

SECRET BILLS OF SALE BILL.

MR. S. H. PARKER moved the second reading of a Bill to consolidate and amend the law for preventing frauds upon creditors by secret bills of sale of personal chattels. The hon. member said the Bill was almost a *fac simile* of an English Act, which after many years of experience it had been found necessary to attach to the enactment previously in force, dealing with bills of sale, and under which no power was given for the renewal of registration. This was rectified in the present Bill. Under the Imperial Bankruptcy Act of 1867, of which our local Act was almost a transcript, it was

ordered that all goods in the possession of a bankrupt should pass to the trustee of the estate, but no provision was made under which a bill of sale given by the bankrupt to another person should also pass to the trustee. This, in certain cases, rendered bills of sale valueless, inasmuch as an Act of bankruptcy rendered them void. Under the present Bill it was enacted that a bill of sale given by any person to another person, by way of security for any debt or advance, shall have force in the event of the bankruptcy of the person who had given such bill of sale. No man, at present, could advance money on horses, cattle, or sheep, or any personal chattels whatever, with any safety, for in the event of the grantor becoming a bankrupt he lost his security. This also was remedied under the present Bill, which he thought had many features recommending it to the favorable consideration of the House.

Bill read a second time, without discussion.

MESSAGE (NO. 5): VOLUNTEERS.

IN COMMITTEE.

MR. S. H. PARKER said he believed all the members of that House took a great interest on the question of the maintenance of the Volunteer force, but he thought he might also say, in the name of nearly every member, that they were not prepared to keep it up at a very excessive cost. For some years past the expenditure in connection with the force had not exceeded £1000, and, acting under the impression that it would not cost more to maintain the Volunteers next year a resolution was passed the other day in the House limiting the annual expenditure in connection with the force to £1000. But after further considering the matter, and the message sent to the House by His Excellency the Governor on the subject, he thought hon. members would agree with him that it would be unwise, under the circumstances, to limit the grant to £1000, for, as had been very properly pointed out by His Excellency, no inducements were hereafter to be held out to the Volunteers in the shape of grants of land. Two new corps were proposed to be provided for, but he thought it would meet with the general approval of the House if, instead of limit-

ing the annual grant to £1000—which it now appeared would leave hardly anything to provide other and equally necessary expenses connected with the movement—the House should limit the expenditure to the corps already in existence. He thought the Council could not go beyond this—at any rate in the present state of the finances. One of the new corps which was to be maintained out of the grant was that at York; but he noticed by a recent number of the *Gazette* that the newly appointed captain of that corps had already resigned, and he was afraid if the money were voted the company would only drag on a miserable existence. The other new corps was the Fremantle Naval Brigade. There was already a company of rifle volunteers at the port, and a very efficient body of men, he believed, and he failed to see why the House should be asked to provide Fremantle with another corps. It could not be said that this Naval Brigade would be of any use in an attack upon the town by any hostile power. He thought the best thing we could do in that contingency would be to sue for mercy rather than show a bold front, with an amateur naval brigade. It appeared to him very strange that the formation of this brigade should have been sanctioned by the Governor without the Legislature being consulted in the matter at all, or asked whether they would be prepared to grant a vote for its maintenance. He begged to move as follows: “That the Council having taken into consideration His Excellency the Governor’s Message No. 5, acknowledging the receipt of the Address of the House No. 10, in which His Excellency states that if, as proposed in the latter part of the third paragraph of the Message, ‘the annual expenditure of the Volunteers be limited to £1,000, ‘hardly anything will be left to provide other and equally necessary expenses,’ hereby resolves as follows:—

“1. That the latter part of the said third paragraph, limiting the annual expenditure on the Volunteer Force to £1,000, be rescinded.

“2. That it is not expedient to expend the public funds in the maintenance or organization of any Corps or Troops of Volunteers other than those named hereunder; and

“further that so soon as these Corps are reduced by resignation or retirement to the numbers placed opposite their respective designations, they should respectively be limited to such numbers:—

“The Metropolitan Rifles ...	130
“The Horse Artillery ...	30
“The Fremantle Rifles ...	100
“The Guildford Rifles ...	50
“The Geraldton Rifles ...	65
“The Albany Rifles ...	50
“The Wellington Mounted	50
“The Pinjarrah } Troops {	25

Total ... 500

“And the Council humbly requests the Governor to take such steps as to His Excellency may seem fit to give effect to this Resolution.”

Mr. SHENTON said he would support the resolution, although he had the other day moved the amendment that the Volunteer expenditure should be limited to £1000. After reading His Excellency’s message, he found it would be unwise to do that, and at the same time, he thought the Colony was not in a position at present to vote the whole amount asked for. It was not proposed to interfere with what he might call the vested interest of any of the existing corps, but simply to confine the expenditure to the companies already established, and to limit the number of members belonging to each corps. As to the proposed Naval Brigade, he did not regard such a company necessary at all.

Mr. BURGESS would support the resolution, and was very pleased to find hon. members inclined to commence a system of retrenchment, which he hoped would be extended in other directions.

Mr. MARMION said it was his intention to move an amendment. If the resolution simply went so far as to oppose any grants being made to any new companies hereafter established, it would have had his support; but when it was proposed to withhold the grant from two companies already established, with the consent of the Governor,—who, he understood, was vested with power to approve of the formation of any corps, while at the same time the right remained with the Council to determine whether it would grant any funds for the maintenance of such corps: he thought, when it

was proposed to shut out from participation in the vote now under consideration two companies which had been already established, the House was hardly acting fairly. So far back as the year 1877, attention was called in the House by the hon. member for York to the fact that though a promise had been made to place a sum on the Estimates for a corps at York, no such provision had been made; and it was then stated by the Colonial Secretary that the matter was under the consideration of the Hon. the Commandant. Since then a company had actually been formed, officers gazetted, and the men had undergone a course of drill instruction. He therefore thought it would be very unfair indeed to exclude this company from any participation in the grant. With regard to the Naval Brigade at Fremantle—that noble body of men so slightly spoken of by the hon. member for Perth—he did not mean to say that the members of this body would prove themselves more valorous than the members of other companies, but this he would say—if any body of men, banding together for the protection of our hearths and homes, were ever likely to be of any real use in the event of an invasion, that body was the Naval Brigade. If the Volunteer force was to be regarded simply as ornamental, rather than useful, then it would become the duty of the House next Session to oppose any grant for the force at all. He would now move, as an amendment upon the resolution before the Committee,—“That, in the second clause, after the item ‘The Pinjarrah Mounted Troop, 25,’ the following words ‘The York Rifles, 50,’ ‘The Fremantle Naval Artillery Troop, 30,’ be inserted; and that the figures ‘500’ be struck out, and the figures ‘580’ inserted in lieu thereof.”

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he would support, very gladly, the amendment, and he did so for this reason—hardly an item of expenditure was more popular in its operation, or more healthful, than that which encouraged our young men to the use of arms as a means of rational recreation. He said recreation,—for who for one moment would think of calling these people soldiers? They could fire off guns, and move with precision, but no one seriously regarded them as soldiers.

At the same time the training which they received, and the discipline to which they voluntarily subjected themselves, could not fail to prove useful and beneficial, and, as a healthful recreation, Volunteering must certainly be regarded as worthy of encouragement as horse-racing.

MR. MARMION: Volunteers, at any rate, do what soldiers do, and if called upon to perform more active service, would possibly prove that they can also do what soldiers have done.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the hon. member for Perth had questioned His Excellency's right to approve of the formation of Volunteer corps without reference to that House; if the hon. member would look up the statute book he would find that His Excellency exercised no right that was not vested in him when he approved of the formation of a Naval Brigade at Fremantle.

MR. S. H. PARKER said it always afforded him much pleasure to be corrected, especially by the hon. gentleman the leader of the House. No doubt His Excellency, if he chose, could authorise the formation of as many corps as he liked; but he had no power to vote a penny of the public funds for the maintenance of such corps without the consent of that House. If he had, why did His Excellency now come to the House for a grant for that purpose? The Legislature would never recognise any Volunteer corps, until at any rate it had voted a sum of money for its maintenance. He certainly was surprised, after what His Excellency said in the course of the speech with which he opened the Session of 1878, as to the necessity of exercising every economy in our expenditure during the remainder of the year—he was surprised to find His Excellency sanctioning the organisation of fresh Volunteer Corps. He refrained, and he thought wisely, from any reference to the concluding paragraph of His Excellency's message, the tone of which he regretted, although quite in accord with what he had always regarded as the views entertained by the Government towards that House, and which, in effect, amounted to this: “You will adopt what course we point out to you, or no other course at all.” Was not this the sentiment conveyed in the concluding paragraph of His Excel-

lency's Message—"Give me what I ask for, or I'll disband the Volunteer force altogether." As he had already said, he would refrain from commenting upon the tone of this paragraph, in which he thought very bad taste indeed was shown.

MR. BROWN, whilst not at all agreeing with the hon. member for Perth that the Governor intended either to get the amount asked for or to disband the Volunteers throughout the Colony, still was quite in accord with the hon. member as to the desirability of limiting the expenditure under this head, and he also supported him in the suggestion he had made to accomplish that end. No doubt every hon. member felt that in asking His Excellency to disband these two corps (the York Rifles and the Fremantle Naval Brigade) they felt they were adopting a very grave step. He fully recognised His Excellency's right to organise these corps, but subject to the ratification of that House as the guardian of the public purse; and, were it not for the depressed state of the finances, he was sure no member of that House would desire that either of these two corps should be disbanded. When they adopted a resolution the other day limiting the Volunteer grant to £1,000, they did so under the impression that this amount would be sufficient; but it now appeared it would not. Still that was no reason why they should not limit the grant to as small a sum as they could, consistent with maintaining the efficiency of the service. It was evident that some of the companies would have to go; the question was, should they abolish those which had been longest in existence, or those newly formed or about to be organised? He felt a delicacy in recommending either step, His Excellency the Governor, who must know more about these things than most of the hon. members of that House, having deemed it expedient to organise these new corps. But he saw no other course open to them but to agree to the resolution before the Committee—a resolution that had not been framed hurriedly, or without due consideration and a conference with nearly every member of the House.

MR. GLYDE would support the original resolution, for he did not think

the country, in the present state of its finances, could afford to go beyond it. In doing so, he failed to see that they were inflicting any great hardship upon any company.

MR. MONGER said he would support the amendment. So long ago as the year 1874, application was made on behalf of the York people to have a sum placed on the Estimates for a company of Volunteers, and since then corps had been established both at Bunbury and Geraldton. In 1877, he again brought the subject before the House, and it was agreed that a sum of £150 should be placed on the Estimates for a Volunteer corps at York: he therefore failed to see how it could be said that His Excellency had assented to the formation of that company without the sanction of the House.

MR. PEARSE regretted to find the Fremantle Naval Brigade spoken of so slightly by some hon. members in the course of the debate, and especially by the hon. member for Perth. Whatever might be said about the rifle companies, he did not think they could compare in point of usefulness with a body of men like those constituting the Naval Brigade. He certainly would support the amendment of his hon. colleague.

The amendment was then put and negatived, and the original resolution agreed to.

SCAB IN SHEEP BILL.

This Bill was recommitted, and some further amendments, without eliciting any comment, introduced. *Vide* "Votes and Proceedings, page 85."

THIRD READINGS.

The Forfeiture of Recognisances—Prisoners as Witnesses—Bill; the Administration of Estates of Deceased Persons Bill; and the Bankers' Book Evidence Amendment Bill were read a third time and passed.

CELEBRATION OF MARRIAGE BILL.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved the

second reading of this Bill, the object of which the hon. gentleman had previously explained, when moving its first reading.

MR. SHENTON moved, as an amendment, that the Bill be read a second time that day six months. He thought the provisions of the Bill were far too stringent for this Colony. It was the duty of the Legislature, in a new country like this, to encourage marriages rather than to throw any vexatious obstacles in the way of their celebration. He felt certain that if the Bill became law it would be productive of more harm than good, even from a moral and social point of view.

MR. BROWN understood that it was the intention of the Government to modify the provisions of the Bill, so as to admit of marriages being celebrated, after the due publication of banns (as at present), or by special license. Had it not been that he understood it was proposed to modify the Bill to this extent, he certainly would have opposed it. He thought the principle of the Bill was a correct one, and that it was desirable as far as possible to minimise the opportunities which were afforded under the existing laws for persons contracting marriages who had no right to do so.

MR. S. H. PARKER said if he thought for a moment that the Bill would effect the object they had in view, namely, to minimise the facilities afforded for the celebration of bigamous marriages, he would have supported it. But he failed to see that it would have this desirable effect. The persons who generally contracted such marriages were those who had a wife or a husband in some distant country, and, to require a week's notice of such person's intention to marry again, would be of no avail, as there would be no time or opportunity for the lawful husband or wife to forbid the marriage.

MR. BROCKMAN said he would have voted for the amendment but for the statement made that the Government intended modifying the provisions of the Bill, as stated by the hon. member for Geraldton.

The House divided on the motion for

the second reading, with the following result:

Ayes	8
Noes	7
Majority for	1

AYES.	NOES.
The Hon. G. W. Leake	Mr. Glyde
The Hon. M. Fraser	Mr. Hardey
Mr. Brown	Mr. Marmion
Mr. Brockman	Mr. Monger
Mr. Burges	Mr. S. H. Parker
Sir T. C. Campbell	Mr. Pearce
Mr. S. S. Parker	Mr. Shenton (Teller.)
The Hon. R. T. Goldsworthy (Teller.)	

Bill read a second time.

TRANSFER OF LAND ACT, 1874, AMENDMENT BILL, 1879.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) in moving the second reading of a Bill to further amend "The Transfer of Land Act, 1874, and the Amendment Act, 1878," said the simple object of the Bill was to regulate the extent and the cost of advertising applications under the Act, and to deal with cases where land was resumed for railway purposes.

Bill read a second time *sub silentio*.

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES AMENDMENT BILL, 1879.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) in moving the second reading of this Bill said its object was merely to provide means for more perfectly ascertaining the causes of death than at present existed. The measure had been brought in at the suggestion of the Colonial Surgeon, with a view of making the General Register a more reliable source of information than it was under the existing system of registering the cause of death, and of affording means for estimating the causes of mortality.

Bill read a second time without discussion.

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