

# CLEARING LINE OF ROAD BETWEEN CHIDLOW'S WELL AND NEWCASTLE ROAD.

## IN COMMITTEE.

MR. SHENTON moved that an humble address be presented to His Excellency the Governor, praying that he would be pleased to place on the Estimates a sum sufficient to clear a line of road from Chidlow's Well to the Newcastle road. The hon. member said it was expected that the second section of the Eastern Railway, from Guildford to Chidlow's Well, would be opened for traffic in about two or three months time, and if the Toodyay settlers were to derive any benefit whatever from that line of railway it would be necessary to clear a line of road from the terminus at Chidlow's Well to Newcastle, otherwise they would be deprived of railway communication, and, on the other hand, the traffic receipts on the railway itself would suffer correspondingly. The road would only require clearing, as it went through ironstone country.

MR. STEERE, in seconding the motion, said it must be obvious that the clearing of the proposed road was a work of absolute necessity.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he could not see the utility of adopting this address. The subject was one which would be dealt with when the vote for "Roads and Bridges" was under consideration, and he failed to see what was to be gained by discussing it now, so long as it was understood that the clearing of the road in question should be included in that vote.

MR. SHENTON said, so long as it was definitely understood that the work would be undertaken and carried out, he was quite satisfied to leave the matter as it stood.

MR. STEERE moved that the Chairman leave the chair.

Agreed to.

The House adjourned at half past twelve o'clock, a.m.

# LEGISLATIVE COUNCIL,

Thursday, 23rd August, 1883.

Coastal Mail Service: Branch of Contract—Report Select Committees on Kimberley Land Regulations and Prior Claims Lessees—Reserves for Schools and Educational purposes—Exemption from Sale of Lands near routes of proposed Railways—Transfer of Fremantle Lunatic Asylum—Married Women's Property Bill: motion for third reading negatived—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

## COASTAL MAIL SERVICE: BREACH OF CONTRACT.

MR. STEERE, in accordance with notice, asked the Colonial Secretary what arrangements had been made for bringing up the colonial mails from Albany, which had been detained there since Monday, owing to the failure of the contractors to have a steamer in readiness for the conveyance of the mails, in accordance with the conditions of their contract; and whether it was the intention of the Government to take any steps to enforce the penalties incurred for any breach of the contract?

THE COLONIAL SECRETARY (Hon. M. Fraser) said the colonial mails had been despatched by the s. s. "Menmuir," and were expected to arrive at the General Post Office that day. With regard to the latter part of the hon. member's question, as to enforcing any penalties, the Government had the matter under their consideration, but had not yet decided upon any course of action.

## REPORT OF SELECT COMMITTEES ON KIMBERLEY LAND REGULATIONS AND ON PRIOR CLAIMS OF CROWN LESSEES.

MR. STEERE, in accordance with notice, moved the following resolution: "That an Humble Address be presented to His Excellency the Governor informing him that the Council approves of the report of the select committee appointed to consider and report upon the subject of the proposed amendments in the Land Regulations for the Kimberley District and the prior claims of lessees of Crown lands to a renewal of their leases, and prays that His Excellency will be pleased to take such steps

"as he may think necessary to inform Her Majesty's Secretary of State of the conclusions at which the Council has arrived in respect to these matters." He thought it would be generally admitted that the recommendations of the select committee were such as were likely to meet with general approval. The principal alteration proposed as regards the Kimberley regulations was a diminution in the number of stock required to be placed on the runs, within a given time. In view of the difficulties and expense of taking stock by sea to this district—which already had been attended with considerable loss to some sheep-owners—the committee proposed that the stock required to comply with the regulations should be reduced to ten head of sheep or one head of large stock for every 100 acres (instead of twenty sheep and two head of large stock, as at present). That was one concession which the committee recommended, and he thought, looking at all the surrounding circumstances, it was but a fair and a reasonable concession. At present it is necessary that all stock in the district shall be the actual property of the owner of the run, but as many young colonists who go up there have not the means to purchase stock, and are obliged to rent or mortgage them, the committee recommended that, as there might be a difficulty in such cases in making a declaration that the stock was the actual property of the lessee, it should be enough if the stock were in possession of the runholder. The committee also thought it was unnecessary that the requisite number of stock should be placed on each and every lease, so long as a lessee had the required number of stock in the district, on any of his runs. In the opinion of the committee, four years from the commencement of a lease was a sufficiently long time in which to comply with the stocking conditions, but, in order to meet cases in which the required number of stock is not within the district at the end of four years, they recommended that, instead of the lease being forfeited, the lessee should have another three years—or at any rate not more than three years under any circumstances—to comply with the stocking regulations, conditionally upon the payment of double the present rental. Should the

number of stock required by the regulations not be within the district at the end of the three years, the lease would be absolutely forfeited. In his opinion, these proposed amendments would tend materially to further the settlement of this district, and he believed the modified conditions now proposed would be regarded as reasonable and fair to all parties. With regard to the prior claims of Crown tenants in the Central Districts, as to a right to a renewal of their present leases, over any other applicant for the same land, what the committee recommended was precisely the same as what was proposed last session and agreed to unanimously—with the exception, he believed, of the hon. member for the Vasse—namely, that any holder of a lease now running may have a prior right to renew it by making application to do so at any time within three months previous to the termination of his lease, provided he is prepared to pay whatever rent and comply with such other conditions as may be in force at the time. It was not to be supposed that the present land regulations would be the regulations which would be in existence when these leases expired, and, provided present lessees were prepared to accept the provisions of the regulations in force at the time when their leases terminated, he thought it was only fair they should have the first chance of renewing those leases. The only member of the select committee who had dissented from this recommendation was the hon. member for the Vasse, who appeared to be under the impression that it would have the effect of locking up the lands at the same rent as was now paid. But he (Mr. Steere) contended that whatever term of lease we gave a man we would not be locking up the land; for under our regulations, a selector may go upon any lease at any time and purchase as much land as he pleases; while as to keeping the lands at the same rent as now, the new clause proposed made no such provision, but enacted that the lessee, if he wanted to renew his lease, must be prepared to pay whatever rent may be chargeable under the regulations in force at the time.

MR. MARMION seconded the motion. Although the recommendations of the select committee did not perhaps deal as liberally with the lessees of Crown Lands

in the Kimberley District as he thought they ought to do, still he thought the terms proposed were a reasonable compromise between both parties, and he believed would give a certain amount of satisfaction to Kimberley lessees, if these recommendations became law. One of two things had to be done, either a reduction in the rental or some corresponding benefit should be given to those who had, at great expense, risk, and in many cases loss to themselves, devoted their energies and their capital to the stocking of the country. It seemed to the select committee that a reduction of rent would cause a corresponding loss to the revenue of the colony, and, therefore, in order to relieve to some extent the *bonâ fide* settler it was proposed to lessen the number of stock,—which he thought was a very wise suggestion. With reference to the rights of lessees in other parts of the colony to a renewal of their leases, there appeared to be a false notion abroad as to the action of the select committee in this matter. What was it, after all, that the committee recommended? It simply amounted to this: that those persons who now leased lands from the Crown should at the termination of their present leases have a pre-emptive right of renewal, under the terms which may then be in force. Surely there could be no harm or injustice in this, towards anyone. It could not be supposed for a moment that during the years that must elapse before these leases fell in the land regulations would remain what they now were, or that all those hon. members who now had a seat in that House would have a voice in framing those regulations, or that the country would not have ample time to consider the whole question in all its branches. He distinctly denied the assertion that they would be locking up the lands of the colony for an indefinite period if the recommendations of the select committee were adopted.

Mr. BURGESS did not think the select committee deserved the thanks of the House or of the country for their report. They must have known that the great want of pastoral lessees was security of tenure, and the committee had power to suggest upon what terms these lessees should have their leases renewed. The Secretary of State had always shown him-

self ready to listen to the recommendations of the Legislature. The pastoral interest was the mainstay of the colony, and it must be protected; while as for our so-called "cockatoos," or free selectors, they were, many of them, little better than robbers and spoilers, who paralysed the pastoral leaseholder: free selectors should be abolished. Every man had his hobby, and the land regulations were one of his (Mr. Burgess's) hobbies, and he had endeavored on more than one occasion to make them more suitable to the colony, and at the same time benefit the revenue. Our new Surveyor General had adopted the same views as himself, almost entirely, and he hoped the next regulations would be based upon that gentleman's last report.

Mr. CROWTHER did not think the select committee were expected to deal with the land regulations generally, and he hoped the Government would take some steps to deal with the whole question exhaustively before the Central District leases fell in. Should nothing be done in the matter by the Government, it appeared to him that the proposal now before the House would have the result of locking up the lands for a long period.

Mr. BROWN: The regulations now in force are only co-existent with the present leases.

Mr. CROWTHER said if the 68th clause had any force at all, it gave the lessees pre-emptive rights. He thought the time had arrived when we should attempt to have a classification of our lands, and he could not help thinking that, if the subject were dealt with in a broad and comprehensive spirit, our lands would relieve us almost from the necessity for any other source of revenue.

Mr. S. H. PARKER, in order to guard against the chance of the land regulations not being amended before the expiration of the existing leases, would move, as an amendment upon the motion before the House, that the following words be added to it: "Subject however, as regards lessees of Crown lands, that they shall have no pre-emptive rights whatever." He agreed with the hon. member for the Greenough that the time had arrived when these lands ought to be classified. Some of them were let at a great deal more than they were worth,

whereas other lessees, especially at the North, were not paying anything like what their lands were worth. If these lands belonged to a private individual they would never be let for 5s. or 10s. per thousand acres. They would not be let at such rates as would leave a margin of thousands of pounds profit, when disposed of by lessees—profit which ought to go to the State, but which now went into the pockets of speculators. He would give these lessees the right of renewal, on conditions which would be fair and reasonable to all parties, provided free selection were allowed to all comers. Let them have security of tenure if they liked, but let us also have *bonâ fide* selectors, who ought to be the backbone of the country. It was not because our land was unfit for agriculture that the colony had not progressed as it ought to have done, but simply because people had been able to earn more money at other occupations, with the same expenditure of time and labor. If a man, with the same amount of labor, could earn £10 at timber cutting, when he could only earn £5 at farming, it was not likely he would devote his time to agriculture. No doubt every encouragement, every legitimate encouragement, ought to be given to agriculture, otherwise our railway policy would simply turn out to be a great blunder. It would be no use making railways for squatters, and, unless we had a flourishing agricultural population, they would never pay.

MR. WITTENOOM said, as regards the Kimberley regulations, the object of the select committee was not merely to promote settlement but also to keep up the revenue, and he thought every unprejudiced man must agree that the recommendations of the committee were only fair and just towards those who put up with all the hardships and difficulties of settling a new country. The hon. member, Mr. Burges, said the committee did not deserve the thanks of the House, and that the committee, if they chose, were in a position to frame an entirely new set of regulations, suitable to the requirements of the colony. But he would point out that the committee had only reported upon those questions which had been referred to them; and if, as had been insinuated, some of the members of the committee were interested

parties, all he could say was, these recommendations redounded very much to their credit, and they deserved all honor for not having taken advantage of their position to suggest alterations more advantageous to themselves. As to the Central Districts regulations, his idea was to deal with equal fairness with the squatter and the agriculturist, and place the two in a position where their interests should not clash. Agricultural lands, he thought, ought to be reserved for that purpose, and the rest of the country should be leased, on extended leases, and without the power of anybody to purchase it, so that it always remain the property of the State.

MR. BROWN hoped the House would not consent to go away lightly from the recommendations of the select committee. He thought the amendment proposed by the hon. member for Perth was scarcely relevant to the committee's report, and it certainly ran counter to the course which the committee had approved. The committee had decided simply that Crown lessees should have a prior claim to a renewal of their leases upon the terms of such regulations as may happen to be in force at the time of renewal. It would be absolutely necessary that some fresh regulations should be enacted when the present leases did expire, and that the whole system of the disposal of our lands should be reviewed. The hon. member for Perth went further than the committee, and anticipated what the revised regulations would be, and asked the House to pledge itself that the conditions imported into those regulations shall not in any case embrace pre-emptive rights. He thought, before hastily deciding such a sweeping and important alteration, we should wait until we had the whole question before us.

MR. GRANT said he was very much disappointed, more than disappointed he was disgusted, when an hon. member, having expressed his opinion on an important subject like this, immediately left the House, before he heard any of his arguments refuted, as the hon. member for Perth had done in this case. He thought it was Bismarck, or some other great man, who said: "Show me a man who has only the one opinion and I will show you a fool." It appeared the hon. member for Perth did not want to be

persuaded that he was in the wrong, although he had spoken on a subject of which he evidently knew little or nothing about. The hon. member talked of a classification of our lands,—did he ever take into his consideration what it would cost to classify millions and millions of acres of land, scattered over a colony of this enormous extent? It would cost thousands of pounds, probably hundreds of thousands; and where would we get the men to do it? Our lands were not like the lands of the other colonies, where people could calculate upon a certain return from the land with some degree of certainty. Here, with our droughts and uneven climate, people could never depend upon their yield; and, supposing classification were adopted, two or three years drought would ruin the owners of land classified at a high rental, who would have nothing to fall back upon in seasons of depression. There was much to be said in favor of classification where the system could be carried out without injustice, but the system was not at all a perfect one. One man might improve his land, spending much time, labor, and money in doing so, and when the classifier came round, and saw what good land this man had, he would at once raise his rent; whereas his neighbor with the same class of land, but who was too idle and thriftless to attempt to improve it, would get his land classified at a much lower rental. As regards the squatter, no doubt the squatter was the backbone of the colony, and always had been up to the present time. The hon. member for Perth said it would be no good making railways for the squatters, because they would never pay; but he would remind the hon. member that one of the best paying railways in the other colonies was a squatters' railway,—the Echuca line. There was very little land indeed in this colony adapted for agriculture, simply patches here and there, which had already been monopolised. Nature was against us, with regard to agriculture. (Mr. S. H. Parker: No.) He did not think the hon. member who said "no" was capable of forming an opinion on the subject. He would be prepared to listen to the hon. and learned member expounding the law, but his training was not such as to entitle his opinion upon agricultural and pas-

toral matters to any weight whatever. It might be said that our land was cheaper than the lands in the other colonies, except perhaps South Australia; but he did not judge the value of land by its upset price but by its capabilities.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he had listened with considerable interest to the expressions of opinion which had fallen from hon. members on the subject of our land regulations, but he regretted to find that the debate was becoming strongly tinged with squatter proclivities. For many years past he had endeavored, when he held the office of Commissioner of Crown Lands, in all his recommendations for regulating our land system, to equally distribute the advantages between the pastoral and the agricultural interests. It was only a few evenings ago that he had spoken of the want of progress evidenced by our agricultural returns, and pointed out that with the extension of railway communication we might expect to see this important interest stimulated; and he should be sorry, in view of these anticipations, to see any regulations adopted which would be calculated to retard the development of the agricultural industry. He coincided with the hon. member for Perth in his amendment, and he did so because he felt that this Council generally was too favorably inclined towards the pastoral interests. They all knew the pastoral interest was an important one, but it would certainly be very impolitic to let it go abroad that the Legislature of the colony was of opinion that the lands of the colony were unfit for agricultural purposes. With regard to the work of the select committee, he noticed that the committee, in dealing with the rights of Crown lessees, had not confined themselves to the Central District of the colony, as was intended by the Secretary of State. Provision was made in the present regulations which would necessitate fresh regulations being framed as regards existing leases, which terminated in 1887, and the object in view was to give the country an opportunity of further advising the Legislature and the Government as to what terms upon which these leases ought to be renewed. It so happened that a favorable opportunity would be afforded the country at

large to express an opinion on this subject, for, before the present leases expired, the present Council would expire by effluxion of time, and a general election would take place in time to return members representing the general opinion of the country on the land question, not only as regards the agricultural but also the pastoral interests. He understood, although the reports did not say so, that these recommendations of the select committee were only intended to apply to the Central District, but the whole question would soon have to be considered, and no better opportunity for doing so, and of obtaining the opinion of the country on the land regulations generally, could be had than the approaching general election.

MR. VENN said, with regard to the proposed modification of the Kimberley regulations, if hon. members would calmly consider the matter they would find that the select committee in dealing with the relaxations necessary to encourage settlement in that district had made such recommendations as might, he hoped, be favorably entertained by the House. With regard to the other part of the subject, it appeared to him the question submitted to the committee was a very simple one, but the House seemed to have been led into a promiscuous discussion upon the land regulations generally. With respect to the recommendation that present lessees should have a prior right to their lands at the close of their leases now running, he thought that was a very simple matter. They were not asking for very much, and they were not asking more than was fair and just. His desire was in every legitimate way to support the agricultural interest, and so long as the existing regulations remained in force they need entertain no apprehension as to the lands being locked up from the agriculturist. He maintained there was a large extent of land here fit for agricultural purposes, and he should be very sorry it should go abroad, in England, where we hoped to be able to recruit our population, that the colony is altogether unfitted for agriculture: if so, the labors of our Immigration Board would be thrown to the winds. Everyone who came out here expected to have a home and a bit of land of his own, and if intending emigrants were led to under-

stand that the country is not adapted for agriculture they would not care to cast their lot with us. For his own part, he was satisfied there were hundreds and thousands if not millions of acres eminently fitted for agriculture—if not for growing corn, for growing other agricultural produce. As to classifying our lands, the same question had occupied the attention of the Government of South Australia, and no doubt Mr. Goyder's efforts in that direction were crowned with a great deal of success, and that he did good service to the colony. Possibly some similar simple system of classification might be carried out here, at no very great expense.

MR. MARMION said the debate had undoubtedly travelled beyond its legitimate bounds, and beyond the report of the select committee. What was the use of discussing and attempting to deal with regulations which had yet to be in existence for years,—in existence perhaps after some hon. members had ceased to exist. The discussion was obviously useless, and all the talk about free selection in other districts than the Central District was simply waste of time. As for the agriculturist, he would throw no difficulties in his way, but would let him roam where he liked to choose his homestead. He would guard in every way against shutting up the land against him in those parts of the colony where the land is suitable for his pursuits. But where was such land to be found, except in the Central Districts of the colony? He thought the hon. member for Perth might safely withdraw his amendment. The hon. member wanted to provide, five years before certain privileges lapsed, that those privileges shall not be renewed. Who could tell what form of Government would then be in existence? Who could tell who would then have seats in that House? There was no sense in it, and the hon. member himself must see there was no sense in it.

THE COLONIAL SECRETARY (Hon. M. Fraser): There is as much sense in it as there is in the resolution itself. The House is asked to affirm a resolution which cannot possibly be binding for years yet to come.

MR. MARMION: It is intended to be binding to this extent: that the present

lessees shall have a right, for three months before their leases expire, to apply for a renewal of their leases, but it does not affect any privileges which they may or may not obtain during the continuance of their lease.

MR. SHENTON said his view of the land question was, that land intended by nature for agriculture ought never to be locked up for a sheep-walk. It was only by agriculture that we could ever hope to increase our population, and it would be a bad day for the colony if it went abroad that we had no land within our boundaries fit for agricultural purposes. He thought that when the present leases ran out, some more equitable arrangement ought to be made as regards fixing the price of land, according to its capabilities, instead of having a uniform rate for all classes of pastoral land. No doubt this land question would be one of the burning questions that would come before the country when we have a change of Government, and in all probability the fate of the first Ministry would depend upon whether they would be prepared to give every encouragement to the agriculturist. For his own part, he thought the farming community ought to be encouraged in every legitimate way, and, as for the pastoralists, he would give them every reasonable protection, but he would make them pay for their land according to its capabilities and the carrying powers of their runs.

SIR T. COCKBURN-CAMPBELL said the difficulty in which the House appeared to be landed might be surmounted by inserting after the words "prior claims of lessees of Crown lands," the words "in the Central District,"—if that was the intention of the select committee.

MR. BROWN: No, no; that question never cropped up until to-day. The amendment can have no reference to the Central District, for the lessees there have no pre-emptive rights.

MR. S. H. PARKER said he had no objection to the proposed words being inserted.

MR. BURT pointed out, if that were done, that all this correspondence with the Secretary of State would have to be gone over again, with regard to all the other districts, when the leases in those districts fell in. Why not make the

principle applicable to all districts, if approved as regards the Central District? If the right of renewal were granted to the lessees in one part of the colony, surely the same right ought to be extended to lessees in other parts of the colony. By accepting the principle as regards Crown lessees generally—the right of renewal on such terms as may be in existence when the leases expire—they could do no harm to the State or anyone else. The regulations which may be in force when the Central District leases fall in might not be the same as would be in force when the leases in other districts fall in, but the right of renewal would be on such conditions as would be in force according to the regulations applicable at the time to land in the districts in question. It was simply the affirmation of a principle. As to Responsible Government and its probable result upon the land regulations, all he could say was—if the hon. member for Perth should happen to be at the head of the Government, they had a pretty clear indication of the direction of that hon. gentleman's land policy. As to free selection, why free selection was freer here now than it was in the other colonies. Half of the land taken up was taken up with no *bonâ fide* intention of settling upon it, or of complying with the conditions as to selection. His own views rather tended in the direction of protecting both sections—pastoralists and agriculturists. Let the latter be allowed to settle down in any district or portion of a district where there was land suitable for his vocation, and let no land suitable for agriculture be let to the squatter. On the other hand, let the squatter have the right to take up such lands as were only suitable for pastoral pursuits, unmolested, and upon such a tenure that he could feel himself safe to undertake all necessary improvements. We should then have no antagonism between the two classes. It appeared to him, however, that as no action was to be taken now as regards the land regulations generally, it was premature to discuss the whole subject. But he certainly thought the principle proposed to be adopted as regards the prior rights of lessees ought to be adopted as regards the lessees in all parts of the colony; otherwise we should have to go over the

same ground again, when the other leases were about to fall in.

MR. CAREY said he was anxious to make some remarks on the report of the select committee, of which he was a member, but as he was extremely unwell that evening he hoped hon. members would consent to an adjournment of the debate. He begged to move that the debate be adjourned until Monday, the 27th August.

Upon the question being put, a division was called for, with the following result:—

Ayes ... .. 13

Noes ... .. 8

Majority for ... .. 5

AYES.	NOES.
Hon. A. P. Hensman	Mr. Burges
Hon. J. H. Thomas	Mr. Burt
Hon. J. Forrest	Mr. Grant
Mr. Brown	Mr. McRae
Sir T. C. Campbell	Mr. S. S. Parker
Mr. Glyde	Mr. Shenton
Mr. Hamersley	Mr. Wittenoom
Mr. Higham	Mr. Steere (Teller.)
Mr. Marmion	
Mr. S. H. Parker	
Mr. Randell	
Mr. Venn	
Mr. Carey (Teller.)	

The debate was therefore adjourned to Monday, 27th August.

#### RESERVES FOR SCHOOLS AND EDUCATIONAL PURPOSES.

MR. CAREY, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, praying that he would be pleased to make reservations of Crown Lands in the various towns and districts of the colony, for the endowment of schools and other educational institutions of a public character." His object in bringing this matter forward in this way was because land in the vicinity of towns was being fast purchased up, and in a very short time there would be none available for such purposes as were referred to in this address. Under the existing Land Regulations the Governor had power to set apart reserves for these purposes, which, he thought, all would agree was a very desirable thing to do.

MR. RANDELL had much pleasure in supporting the motion, which was one that must commend itself to the good judgment of the House. It was very desirable, he thought, at this early stage of the colony's history, that as much

provision in this way as was likely to be necessary should be made for the future educational establishments of the country.

Motion agreed to.

#### EXEMPTION FROM SALE OF LANDS NEAR ROUTES OF PROPOSED RAILWAYS.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to consider the advisability, in view of certain railway proposals now before the country, of temporarily excepting from sale all lands within the Eastern and South-Eastern Districts, lying South of the 30th parallel of South latitude; also a belt of land sixty miles in width, through the centre of which passes the proposed railway between Beverley and King George's Sound, as laid down in the map attached to the Surveyor General's report to the Government upon that projected line." The hon. baronet said he moved the address at the suggestion of the members of the Government, in view of the railway proposals before the country, and of the possible action of the Legislature with regard to them, His Excellency the Governor being desirous of an expression of opinion on the part of the Council, before promulgating a *Gazette* notice to this effect. He thought immediate steps should be taken to give effect to the address, otherwise we should have speculators buying up these lands.

MR. BURT thought if the address were passed in its present shape it might lead to misconception. He presumed the hon. baronet intended that any action with reference to these lands should be subject to the rights of the present lessees, who, as hon. members were aware, had certain pre-emptive rights with which this resolution, as now worded, might interfere. He would therefore move to insert after the word "latitude," in the tenth line, the words "subject to the rights of present lessees."

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he must take exception to the insertion of these words, inasmuch as they might be misunderstood. Most lessees had certain rights of one kind or the other attached



to their leases, but those rights, as he understood them, did not prohibit the Crown from exercising any rights reserved by the Crown in respect of these lands. He therefore thought it would be better to leave the resolution as it stood.

MR. BURT thought the resolution might affect the pre-emptive right of lessees to purchase their lands. There was no knowing in what light the Government might view this resolution.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought a better way of meeting the difficulty would be to substitute the word "reserving" for "excepting from sale," in the seventh line of the resolution.

MR. CAREY asked what effect that would have as regards the rights of lessees. Would it affect their rights as to a sale of their lands?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he expected that lessees, as regards any legal rights they might have under their leases, would take good care that neither the Government nor anybody else should interfere with those rights. The hon. gentleman then formally moved the amendment he had already suggested—the amendment submitted by Mr. Burt having been previously withdrawn.

The resolution, as amended, was then agreed to.

#### TRANSFER OF LUNATIC ASYLUM TO COLONIAL GOVERNMENT.

##### IN COMMITTEE.

MR. STEERE, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, respectfully informing him that the Council, having considered the report of the Select Committee appointed to inquire into the proposed transfer of the Lunatic Asylum at Fremantle from the Imperial to the Colonial Government, agrees with the conclusion arrived at by the Committee, and recommends that His Excellency should take such steps as he may deem requisite to complete the transfer in accordance with the terms proposed by the Imperial Government; subject, however, to the proviso contained in the report of the Committee." He presumed

hon. members had read the report. We were at present paying the Imperial Government at the rate of £42 per head per annum for the maintenance of colonial lunatics in the Asylum, and the select committee had ascertained they could be kept at a very much lower rate, so that there could be no doubt the colony would gain, in a pecuniary sense, from the proposed transfer. He thought they should regard this transfer merely as a prelude to the transfer of the whole of the Imperial Convict Establishment, and this consideration, he might say, had influenced the select committee in recommending that the terms offered by the Imperial Government as regards the transfer of the Lunatic Asylum should be accepted. The select committee, however, were of opinion that we should have nothing to do with saddling ourselves with any claims in respect of superannuation or compensation which might be urged by the officers now employed by the Imperial Government, but should leave it to the Home authorities to make the best terms they could with these officers for the abolition of their offices, and leaving the Colonial Government to make its own arrangements as to the future supervision of the Asylum. The sum and substance of the result of the committee's inquiries would be found in the last paragraph of this report, in which they reported that having carefully considered all the circumstances, they had come to the conclusion "that it would be advantageous to the colony to accept the terms proposed by the Imperial Government, with, however, the proviso that the buildings and grounds are all conveyed over to the Colonial Government, and also that the latter should keep itself entirely free from any arrangements that may be made by the Imperial Government for giving superannuation or compensation allowance to the officers at present employed at the Asylum. The Colonial Government should incur no liability whatever as regards these officers, who are mostly men of long service, and who are desirous of receiving superannuation or compensation allowances from the Imperial Government on the abolition of their offices."

MR. BURT said he believed the proposition that we should take over this

Asylum emanated from the Imperial Treasury,—an office that worked in a mysterious way. It was well known that for years past the Imperial Government had been aiming at a certain object, as regards the transfer of the Convict Establishment at a certain rate per head of the inmates. He was beginning to suspect a little trap in the proposition now before the House; he believed the intention of the Imperial Government was that, if we swallowed this bait, we should also be asked to take over the whole establishment, at the same rate, which certainly would not pay us. The whole matter was gone into with great care by Governor Ord and Mr. Commissary Thompson, and it would be found on reference to the papers on record that Governor Ord would not have anything to do with such a proposal, as that this colony should take over the Convict Establishment at the rate of £42 per man. He did not know whether the select committee had seen these papers or not, but he believed Sir Harry Ord, who behaved as a true friend to the colony in the matter, regarded the proposal and the terms offered by the Imperial Government as preposterous, and he refused altogether to listen to the voice of the charmer, in the person of Mr. Commissary Thompson. It was not at all improbable that the Home Government intended this as a bait to entrap the colony into accepting the larger proposal on the same basis, seeing that there was a margin of profit here. But he doubted very much whether there would be any margin of profit if we took over the Convict Establishment on the same terms. He hoped the Imperial Government would not consider that the colony, in agreeing to the present proposal, would also be prepared to accept a similar offer as regards convicts.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the calculations upon which the select committee had based their report were on the table of the House. The question of taking over the Convict Establishment on the same terms was a matter which was not at all before the present committee. As to the manner in which the interests of the colony were protected by Governor Ord, in the negotiations between him and Mr. Commissary Thompson, no one who had

seen the papers connected with that business could come to any other conclusion than that the whole affair, so far as the interests of the colony were concerned, had been skilfully and adroitly managed by the late Governor, to whom the colony owed a deep debt of gratitude. Sir Harry Ord on that occasion undoubtedly prevented the colony from being imposed upon, by an offer made in a generous spirit but framed in a very different one.

The resolution was then put and passed.

#### MARRIED WOMEN'S PROPERTY BILL.

On the order of the day for the third reading of the Married Women's Property Bill,

MR. VENN said: I rise, sir, to move, as an amendment, that this Bill be read a third time this day six months. In so doing I am following out the only course now left open to me to obstruct the Bill, and if possible to prevent it ever becoming law in this colony. And, sir, thanks to the sincere opposition of a few members on this side of the House, I think it may be said we have struck a chord that has aroused the interest and touched the feelings of the whole community. Everywhere throughout the colony, in every home, the provisions of this Bill are being canvassed with a keenness worthy of the occasion, and I venture to say—and I say it sincerely—if the verdict of the colony was at this moment asked, that verdict would be given—"not required." The provisions of this Bill affect us in our waking moments, as does the hideous phantom of a nightmare in our dreams. It strikes home to our hearts and to our instincts, and raises up within us a spirit of resistance and rebellion, as anything that saps at the foundation of our social life should do. Sir, this Bill robs both man and woman of their birthright,—man's birthright being to protect, guard, and support the woman, the woman's birthright being to place her trust in the man. Rob us of these and you reduce the noble estate of mankind to the level of the brute creation, to the level of the beasts of the field, that have not the gift of reason to guide them, but are led only by their sensual instincts towards their kind. Sir, trust and confidence are the mainstays of

married life. The interests of the one should be the interests of the other, so that there should be an evenness of purpose throughout our short and uncertain life, leaving as little room as possible for jars and discords to enter into the sanctity of our homes. Our social and domestic life is to be guarded most jealously, for however much we may strive to render married life as a whole a happy one, there are numerous rocks and shoals on which that happiness may be wrecked, without the gratuitous aid of the Legislature. This Bill divides the house against itself, creating a division of interests, and creating two independent heads,—a Bill that, while it seeks to protect the funds and earnings of a married woman as against her husband, leaves the question of domestic expenditure entirely out of the question. Presumably the whole of that falls upon the husband, while the wife, acting independently of all home ties, may do as she pleases not only with her money but with her time. This is protecting the wife's interests doubtless, but it is affording her protection at the expense of the husband. Now I take it that a state of society requiring legislative enactments to regulate its home and domestic expenditure does not, and I hope never will exist here—if it really does exist in any of Her Majesty's dominions—and hence such a Bill as now before us is not required, and is far in advance of the age we live in or hope to live in. Among the remarks that fell from some hon. gentlemen in supporting this Bill our attention was drawn to the primitive state of women, and the present advanced stage of thought and ideas. Now, sir, if it is desired to prove from historical evidence the necessity for such a Bill as this, the remarks I allude to fell very short, but their accuracy may be doubted. It was said that woman has been held, in every age, in a state of bondage or servitude. Sir, I think she has always held the glorious position assigned to her by the Maker of all. Among all civilised races man and wife have been one, and their interests identical, and the further we go back the greater the equality; and the present so-called advanced stage of thought is to take woman out of her sphere and place her where she was never intended to be,

and to which she in her beautiful innocence and simplicity never aspired. It is only among the uncivilised races of the world that woman does not hold the position she was destined to occupy; and this Bill, I take it, although it will reach the homes of the poor is not likely to penetrate the hut of the native. Again, if it is found necessary to define the status of a married woman, and create for her independent interests, would it not be in keeping with the provisions of the present Bill to go somewhat further and say that no married woman shall in any way share the social position and honors which the husband may attain to? Should that not be the sequence to such a measure as that before us? Sir, legislation somewhat in the direction we contemplate by this Bill to meet cases of oppression or wrong may possibly be required in some exceptional instances; but, to meet those cases, it is in no way necessary to have a Bill that shall enter into every house, and shall at one fell swoop bring an element of discord into peaceful homes. Legislation based on the other lines I have indicated, my hon. friend on my left (Mr. Burt), I believe, is prepared to promise this House, and I feel sure those hon. gentlemen who have opposed our previous action in this matter will now support us, and co-operate with us in furthering such legislation as may be required, without conveying any covert insult to the whole community. Sir, the opponents of the present measure echo (I say again) the sentiments and feelings of the colony, and, in view of those feelings, I feel sure the hon. gentleman opposite will not force down the throats of the community a Bill so objectionable. Apart from the fact that the representatives of the people in this House represent outside feeling on this subject, I also notice that the whole press of the colony, with one voice, have pronounced against the introduction of this Bill. And in the face of this consensus of opinion I feel sure, whatever may be the fate of the Bill in this House, that His Excellency the Governor will not, in the face of the outspoken sentiments of the whole community, give his assent to such a measure. If he does, I feel sure it will raise such a howl of indignation that was never before heard in Western Australia.

MR. BURT said the opposition which this measure had met at this stage should more properly, perhaps, have been offered on its second reading. Whether the Bill, on that occasion, took away the breath of hon. members, or whether it was that they had had no time to organise their forces, he did not know; but, for some reason or other, no hon. member he believed spoke on the occasion, except the hon. and learned gentleman in charge of the Bill. He thought, in the face of the opposition which had since been developed as regards this measure, the Government might be asked in all fairness not to press the Bill this session, but withdraw it, and, if considered desirable, bring it forward again when the country has had an opportunity of considering its provisions. Looking at the fact that, with the exception of four gentlemen only, all the elected members of the House were opposed to it—and he did not think those four who supported it would be able to say that they thoroughly understood its provisions—and looking also at the feeling of opposition which had been manifested outside, he thought the Bill might be withdrawn temporarily at any rate. It was almost impossible to say how far such a measure would operate, and although he was quite prepared to go a certain length in protecting married women who were ill-used, he thought there were very few instances indeed in which such a Bill as this would fairly apply. He had already indicated the lines upon which he should like to see legislation proceed. He thought if we protected a woman and her property to the extent of shielding her from the bad designs of a man who was a mere drag upon her existence, we should be doing all that the country expected of us; and he would suggest that, instead of giving a married woman all these new rights—rights which had not even been asked for, and which were altogether uncalled-for in a small community like this—we should be content to protect those women only who really do suffer through the misconduct of their husbands, and thus deprive such husbands of the rights which by such misconduct they had forfeited. This, he thought, might be done by enabling any ill-used married woman to obtain a protection order from some tribunal—

which he would suggest might be the bench of magistrates of the district. A woman could get a protection order now if her husband committed an aggravated assault upon her; but he would give her that right for an offence far short of an aggravated assault,—for cruelty in any way, or if she could show her husband's inability or neglect to support her. Such a protection order might have the same effect as this Bill was intended to have, as regards protecting the woman's earnings. He would propose that these orders should be registered, either at the court of petty sessions for the district or at the Supreme Court, so that creditors could ascertain whether or not the earnings of any woman were thus secured for her own use and benefit. If any hon. member would suggest any other course which should operate in favor of a married woman obtaining a protection order, he would have no objection to enlarge the grounds for granting them. He would also give power to a wife to obtain a cancellation of these orders, if she thought fit, at any time, and, so far as his own opinion went, he should be further prepared to give a married woman protection over all property she may inherit after marriage, or any other post-nuptial gift, as contemplated in the 6th and 7th clauses of this Bill. He would allow her to enjoy the benefit of the 9th clause, empowering her to effect a policy of insurance upon her own life—but certainly not upon the life of her husband. In return for these concessions he would retain the provisions of the clause which limited the liability of a husband as to his wife's debts to the extent only of such property as she may have brought him on their marriage. He thought if we legislated on the lines he had indicated we would legislate as far as the country expected, or that married women could reasonably expect.

MR. BROWN said that up to the present stage of this Bill it had received his support, for the reason that in his opinion it went upon lines which called for legislation; but, although he had given the Bill his support up to now, it was his present intention to vote for the amendment, and for this reason: without pretending to understand the whole of its provisions, he would say this much—it appeared to him to give to a wife

large rights and possibly considerable properties which under the present law belonged to her husband, and, although it did that, it in no way imposed upon the woman such obligations as ought to attach to those rights. He thought if we legislated in this direction we ought to provide that both the husband and the wife shall contribute of their property or their earnings towards the maintenance and education of their children. He was sure the Government and all of them must respect the earnest and outspoken opposition which had been offered to the Bill up to the present stage, and he had no doubt, if the Bill were withdrawn and brought forward next session, the result of this discussion would be that a very much better Bill, and a more suitable Bill, would be submitted then. Therefore, it was his intention to vote against the third reading, but, in doing so, he did not go so far as to say he should be prepared to support the measure which the hon. member for the Murray and Williams had sketched out.

SIR T. COCKBURN-CAMPBELL said that when a similar measure to the present one was brought in by the hon. member for Perth, in 1881, although the matter did not come to a division, he spoke in favor of legislation of the character contemplated, and therefore he supposed it had been taken for granted that had there been a division on the second reading of this Bill he would have voted in favor of the second reading. Consequently, he thought it was desirable he should state why he intended to support the present amendment. It was not because legislation of the kind introduced by the Attorney General had not his full sympathy—it had his fullest sympathy, for he certainly thought some legislation was very seriously required. It was all very well to say we had not heard of very many cases calling for a remedial measure of this character, but surely we should not wait until the evil had become so crying and apparent that legislation was imperatively demanded before we took any steps to prevent the evil. The reason why he intended to support the amendment was that he certainly did not think the present measure had received that full consideration which it ought to have done. It

was all very well to say that a similar measure was introduced two years ago, but, as hon. members were aware, that Bill was dropped and was never gone into carefully, and nobody had ever thought of it since. No steps had been taken to bring it forward again at the following session, and, until they heard it mentioned in the Governor's opening speech that it was proposed to introduce a Bill dealing with the question of married women's property this session, he did not think any hon. member had given the subject much consideration; and as the subject was one of such great importance, and such serious mistakes might be made if we legislated hastily, he certainly thought it would be better to wait, so as to give hon. members and the country an opportunity of considering the matter more fully. So far as he understood the proposals sketched out by the hon. member for Murray and Williams, who had the full confidence of the House, he thought that the hon. member would be able to prepare a measure, during the recess, which would better meet the requirements of the country than the Bill introduced this session. With regard to the statements made by the hon. member for Wellington, he did not in the least agree with the hon. member that, even if the present Bill became law, it would have the effect he contemplated. The same disastrous social consequences were predicted as likely to result from the Deceased Wife's Sister Bill, which was passed some five years ago, but, so far as he was aware, none of those dreadful consequences had resulted. In the same way he did not think the present Bill would bring about any social revolution or any social evils; but he did think when they legislated on such an important question it was highly desirable they should legislate deliberately, and in the best possible direction, and he did not think any of them had sufficiently considered the provisions of this Bill for it to be safe to pass it at present.

MR. STEERE said the hon. member for the Murray had drawn attention to the fact that only four elected members had voted for the Bill, and the hon. member had done them the honor of saying that he did not believe that any of them understood it. The hon. member

might be right, for he (Mr. Steere) certainly did not understand it in the way it had been interpreted outside the House, or even inside the House, and he rose to protest against the misrepresentations which had been made with reference to the provisions of the Bill outside. He would only mention one: it was said the Bill opened the door for fraud, as against creditors, whereas in point of fact it clearly provided against fraud. The 5th clause enacted that any of her husband's money deposited or invested by a married woman as against her husband's creditors would not give validity to such deposit or investment, and such money could be followed by a creditor as if this Act had never been passed. If the Bill had struck a chord in the public mind, as stated by the hon. member for Wellington, it had done so simply because its provisions had been misunderstood or misrepresented. Were it not so there would have been none of this clamor against it. But, seeing that the Bill was so little understood, he thought that, in the case of an important measure of this character, it ought not to be forced upon the country until the public became better acquainted with its provisions.

Mr. RANDELL felt that in opposing the passage of the Bill hon. members were hindering the passing of a most desirable and useful measure. Probably the Bill was open to improvement in some respects, but it was not too late to introduce such improvements as might be deemed necessary, on a recommittal of the Bill. There was one amendment which he would himself wish to see made in it, and his attention had been called to it by an article which appeared in the *West Australian*. The Bill at present, as pointed out in the article referred to, released a married woman who may be possessed of property from any liability to contribute towards the support and education of her children. This was a defect which he should like to see remedied. As to the feeling which existed with reference to the Bill outside, he believed it had been very much exaggerated by the ill-judged comments of a daily paper, a leading article in which was nothing but a tissue of misrepresentations from beginning to end. As to the outside agitation sought to be incited against the Bill—judging by the names

which had appeared in print, in opposition to the passing of the Bill, he did not think they possessed much weight. For his own part he would be glad to see the Bill pass in its present form rather than see it withdrawn, for in his opinion it was a measure framed upon the principles of justice, and a measure that would work no hardship. The arguments which had appeared in the papers against the Bill were based upon an entire misconception as to its scope and provisions, and upon the assumption that a woman was an inferior being to a man. He maintained, on the contrary, that she was equal to man, and that in ninety-nine cases out of a hundred she was his superior in every respect. This was admitted by every good husband, for when he spoke of his wife, did he not speak of her as his "better half?"

Mr. WITTENOOM said he would vote for the amendment, and he would be glad to give his support to the suggestion made by the hon. member for the Murray. People outside knew so very little about the Bill that he thought it would be very unwise to pass it into law at once. Everyone admitted the necessity of protecting defenceless women, but to adopt a sweeping measure like this, in view of the state of public feeling on the subject, would, in his opinion, be most undesirable.

Mr. CROWTHER said the country did not want the Bill, and he did not think the country would have the Bill. He thought the amended English Act, from what he heard of it, was a more equitable Bill than this, for he was informed that under that Act the wife, if she had any property or earnings of her own, had to contribute her share towards the household expenses, as she ought to do, whereas under this Bill she could do what she liked with her money, and make the poor husband support her and educate the children, out of his own earnings. He also understood that under the English Act a married woman having separate property could be made a bankrupt: also that in the event of the husband becoming chargeable to the parish, and the wife having money or property of her own, she would be compelled to contribute towards his support. He should vote for the amendment.

MR. S. H. PARKER said it appeared to him the Bill which had been sketched out by the hon. member for the Murray was very similar in principle to the present Bill, with this difference, that the hon. member sought to do in a roundabout way what the measure now before the House sought to do in a more direct way. The hon. member said all that was wanted was to protect the earnings of women whose husbands ill-used them; that was the very object of the present Bill, and when he heard the hon. member also express his approval of the 6th and 7th and the 9th clauses of this Bill, it really appeared to him that the measure which the hon. member himself had sketched out was very analagous to the present Bill, and that to wait for the hon. member's Bill would simply be deferring legislation on the subject for another year. The reason he had not pressed the Bill which he brought forward two years ago was because the subject was then under discussion in the Imperial Parliament, and he was anxious that the law here should be assimilated, so far as our circumstances admitted, with the law in the mother country. As, however, the provisions of the Bill now under consideration seemed to be so little understood, perhaps it would not be unwise to still further postpone legislation on this subject. It was to be hoped that during the recess hon. members would endeavor to study its provisions, and that the public also would seek to make themselves better acquainted with them, so that there may be no excuse for shelving the Bill again. The hon. member for Wellington had predicted some dreadful social consequences if the Bill became law, but no such consequences had resulted in England; and a similar measure had been in operation in the United States for many years, and had worked most satisfactorily.

MR. MARMION said the marriage contract under this Bill would be a very one-sided contract indeed, and the wife would decidedly have the best of it. The marital rights of the husband disappeared under it, while the rights of the wife were so protected that she would, to all practical intents and purposes, be as independent of her husband as of any other man. The hon. member for Perth urged as an argument in favor of

the Bill that a similar measure was in force in America; perhaps the hon. member would like to see some other peculiarities of the American marriage laws introduced here. He believed that in that free country, if a husband or wife became tired of each other, and desired to obtain a divorce, they had only to jump into the first cab they came to, and drive to the next district, when they could have the marriage knot untied. He did not think the colony wanted a Bill of this kind: if anybody did, all he had to say was they had kept the thing particularly quiet. There had been no agitation or fuss in any way about the present state of the marriage law, and it was acknowledged on all hands that very few understood the scope and intention of the Bill. Why then press it upon the country?

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that before the debate closed he should like to say one or two words. He was somewhat sorry that the comments which had been made in the Press should have influenced hon. members on this occasion, because he was bound to say that so far as he had seen or heard those comments they had evidently proceeded from those who had thoroughly misunderstood the provisions of the Bill, and who had therefore necessarily misrepresented its character. The hon. member who moved the amendment spoke of the revolutionary effects which the Bill would have if it became law; but, if the prospect of the Bill becoming law had caused the hon. member such hideous dreams as the hon. member had described—and he was sorry it should have had that effect upon the hon. member—he was afraid the hon. member was not able to approach the consideration of the Bill in a very calm or judicial frame of mind. He could assure the hon. member if the Bill were to pass even in its present shape it would not rob him of any birthright, nor did he think (to use the hon. member's own strong language) it would reduce him to the level of the beast. He thought these strong expressions must proceed from want of rest, and that, through being afflicted by these dreadful creations of his fancy, the hon. member had at length been brought to a somewhat morbid and rather unsatisfactory condition of mind,

which he was afraid hardly enabled the hon. member to give the subject that calm consideration which it ought to receive from him. However, it had been suggested that the Bill should be postponed for another year in order that some hon. member or members may bring in a Bill next session; but he must confess he was not very sanguine as to the fate of that Bill, because so many different reasons had been given for it by those hon. members who were prepared to support this amendment. On one side we were told the present Bill did not go far enough and that we ought to go further; on the other side we were told that this Bill went a great deal too far, and the hon. member for Murray told them he proposed to bring in another Bill, which practically would have just the same effect as the present Bill. Let him in one word remind the House again what this Bill sought to do: it simply aimed at protecting married women from husbands who did not behave well towards them, by providing that, where a woman carried on a trade or business separately from her husband, her earnings shall be her separate property. When man and wife lived happily together—as he hoped most men and women did—this clause could never apply; it would only operate in those exceptional cases where the husband behaved so badly towards his wife that she was obliged to earn her own livelihood. The Bill only did for one class of society what marriage settlements and other deeds did for women among the upper classes of society. He had never yet heard that these marriage settlements had caused any of those dreadful heart-burnings and domestic discords among the upper classes which they were told this Bill would produce among the other classes of society. The hon. and learned member for Murray said he accepted the Bill from clause 6 right away down, practically to the end of the Bill, and the hon. member also accepted the first part of the Bill, for he said he would protect a woman's earnings when the husband did not behave properly towards her. Well, then, the hon. member in fact accepted the whole Bill. The only thing this Bill did was to put women of the lower classes on the same footing as regards affording them protection from

bad husbands as the law now did for women of the upper classes. It would create no elements of discord between a man and wife, living happily together; it would only protect a woman when her husband neglected her, and then sought to deprive her of her earnings. It created no different status as regards married women in the eye of the law from that which already existed,—for separate property of married women was a thing well known to the law at present, and was to be found in many cases where no one ever suggested any unhappiness arising from the possession of it. He was sorry to find that some hon. members were influenced, as he could not help thinking they were, by outside statements with reference to the Bill, and statements made by those who had not read the Bill, or who if they had read it did not understand it. He was sorry hon. members had not the courage of their opinions. Having voted for the second reading of the Bill, and agreed to it in committee after discussing it clause by clause—he was sorry to find they had not the courage now to stand by the Bill in its final stage. For his own part, he thought it was one of the best Bills that had ever been brought forward in this colony. Personally, he could have no feeling as to what happened to it. He felt he had only done that which was right in bringing it forward. Whether it became law this session or next, or whether it became law at all, he should feel he had done that which—whether appreciated or not, either in Council or outside—he honestly believed was for the good of the people of this colony, and that which could not in any way cause mischief to any man, woman, or child in the colony.

MR. SHENTON said he had supported the Bill before, and he meant to stick to his colors.

MR. GRANT thought the Bill would do more harm than good. He had spoken to several preachers about it and they all seemed to look upon it with suspicion, as a Bill which was likely to sap the foundations of marriage life. He looked upon a measure that would do that as little better than the filthy teachings of men like Bradlaugh. It was all very well to blame husbands for ill-using their wives, but what about those wives who ill-used



their husbands? Very often the woman was more to blame than the man in these matters, and instead of being his "better half" she was in some cases his very "worst half."

The amendment was then put, and a division being called for, the numbers were:—

Ayes	...	...	11
Noes	...	...	11
AYES.		NOES.	
Mr. Brown		Hon. M. Fraser	
Mr. Burt		Hon. J. H. Thomas	
Sir T. C. Campbell		Hon. J. Forrest	
Mr. Carey		Mr. Burges	
Mr. Crowther		Mr. Glyde	
Mr. Grant		Mr. Hamersley	
Mr. Higham		Mr. S. S. Parker	
Mr. Marmion		Mr. S. H. Parker	
Mr. McKee		Mr. Randell	
Mr. Wittenoom		Mr. Shenton	
Mr. Venn (Teller.)		The Hon. A. P. Hensman	
		(Teller.)	

The numbers being equal,

THE SPEAKER gave his casting vote against the third reading of the Bill, on the ground that, opinion being so equally divided upon it, there did not appear to be any immediate necessity for such a measure.

The Bill was therefore rejected.

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

## LEGISLATIVE COUNCIL,

Friday, 24th August, 1883.

Contract for Public Buildings at Roebourne—Town Hall, Fremantle—Message (No. 22): Roads and Bridges—Message (No. 23): Replying to Addresses—Message (No. 24): Telegraph Office Hours—Alteration of Postal and Telegraph Rates—Increase of Salary, Registrar of Titles—Expenditure on Government House—Increase of Salaries: Colonial Secretary and Mr. Prinsep—Swan River Bar Regulations, Repeal Bill: first reading—District Roads Act Amendment Bill: first reading—Dog Bill: in committee—Adjournment.

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

PRAYERS.

## CONTRACT FOR PUBLIC BUILDINGS AT ROEOURNE.

MR. GRANT asked the Colonial Secretary why tenders had been accepted by the Works Department for the public buildings about to be erected at Roebourne, with the experience the Government have had as regards the contractor (Mr. David Gray), and therefore knowing the contractor would have to be closely supervised, at an increased cost to the colony for these works? The hon. member said it was notorious that this contractor had given great dissatisfaction and trouble to the Government in connection with other contracts, and he was sorry his tender should have been accepted for works to be performed so far away from the supervision of the department, especially at Roebourne, where they required good, sound, substantial buildings, to resist the willy-willys which occasionally visited that part of the colony.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas) said that only two tenders were sent in for the Residency at Roebourne; and as it was, under any circumstances, the intention of the Government to send a man to supervise the erection of the buildings, he thought it would have been unwise to have given the contract to a local contractor, whose tender was nearly £400 in excess of the tender accepted. Mr. David Gray, like all other contractors, required looking after,—which was a very good reason why the staff of the Works Department ought to be increased. A man named Dunn had been sent up to supervise the work at Roebourne.

## TOWN HALL, FREMANTLE.

MR. MARMION, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to grant a sum of money to the Municipal Council of Fremantle to aid the Council in the erection of a Town Hall; such sum to be equal to 20 per cent. of the estimated cost of the building, but not to exceed in the whole £2,000, to be paid over to the said Council, one-fourth upon the laying of the foundation stone and the balance by instalments as the building