

happen to discover it just out of the control of its master. It appeared to him the amendment was open to very grave objections, and he hoped the hon. member would not press it.

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

Clauses 13 to 17:

Agreed to *sub silentio*.

Clause 18.—“It shall be lawful for any constable, or for any other person generally or specially authorised in writing so to do by a Justice of the Peace, to destroy any unregistered dog without any notice given to the owner of such dog, or to any other person whatever; and if any constable who shall be ordered by a Justice of the Peace in writing to destroy any unregistered dog which may be at large contrary to provisions of this Act shall neglect to destroy or use his best endeavors to destroy the dog mentioned or described in such order, such constable shall for every such neglect forfeit and pay a sum of not more than Forty shillings:”

MR. STEERE moved that the latter portion of the clause—all the words after the word “whatever,” in the eighth line—be struck out, as it was only a repetition of the 12th clause.

This was agreed to, and the clause, as amended, put and passed.

The remaining clauses of the Bill, and the Schedules, were agreed to without discussion.

MR. BURT said the discussion originated the other evening by the hon. member for Fremantle, with reference to natives being allowed to keep dogs, led to the expression of some very conflicting opinions on the subject, and, as a sort of compromise, he would submit the following New Clause, which he thought would meet the difficulty, as it would remedy the nuisance now caused by natives being allowed to keep an unlimited number of dogs, while at the same time it would not deprive them altogether of the companionship of what the hon. member for Fremantle said was their only friend. The clause he had to move was as follows: “Notwithstanding anything in this Act contained, any Government Resident, Police, or Resident Magistrate, may cause one dog to be registered on behalf of any male

“aboriginal under the provisions of the preceding section without payment of the registration fee, and shall at the time of such registration deliver or send to the clerk of Petty Sessions or to the person appointed by the District Board or Municipality (as the case may require) the description required to be delivered or sent by the owner of a dog previous to registration.”

MR. STEERE moved that Progress be reported, and leave given to sit again next day.

Agreed to.

Progress reported.

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

## LEGISLATIVE COUNCIL,

*Tuesday, 29th August, 1882.*

Select Committee of Inquiry into Coastal Steam Service—Comments by the Fremantle Station Master, re Breakdown on the Eastern Railway—Pastoral Lands in Central Districts—Correspondence relative to Breakdown on Eastern Railway—Casualty Hospital at Fremantle—Municipalities Act Amendment Bill: first reading—Superintendent of Roads and Expenditure of Roads Loan: adjourned debate—Trespass, Fencing, and Impounding Bill: second reading—Legislative Council Act Amendment Bill: second reading—Dog Bill: further considered in Committee—Adjournment.

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

PRAYERS.

### COASTAL STEAM SERVICE: PROGRESS REPORT OF SELECT COMMITTEE.

MR. STEERE brought up a Progress Report from the Select Committee appointed to inquire into the question of the Coastal Steam Service.

Report received and read.

MR. STEERE, by leave of the House, asked the Colonial Secretary the following question:—“That the Select Committee on the Coastal Steam Service be of opinion that a breach of the

"Contract entered into on the 10th February, 1882, between the Government and Messrs. Lilly & Co., has occurred in consequence of the withdrawal of the third steamer from the N.W. Service for a period of 6 months, has such breach been condoned by any subsequent arrangement entered into between the Government and Messrs. Lilly & Co., and are the terms of the Contract still binding upon the parties thereto?"

THE COLONIAL SECRETARY (Lord Gifford) said he would reply to the hon. member's question next day.

#### COMMENTS BY THE FREMANTLE STATION MASTER, *RE* BREAKDOWN ON EASTERN RAILWAY.

MR. STEERE, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether the Government approve of the conduct of the Station Master at Fremantle, in commenting on the action of the Government, and the qualification of the members of the Commission, in the terms made use of in his remarks on certain paragraphs of the Report of the Commission as to the break-down of the Eastern Railway, which remarks were officially communicated for the information of His Excellency, and contained the following expressions:—'The policy of the Government cannot be too strongly deprecated, and I request that this be laid before His Excellency,' and again, 'hence my condemning the action of the Government;' and, if not, whether any censure has been officially conveyed to the said officer disapproving of such language. Also, whether subordinate officials in the position of Station Masters are privileged to comment officially upon the action of the Government in language which, when used for an analogous purpose by a member of the Legislature, was considered by the Executive to be so reprehensible as to require to be officially taken notice of, as appears by the correspondence between His Excellency the Governor and Mr. Steere, M.L.C., on the subject of the appointment of an Inspector of Volunteers (in which His Excellency takes exception to the expression 'disapproval' as applied to his action in connection with that appointment)."

THE COLONIAL SECRETARY (Lord Gifford) replied:—"The expressions alluded to by the honorable member escaped His Excellency's notice until after the papers had been printed and presented to Council. The matter is now receiving His Excellency's attention, and I am directed to state that such notice will be taken of Mr. Campbell's expressions as the circumstances of the case may appear to His Excellency to require. The latter part of the hon. member's question is not understood by His Excellency. There is, in the Governor's opinion, no analogy between criticisms passed in self-defence by a subordinate official on the head of his own Department and the constitutional question alluded to in the correspondence which has been referred to by the hon. member."

#### PASTORAL LANDS IN CENTRAL DISTRICTS.

MR. VENN, in accordance with notice, asked the Commissioner of Crown Lands, "On what terms can land for pastoral purposes, in blocks of not less than 10,000 acres, be taken up in the Central District?" He was induced to ask the question on behalf of a large number of people who, so far as he could understand the present land regulations, were precluded from taking up less than 10,000 acres in a lease, and who were desirous of taking up lesser areas.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser), in reply, said that the Land Regulations provide for the issue of leases of not less than ten thousand acres in the Central District, and the Land Office could therefore only issue leases in accordance therewith.

#### CORRESPONDENCE RELATIVE TO BREAKDOWN ON EASTERN RAILWAY.

MR. BROWN, pursuant to notice, moved, "That all telegrams and correspondence placed before the Commission appointed by the Governor to investigate and report upon the circumstances attending the suspension of the traffic on the Eastern Railway be laid upon the Table, as also a copy of the evidence taken by the Commission." The hon. member said the report of the Com-

mission had already been submitted to the House, as also a copy of the official correspondence, but it appeared to him that, in order to enable hon. members to arrive at a just conclusion on the subject, it was absolutely necessary that all the documents which had been placed before the Commission should be presented to the House.

The motion was agreed to.

#### CASUALTY HOSPITAL AT FREMANTLE.

MR. MARMION, having moved the House into Committee, moved, "That an 'Humble Address be presented to His 'Excellency the Governor, praying that 'he will be pleased to place upon the 'Estimates for 1883 a sum sufficient to 'provide and properly furnish a Casualty 'Hospital in the town of Fremantle.'" The hon. member, in support of his motion, pointed out that such a hospital was absolutely necessary in the cause of our common humanity, there being no place at present in the town—the second in importance and in number of population in the whole Colony, and its principal seaport—where persons meeting with accidents could be conveyed and attended to. This was a state of things which he thought was a disgrace to the town and to the Colony. The hon. member suggested that the old Guard Room, opposite the Water Police quarters, might be converted into a casualty ward, as he thought this would answer every purpose for which such a hospital would be required, for the present.

MR. SHENTON seconded the amendment, which was agreed to unanimously.

#### MUNICIPALITIES ACT AMENDMENT BILL.

MR. SHENTON obtained leave to introduce a Bill to amend the Municipalities Act, 1876, and moved the first reading of the Bill, which was agreed to.

#### SUPERINTENDENT OF ROADS: SUPERVISION OF ROAD LOAN EXPENDITURE.

##### ADJOURNED DEBATE.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), who moved the adjournment of the debate on this subject, now moved as an amendment upon the resolution submitted by Mr. Carey—

"That no sufficient reason has been shown to render it necessary for this Council to move the Governor to make any change as regards the supervision of the unexpended balance of the Roads Loan." The hon. and learned gentleman said it would be in the recollection of the House that certain charges were brought against the Government by the hon. member for the Vasse with reference to the economical management of roads and bridges, and that the noble lord, the Colonial Secretary, answered the hon. member in terms which took him somewhat aback, and an hon. member asked for an adjournment of the debate in order to give the noble lord further time to get certain information. That information had been obtained, and he believed his noble friend would be able most conclusively to contradict the statements which were originally put forward by the hon. member for the Vasse. His only object in moving the amendment was to give his noble friend a chance of doing so.

THE COLONIAL SECRETARY (Lord Gifford) said he was glad to be afforded an opportunity of answering in detail the charges brought forward by the hon. member for the Vasse, in connection with the supervision of the Roads Loan, and also of showing that he (the noble lord) had good grounds for the statement he then made that he would be able to dispose, to a certain extent, of some portions of the allegations made by the hon. member. He hoped to be able to do that without producing any feeling of resentment or unnecessary controversy. He would deal with the allegations *seriatim*, as they appeared in the hon. member's speech, a copy of which had been furnished to him by the Reporter. In the first place the hon. member said that the salary paid to the Superintendent of Roads was £1 per diem, and 15s. for personal expenses, with an additional 10s. for horse hire when he did not travel by coach or steam conveyance, thus making in all the very handsome of £2 5s. per day, when on duty, away from Perth. The Superintendent's pay was not as stated; what he received was £1 a day and 15s. for personal expenses, when out of Perth; he was allowed nothing for horse hire, and the hon. member had been misinformed on that point. The

hon. member then went on to say: "The cost of supervision, he might point out, would be a very small matter indeed, if the money had been well expended." Now he believed himself that this money had been well expended, considering the enormous extent of roads it had to be distributed over. He was perfectly certain that when the Road Loan was raised they never expected to have perfect roads made out of £50,000. The hon. member for the Vasse seemed to think that the Central Road Committee was to blame for the supervision of the roads, but he (the noble lord) did not think so, and he would draw attention to a circular letter which had been sent to the various Roads Boards, showing that the Central Board was not responsible for the entire expenditure or the entire supervision. (Circular letter, dated 3rd June, 1880, read.) Only three Roads Boards declined to co-operate with the Government, namely, those of the Vasse, Swan, and Perth districts; all the others had fallen in with the suggestions of the Government. The hon. member for Vasse then went on to say that "the roads and bridges were in a worse state now than they were in before one penny of the loan was expended upon them." He did not think any other hon. member would be inclined to endorse that statement. We could not put all our roads in thorough repair with the funds at our command—that was out of the question. He need only refer to the improved condition of the Albany Road, in refutation of the allegation that our roads are in a worse plight now than they were before any of the loan money was expended upon them. Last year the mails on this road were carried with greater regularity, and with fewer stoppages and breakdowns, than they ever were before; and the same teams which could only bring in three tons before, could now bring in four tons. In further support of the improvement which had taken place in the condition of this road, he would refer to a letter which was written by an outsider—a gentleman from the other side—and published in the *Inquirer* newspaper, of June 7th, under the signature of "H. M. Miller," which showed at any rate that the Government had done some good. (Letter read.) But, however good a condition our roads may be put

in, it would be of little avail unless they were looked after. In September, 1881, the Central Road Committee sent circulars to the various Resident Magistrates asking whether the roads in their respective districts were in a fair condition of repair. Shortly, the replies that were received were as follows: Williams—"Road in very fair order;" Newcastle and Guildford—"Excellent;" Newcastle and Northam—"Good condition;" York—the same; Bunbury—"Fair, and excellent in many places;" Blackwood—"Good;" and Vasse—"Fair." In view of these reports, he did not think the hon. member for Vasse was justified in saying that the roads of the Colony were in a worse condition now than they were before ever a penny of the Road Loan was spent upon them. The hon. member went on to say that "the Albany Road was now in such a state that passengers who wanted to go by the mail coach had to be left behind the other day." In answer to that allegation, he had only to say that not a single passenger had been refused, and the coach carried its full complement. Possibly the hon. member may have seen the coach starting, and noticed some vacant seats, but those seats had been taken by two gentlemen who were to be picked up at Narrogin. The hon. member further said—referring to tenders called for repairing the Collie and Brunswick bridges, and the acceptance of the Bunbury Jarrah Timber Co.'s tender: "That tender was for 85 loads of timber, at £6 per load,—that being the estimated quantity of timber required for the work, according to specification. Now he could understand, that, when inviting tenders for bridge repair, the quantity of timber for which provision was made should be in excess of the quantity actually required in the first instance, inasmuch as during the course of reparation other repairs which had not been noticed might crop up. But what was the case with regard to this contract? The quantity of timber called for in the first instance, and that for which a tender had been accepted in February, was 85 loads; but some time afterwards, in March he believed, when the Superintendent of Roads visited the district, a second specification was put

"in, for 29 loads less than the quantity of timber first called for, which at £6 per load represented nearly £200. This he could only regard as wasteful expenditure. He noticed from the return which the company had furnished him with, that in one item there was a reduction from 13 loads to 4 loads, and in another no less than 53 pieces; another, 72 instead of 112; again 72 instead of 163, and 28 loads instead of 50 loads,—all less than in the original specification, and that the same discrepancy was apparent as regards the lengths, making on the whole a difference of 29 loads, a very considerable item indeed." He might say, with regard to this contract, that when tenders were invited it was only for an approximate number of loads: the Government did not bind themselves to any particular number, and at the foot of the tender form it was stated that an approximate schedule of the timber required would be forwarded to the contractor, as soon as his tender was accepted, and he would be bound to supply the timber in such quantities and at such times as it was required. The tender of the Bunbury Jarrah Timber Company was accepted on these conditions, at the rate of £5 per load of fifty cubic feet—not £6 as stated by the hon. member. The quantity of timber actually received was 79 loads—or six loads less than the approximate quantity advertised for, and not twenty-nine loads, as mentioned by the hon. member. The hon. member adds, that, "while repairs were going on at the Collie Bridge it was found necessary to renew the balustrades, but, strange to say, the bridge was only supposed to have one balustrade—at any rate, timber for one side only was ordered." No doubt the hon. member thought this was very funny; but what was the real fact of the case? When they took up the flooring of the bridge, the Superintendent found there would be enough timber left to do one side of the bridge, and consequently the company were only asked to supply sufficient timber for the other side. The hon. member went on to say: "At the same time that these tenders were called for, a bridge near Trigwell's, on the Preston, was included. The Resident Magistrate at Bunbury—a thoroughly

"practical man—noticing that tenders were invited, and hearing that no repairs were required to the bridge in question, he, in company with the hon. member for Wellington, proceeded to inspect the bridge, and found it needed no repairs at all." This was simply owing to the fact that the Resident Magistrate and his companion only inspected the bridge from below; they did not have the metal removed, in order to see whether the flooring required to be repaired. On receipt of the Resident Magistrate's report, the Government sent down to ascertain whether the conclusions arrived at were correct or not, and to see whether any repairs were really required. The metalling was removed, and it was discovered that the whole of the timber was rotten, and in many places eaten almost through by white ants, and the Government proposed calling for tenders, shortly, for repairing the bridge. He did not mean to say that the repairs would be of a very expensive character, but they would probably cost from £100 to £150. The hon. member also said: "At the Blackwood, again, a few months ago, it was proposed to put up a bridge over a small brook, at the approach to Bridgetown. A question having arisen as to the Local Board doing the work required in cutting away part of a hill on the south side of the bridge, while the bridge itself was to be paid for out of the Roads Loan, the Superintendent visited that part of the district. He was informed by the Chairman and a member of the Board that they had notified to the Superintendent the Board's willingness to do the earthwork required; yet nothing whatever had been done." It was quite true that the Superintendent did go down, and he informed the Roads Board that the Government were perfectly willing to go on with the work, as originally proposed, and the Chairman of the Board acquiesced, and stated he would communicate with the Superintendent on the subject. But no communication had been received up to the present moment from the Chairman; so that the matter did not rest with the Government. They knew, from a verbal communication, since received, that Mr. Rose, the Chairman, would have gone on with the work, but that he had no funds available to do

so, on the terms agreed upon with the Superintendent. It would thus be seen that it was through no fault on the part of the Government that the work had not been proceeded with, as agreed upon. The hon. member said that the Superintendent's visit to inspect this bridge involved an expense of £11 5s. He had tried to find out how the hon. member had arrived at this conclusion, but, for the life of him, he could not make it out, and he was bound to say that the hon. member had erred. The hon. member also stated that "he was told the other day by Mr. Clarkson that a bridge on the Toodyay road, known as Walton's bridge, situated about two miles on this side of Baylup, was repaired some few months ago by the Superintendent, and Mr. Clarkson informed him that the approaches on either side were still unmade, and the bridge itself impassable." The reason why traffic had not been resumed on this bridge was because they had to form embankments, and it would have been most unwise to have permitted traffic to be resumed before the embankments were completed. With regard to this particular road, he (the noble lord) himself had travelled on it recently, and he must say he never saw a road in a better state of repair,—in a far better state than it used to be, especially under the Mount, where it used to be almost impassable. There were formerly frequent complaints with regard to the condition of the road in this locality, but they had no complaints now. He thought the House would agree with him, after listening to his explanation, that he had some reason the other evening for saying what he did with reference to the allegations of the hon. member for the Vasse, and that he had good grounds for stating that he was in a position to refute some of those allegations.

MR. CAREY said he was sorry the debate upon this matter had been so long before the House, but the fault did not lie with him. Hon. members would doubtless have observed the very different line taken up, and the very different tone assumed, by the noble lord that evening to what he did the other night, when this question was first mooted. The noble lord on that occasion said he would be able to refute every word he

(Mr. Carey) had said. (LORD GIFFORD: So I have.) He would leave it to the House to say how far his words had been refuted. Before he sat down he hoped to be able to show that they had not been refuted at all, in any material particular. In order to set himself right with the House and with the public, he had moved for certain papers on the subject, in accordance with one of their Standing Orders (No. 50), which provided that motions for the production of returns, or other information, from the several departments of the colonial service shall be in form, "that they be laid on the Table." Hon. members, however, would recollect that the returns he had asked for were not laid on the Table, the Government stating that they were of such a character as to require an address to the Governor. The 48th Standing Order provided that motions for the production of despatches, or other correspondence, addressed to the Governor, or for any information emanating from His Excellency shall be in the form of an humble address, praying to that effect; but, surely it could not be said for a moment that the returns he had asked for came within the category of despatches addressed to the Governor. At any rate, finding they were not going to be produced, unless he moved an humble address, he did so, but the returns laid on the Table, in pursuance of that address, certainly did not convey the information he had asked for. Far from it,—although the paper which he held in his hand commenced by saying: "I am directed by His Excellency the Governor to lay certain information asked for in Resolution No. 8"—and so on, he denied that the information asked for had been laid on the Table. The last paragraph of the letter which he held in his hand stated that the report of the Resident Magistrate agreed with the Superintendent's, but that on examination of the bridge (Trigwell's) since, from above, it had been found necessary to undertake its repair. Was that furnishing him with what he had asked for,—the Resident Magistrate's report on the subject? Was that giving him the information he had sought? Then, again, with regard to the dispute as to the timber required for the Collie and Brunswick bridges: he asked for the correspondence

which had passed between the Government and the Bunbury Jarrah Co., but did he get it? No; he was told that, the contract being incomplete, it was inadvisable to comply with his request as to the production of this correspondence. He failed to see how it was in any way inadvisable. The Government, however, thought proper not to lay the information he had asked for on the Table. Had they done so, it would have fully borne out every word he had said with regard to the timber for those bridges. A specification was laid on the Table, but it was identically the same as that which he designated as "No. 1" in the paper which he produced the other evening—the same number of loads, and the same lengths. But he was not given No. 2, and he was told there was not a second specification. He did not care whether they called it a specification or a memorandum, and, had it been furnished, it would have fully borne out his statement, as to the dispute between the Government and the company as to the substitution of fresh timber. With regard to the Resident Magistrate's report on the bridge at Trigwell's, when tenders were called for that work the inhabitants of the district did not know where the bridge was; it was so described that people had no idea where it was situated. The hon. member for the district would bear him out on that point. So much in the dark were the public as to the whereabouts of the bridge for the repair of which tenders were invited that when the Resident Magistrate and the hon. member for Wellington went to examine it, and found it required no repairs, they thought they must have examined the wrong bridge. They all knew what a thoroughly practical and theoretical man the Resident Magistrate of Bunbury was, as regards work of this character, and yet when he inspected the bridge he failed to see that it required any repairing. He might not have taken off the metal, but he thoroughly examined the bridge, and, so far as he could see, it wanted no repairs whatever. Of course, the Superintendent would not admit that he was wrong—he would be very foolish if he did; so he said that upon scraping off the metal he discovered that the flooring required to be renewed. Yet not one penny had been expended upon

it to this day. The noble lord had referred to three Roads Boards which had refused to co-operate with the Superintendent, and among them was that of the Vasse. He might state that as a member of the Wellington Board he had done his utmost to induce that body to do the same, and he was sorry he had failed in his efforts to do so. But the Vasse Board declined to have anything to do with the Superintendent, and for a very good reason. The then chairman of the Vasse Board was a gentleman who had been connected with public works in India, and who had had some experience in these matters; and he judged, by the way in which the Superintendent had gone to work on the Warren Road, that it would be better for the board to have nothing to do with him, so he and his board refused to co-operate with him. As to the condition of the roads now, compared with what they were, before any loan money was expended upon them—whatever might be the noble lord's own opinion, there could be no doubt that nine out of every ten settlers would agree with what he (Mr. Carey) had stated, namely, that the roads were in a worse condition now than they ever were, before a penny of the loan was spent on them. The hon. member then referred in detail to the contract with the Bunbury Jarrah Co., and further commented on the wasteful way in which the Road Loan money had been expended.

MR. BROWN said a great portion of the speech of the hon. member for the Vasse had been devoted to an effort to prove the incompetency of the Superintendent of Roads, which appeared to him (Mr. Brown) to be entirely outside the question before the House, which, in the first instance, was: "That in the opinion of this Council the cost of the supervision of Road Loan works—roads and bridges—is unnecessarily great, and that it is desirable that other and more economical arrangements should be made." If there had been an allegation to the effect that the Superintendent of Roads was quite incompetent to discharge his duties, then the speech of the hon. member would have been quite in order, and the House might have been inclined to listen with some interest to the hon. member's statements. But

under the circumstances, he felt that he was in a somewhat delicate position, and he wished to adopt a course which he trusted would dispose of the subject under discussion, to the satisfaction of all parties. He thought that, unless something of a very grave nature could be unanswerably proved, in the way of excessively lavish expenditure in connection with the supervision of this loan money, the House would not be justified in interfering in the matter, and for this reason: in the first place, when the Road Loan was raised, and the House authorised its being raised, it was definitely understood how it should be expended, and the Council desired it should be handed over to the Roads Boards in the way the hon. member for the Vasse seemed to wish it should have been done. Subsequently, however, at the request of the House, the control of the loan money was placed in the hands of the Government, through the Superintendent of Roads. Again a great deal of discussion took place, and finally, at the request of the Legislature, a Central Road Committee was appointed to act with the Government in controlling this expenditure. That Central Committee consisted of several members of that House, and he thought if they were to pass the original resolution, submitted by the hon. member for the Vasse, it would be tantamount to passing a vote of censure upon that Committee. It had not been proved at all to his satisfaction that any extravagance whatever had been displayed in connection with the supervision of this money, and seeing that the House had voluntarily handed over the management of the loan to a Road Committee, in which they had every confidence, he begged to move—and he hoped some hon. members would support him—That the debate be adjourned, which he thought would be a good way of getting rid of the matter.

MR. BURGESS seconded the motion, and hoped the debate would be adjourned for six months.

MR. S. H. PARKER said he would support the motion of the hon. member for Geraldton, because, although he might not be able to vote for the resolution submitted by the hon. member for the Vasse, he thought it would be impossible for anyone to take the impartial view of the subject contemplated

in the Attorney General's amendment. He was not prepared to say that the supervision of our roads could be undertaken at a cheaper rate than at present: what the public complained of was not that the cost of supervision was excessive so much as the fact that the supervision exercised was not what might be called judicious supervision. He did not think this was the fault of the Superintendent but their own fault, in expecting one man to be able to supervise the work on all the roads of the Colony, which was too much for any one man to do, efficiently. He trusted the Government would accept the motion for adjournment, and thus get rid of an unpleasant subject. So far as he had seen of Mr. Higman's work on the Albany road, he had no fault to find with it, and if the work done on other roads had not come up to their expectation he did not think the blame attached to the Superintendent so much as to the system employed, under which it was expected that one man should supervise thousands of miles of road.

MR. VENN said that having been referred to, by name, by the hon. member who had brought forward the subject, he might say with regard to the examination of the bridge near Trigwell's, that tenders having been out for some considerable time, he was asked by Mr. Clifton to accompany him to examine the bridge. This they did very minutely, both on the top and from the bottom, and he might safely say they did not recognise that any gravel had been removed to ascertain the condition of the flooring. From both the top and the bottom the bridge appeared perfectly sound at the time. What may have transpired since he could not say.

MR. CAREY said that, so far as he was concerned, he was perfectly willing to accept the motion for adjournment. The resolution he had put forward was, he considered, a very mild one, under the circumstances, and was introduced merely to enable him to speak on the subject, and to induce others to do so. He had no personal feeling in the matter. He might honestly say he had no prejudice against Mr. Higman, at all, and he disclaimed all personal feeling in connection with the subject. He had always taken a great interest in the question of roads, and it was with a view



to have a more efficient system of supervision introduced that he had brought forward his resolution. The subject having been now ventilated, he had much pleasure in accepting the amendment of the hon. member for Geraldton—that the debate be adjourned.

MR. BURT said he was in accord with what had fallen from the hon. member for Perth—that it was unwise for that House, if they could avoid it, to bring the private name of any officer of the Government under discussion. Until proved to the contrary, he felt it his duty always to repose a certain amount of confidence in any professional man employed by the Government, and, so far as he was concerned, he knew nothing which militated against Mr. Higman's professional knowledge. He thought the hon. member for Perth had struck the right nail in the head when he spoke of the system rather than the man. It was absurd to think that any one man could efficiently supervise the work on all the roads of the Colony. He thought, they must all admit that a stranger taking up such a work as this was not in such a position to carry it out successfully as a man possessing local knowledge and experience, and no doubt the fact must have militated against Mr. Higman's success, as a supervisor of roads. He should be happy to support the motion to adjourn the debate, *sine die*, and thus throw a veil, as it were, over the whole subject, of which he confessed he was sick. He should be heartily glad when this road loan had been all expended. He had prepared an amendment of his own, but he did not intend to move it now. It dealt with the system, rather than with the man, and was as follows—that the professional supervision of the expenditure of the Roads Loan, insisted upon by the Government, has not been attended with advantage to the public interest, has created a feeling of general dissatisfaction throughout the country, and tended to discourage the settlers from serving upon the local Roads Boards, and seriously impeded the usefulness of those institutions.

MR. CAREY said it had been suggested to him by the Attorney General that if he withdrew his resolution, he (the Attorney General) would likewise

withdraw his amendment. He was quite prepared to carry out the suggestion.

MR. MARMION said that, for his own part, he had become heartily sick of the name of the Superintendent of Roads. He thought Mr. Higman might feel justly proud of the share of public attention which his name and his work had occupied. With regard to a great deal that had been said he was inclined to agree—that more was the result of the system than of the man. As to those who were dissatisfied with the result of this expenditure, he would remind them that a great deal of the money still remained on hand, and that the usual grant for roads out of general revenue had been considerably reduced. He was somewhat surprised that hon. members should have expected such grand results from the Road Loan in view of the diminution of the ordinary grant. In reality, very little extra money had been expended on the roads of the Colony during the last two or three years. This fact seemed to have escaped the attention of some hon. members, and his only object in rising was to draw attention to it.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he would be happy indeed to accept the offer of the hon. member for the Vasse, and withdraw his amendment, conditionally upon the hon. member withdrawing his resolution. He had got up to do what he always was prepared to do—to defend a man who could not speak for himself. It was with the greatest regret he had heard Mr. Higman's name mentioned in the unkind way it had been mentioned, and especially by the hon. member for Fremantle, who, although he said he was talking of a system rather than of the man, seemed to make a personal attack upon the Superintendent of Roads—although, possibly, the hon. member may not have meant it. He would ask the hon. member, he would ask any hon. member, whether a single word had been said in proof that Mr. Higman had ever done anything he ought not to have done? He could understand that hon. members should dislike the system and the appointment; but it should be borne in mind that Mr. Higman was called upon to perform duties which hon. members recognised were impossible for any one man to do. Could anybody expect

Mr. Higman to do more than he had done? No doubt it would have been better if their roads had been supervised in a more efficient manner, but, so long as they adopted this one-horse system of doing the work, why should they expect more out of it than could reasonably be expected from one man?

MR. MARMION said the hon. and learned gentleman who had just sat down must have misunderstood him. He made no personal attack upon Mr. Higman. The hon. and learned gentleman had merely reiterated what he (Mr. Marmion) had himself said.

MR. CROWTHER said that, so far as he was concerned, he had a profound respect for Mr. Higman, and he believed he knew his business well: At the same time he was sure the settlers of this Colony did not require his services, and it was no use endeavoring to impugn the fact that the public were dissatisfied with the system under which this Road Loan was being expended. The hon. member for Geraldton said the members of that House were responsible for this system. He did not think so at all. It was Governor Ord who was responsible for it, and who took them all in. Governor Ord told him, himself, that he would have a competent man from the other side to superintend the expenditure of this loan, and he did so. But he also told them that the money would be expended under the direct supervision of the Roads Boards, and it was on that express understanding that he (Mr. Crowther) had voted for the loan. Had he, or had that House, had any idea that the supervision would have been entrusted to one man—who, whatever his abilities might be, could not be expected to keep an eye over all the roads in the Colony—the loan would never have been sanctioned. He thought when Governor Robinson came here things would have been altered for the better. He never thought His Excellency would have ridden another man's hobby to death. Let them get rid of the incubus—spend the money as fast as they could, and get rid of it. The people would, he believed, display a sufficient spirit of self-reliance to raise the money required for their roads; but so long as they were hampered with this Road Loan it seemed to cast a

sort of a chill over everything connected with their roads.

The motion for the adjournment of the debate was, by leave, withdrawn, as also the amendment and the original resolution.

#### TRESPASS, FENCING, AND IMPOUND- ING BILL.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in moving the second reading of a Bill to consolidate and amend the laws relating to trespasses by live stock and the poundage thereof, and to consolidate the laws relating to the construction of fences, said he was sorry to see such an empty House on the occasion of his rising to explain the scope of such an important measure,—one of the most important, in his opinion, that was likely to be presented for their consideration this Session. The Bill, as hon. members were aware, had come down to the House with a strong recommendation from His Excellency, and it appeared to him that that recommendation was well deserved. The Bill was a very carefully-drawn measure, for the consolidation of the laws at present in force with regard to stray stock trespass and poundage, and also of the existing enactments dealing with fencing. The credit which was due for the drafting of the Bill was due almost entirely to Mr. Leake, the Police Magistrate. He said almost entirely, for, although the whole Bill had actually been drafted by Mr. Leake himself, he (the Attorney General) in conjunction with the hon. member for the Swan—a gentleman who always took the greatest interest in all legislation brought before that House—had gone very carefully through the Bill with Mr. Leake, and the result of their labors was the measure which he now submitted for the consideration of the Council. With regard to the Bill itself, he might say that there was very little new in it, as compared with the law as it now exists; but where great credit was due to Mr. Leake had been in the admirable way in which he had consolidated the various Ordinances which were now scattered over the statute book, relating to the subjects dealt with, and consolidated the whole of them in a concise and compendious form, in the

Bill now before the House. Hon. members would observe on reference to the repealing schedule that no less than six Acts were dealt with and incorporated in the Bill,—Acts which probably presented as good a specimen of our system of legislation as could possibly be afforded, presenting as they did a most curious jumble. In order to get at any one question to which they related, you had to jump from one to the other of them all over the statute book. The draftsman of the Bill now before the House had brought these scattered sections together, and consolidated them, and, with the exception of the clauses dealing with fencing, the language had been rearranged (he ventured to think for the better), and the various sections redrafted, so as to form one harmonious and compendious whole. The Bill had also been divided into chapters, under separate headings, so as to facilitate the work of reference. The first portion of the Bill dealt with trespass and damage, and the interpretation clause which preceded it was a new feature, there being at present no interpretation clause in any of the statutes dealing with these questions. The 3rd section of the Bill gave power to seize and impound any cattle found trespassing. It was a long section, and dealt with several clauses comprised in some of the existing Ordinances, and he might here point out a principle which had been adopted throughout the Bill, and which constituted a valuable feature in it, namely, that sub-sections had been largely introduced and taken advantage of for the purpose of dealing with the minor aspects of the matter to which the major or principal sections related. The 4th section embraced three clauses contained in the Acts now in force, and dealt with the unlawful and wilful killing or maiming of cattle found trespassing. This section of the Bill was in accordance with the law as it stands at present, with one slight alteration. The existing law provided that the body of any animal—a pig, goat, poultry, or pigeon, for instance—killed in the act of trespass may, after being exposed to view for a stated period, be disposed of in any manner the owner of the land on which it trespassed may deem fit, either by removing it or consuming it; but the present Bill, while

allowing the owner of the land to remove the dead body of the animal, forbade him to consume the same for food. He may do what he thinks fit with it, but he must not eat it. The House might not accept that provision in the Bill, when it came to deal with it in Committee, but he thought it right to point out the alteration which had been made in this respect. The next section of the Bill dealt with the manner of treating entire cattle found trespassing, and it was not proposed to alter the present law as regards this provision; nor did the next clause, which dealt with the question of penalties, propose to alter the existing law in any respect. The next section, the 7th, related to the expenses for the keep of impounded cattle, and the 8th provided that no cattle shall be sold or destroyed under color of any trespass committed, unless by order of a Justice of the Peace after complaint or information made in respect of such trespass, and after notice has been duly published, describing the impounded cattle. Whilst on this section, he might point out that a question may arise in Committee as to the nature of the notice that ought to be given before cattle should be allowed to be sold. Of course, in a Colony possessing such an enormous extent of territory as this, with a scanty population, and where newspapers are not published in more than three or four places, it was very difficult to give due publicity to these notices through the medium of the public prints; but it was not proposed to alter the law in any respect as regards the notices, except that, in addition to advertising them in two papers for three successive weeks, a copy of the notice shall also be posted on the pound at which the sale of the impounded cattle is proposed to take place,—another safeguard which hon. members might, or might not, think advisable to retain in the Bill. The next portion of the Bill dealt with the subject of the liabilities of cattle owners in respect of losses sustained by the trespass of their stock, and the remedies which the owners of land may have against stockowners. These provisions in no way altered the existing law. The 10th clause related to the sale of impounded cattle, the owner of which had not been discovered, and was the same

as the existing law,—except as regards a slight alteration in the first sub-section, dealing with the destruction of cattle which it has been found impossible to impound, or where the expense of impounding would have been greater than anybody could be reasonably expected to undertake. This was a new principle, and involved the necessity of the two following sub-sections, which provided a penalty on the one hand for non-compliance with an order, and, on the other, a remedy for the owner of the cattle in the event of the order for their destruction having been improperly obtained. The 11th clause was the same as the tenth in the existing Act, dealing with the proceedings to be observed in case the owner of land where cattle have been impounded neglects to proceed with the sale of the impounded cattle, in due time. In the event of such default, it was provided that the owner of the cattle may proceed against the land owner, in the same way as the owner of the land may proceed against the cattle owner, for trespass. The 12th section was an interpretation clause, defining who is to be deemed the owner of cattle found trespassing, so as to render him liable in all proceedings for trespass,—namely, the occupier of the land or other person in whose charge such cattle shall be at the time of such trespass. The next division of the Bill dealt with the question of minor trespasses and damage, introducing another of the repealed Acts (28 Vict., No. 15), which provides summary redress in cases of minor trespasses. Under the 13th clause, the penalties proposed in respect of damage committed on any unenclosed country land were the same as at present, but it was intended that in all cases of trespass on unenclosed town or suburban land the penalty should be doubled. The present Act made no difference whatever between trespasses committed on country land and on town or suburban lands, the maximum penalty being £10; but the present Bill proposed to increase the penalty to £20 in cases of damage committed upon unenclosed town or suburban allotments. It would be for the Committee to say whether, in view of the progress of settlement and the advancement of the Colony, it would not be desirable to make this distinction

in the amount of compensation to be awarded in respect of these different classes of land. The 14th clause dealt with the question of the reservation of public rights, in respect of driving cattle along any declared road or track; and the 15th section enumerated the provisions of the various Acts which are not to be affected by the operation of the present Bill,—Acts which deal incidentally with the subject of trespass. The 16th clause empowered Municipal Councils, as at present, to publish a scale of penalties for trespass, in case of cattle trespassing in towns; and the 17th section enacted that nothing in the Bill shall be constructed to apply to any town herd,—provided no damage is done by such herd. The 18th clause was a new one altogether. It dealt with the subject of trifling or frivolous complaints which Magistrates were frequently troubled with. The clause empowered the Magistrate hearing the case to dismiss the information, with costs against the complainant if he shall deem the offence not to have been proved, or that the trespass was justified, or that the damage was so trifling as not to merit any punishment. This, he considered a very desirable provision to make, as it would operate as a check upon the exuberant fancies of those people who are always ready to run to a Magistrate, no matter how trifling and frivolous their grievance might be. The next clause, and the last dealing with that branch of the Bill relating to trespass, was the 19th, which provided that no compensation shall be recoverable in respect of any trespass committed upon any private land in towns unless such land is enclosed by a sufficient fence. This brought him to the subject of fencing, with which the next division of the Bill dealt. The various clauses relating to this subject were word for word the same as in the present Acts, and therefore he need not refer to them in detail. But while on the subject of fencing he might say that, in our existing enactments dealing with this subject, there were clauses which related purely to questions of trespass, and he thought the Bill might be improved upon if these clauses were shifted back to that portion of the Bill dealing with trespass rather than with fencing. The next division of the Bill came under the head of “pounds

and poundkeepers," and in most respects was similar to the existing law on the subject; but the whole machinery was more clearly arranged, and one clause, the 34th, was a new one altogether. It required all poundkeepers to send the owner of any cattle impounded, if known to them, a notice in writing of such impounding,—which appeared to him (the Attorney General) a very proper provision to make, and one which he did not think hon. members would be inclined to find fault with. The 35th clause was also a new section, and likewise contained a very desirable provision. It required poundkeepers to keep books, in which shall be entered full and true particulars with reference to all impounded cattle, as to how and to whom they had been disposed of. These books would be furnished to every poundkeeper by the Resident Magistrate of the district. The next section of the Bill related to the unlawful relief and rescue of impounded cattle, and was substantially the same as the present law on the subject. The last division of the Bill dealt with the question of procedure and the right of appeal, and, in effect, was identical with the existing law. He had now cursorily referred to the various parts of the Bill, and hon. members on examining it would find that, although the wording of the clauses dealing with fencing was precisely the same as the law now in force, they had been so re-arranged as hardly to present the appearance of being the same; while, as regards the other portions of the Bill, they seemed to him a great improvement upon the existing Ordinances, the whole of which were here re-enacted in a concentrated form, having been very much boiled down in the process, while at the same time retaining the essence of the law on the subject. He could not help thinking the Bill was one which would meet with the hearty approval of the House when it went into Committee to consider it in detail, and he now moved its second reading.

MR. BURT said he could not allow the second reading of the Bill to pass without expressing his strongest approval of the measure, and of the very satisfactory manner in which the work of consolidation appeared to him to have been performed. He thought every credit was due to the Attorney General

and to the gentlemen who had been associated with him in the compilation of the Bill, but he was afraid that the result of their very praiseworthy labors would be to jeopardise the vote which it was proposed to ask for, to defray the cost of printing our statutes,—seeing what immense amount of printing might be saved if other enactments were submitted to the same boiling down process as these had been. The present Bill showed what could be done by the consolidation of statutes, and if hon. members would read it carefully, as he had done, they would agree with him that it would be ten thousand pities not to have our other enactments consolidated in the same manner, before they are reprinted.

MR. STEERE thought the Bill would be of great assistance indeed to Magistrates called upon to deal with questions of trespass, the law relating to which was now scattered all over the statute book, and very difficult to discover. As to the work of consolidation performed in connection with the Bill, he had been afforded an opportunity of judging of the great extent of labor and research which it had involved, and he thought the gratitude of the House was due to the gentleman who had so efficiently discharged the laborious task which he had voluntarily undertaken. No doubt, as the hon. member for Murray and Williams said, it would be an excellent thing if we could have all our statutes consolidated in this way, but he was sure we could never get anyone competent to undertake the work to perform it, unless he was very well paid for it.

MR. CROWTHER complimented the Government upon having brought in at least one really useful measure, and one which he thought could not fail to be a source of great convenience to everybody who had anything to do with the law of trespass. He scarcely liked taking any exception to a Bill that appeared so perfect, but he should have been glad if it had gone a little further with reference to trespass upon cultivated land, so as to deal more severely than the present law does with people who actually entice cattle upon their land in order to have an opportunity of impounding them and pocketing the fees.

THE ATTORNEY GENERAL (Hon.

A. C. Onslow) said the Bill had been amended to deal with such cases.

MR. CROWTHER: Then, in my opinion, there is not a blot on the Bill.

MR. S. H. PARKER said he could not allow the second reading of the Bill to pass without adding his meed of praise for the excellent manner in which the work of consolidation had been done, and expressing his appreciation of the value of the service performed in connection with the drafting of the Bill, and the admirable manner in which it had been arranged with a view to facilitate the work of reference.

The motion for the second reading of the Bill was then agreed to.

#### INCREASE OF MEMBERS BILL.

THE COLONIAL SECRETARY (Lord Gifford), in moving the second reading of a Bill to increase the number of members to serve in the Legislative Council, by having two more representatives for the Northern part of the Colony, said the Bill was framed upon the lines of the resolution passed by the House on the subject. It provided that the Council, instead of consisting of twenty-one members as at present, shall consist of twenty-four, eight of whom (being one-third of the whole number) shall be appointed by the Governor, subject to the approval of Her Majesty, and the remainder elected by the people. It was proposed that the present member for the North District shall retain his seat, which proposal was no innovation, as the same provision was made when the Murray District was separated from the Fremantle electorate, when the sitting members for the latter district were allowed to retain their seats.

The Bill was read a second time, and its committal made an Order of the Day for Wednesday.

#### DOG BILL.

This Bill was further considered in Committee, when the new clause introduced by Mr. Burt—empowering Resident Magistrates to cause one dog to be registered on behalf of any male aboriginal, without payment of a license

fee—(*Vide* p. 213 *ante*)—was agreed to, and the Bill reported.

The House adjourned at twenty minutes past ten o'clock, p.m.

### LEGISLATIVE COUNCIL,

*Wednesday, 30th August, 1882.*

Inspection of Vessels under Passengers Act—Eastern Railway: Survey and Construction of Third Section—Coastal Steam Service: Contract and Breakdown of "Rob Roy"—Responsible Government: Introduction of—International Fisheries Exhibition—Message (No. 3): Consideration of—Legislative Council Act Amendment Bill: in committee—Adjournment.

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

#### PRAYERS.

#### INSPECTION OF VESSELS UNDER THE PASSENGERS ACT.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary, "Whether he could inform the House "how many inspections of steamers and "coasters carrying passengers had been "made by the officer appointed to carry "out the provisions of 'The Passengers "Act,' from January 1st, 1881, to July "1st, 1882, inclusive?"

THE COLONIAL SECRETARY (Lord Gifford) replied that, between the dates mentioned, the following inspections had been made: of steam ships, 90; sea going sailing ships, 70; coasters, 72. There are three officers detailed to carry out the provisions of the Act at Fremantle.

#### SURVEY AND CONSTRUCTION OF THIRD SECTION OF EASTERN RAILWAY.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary— "(a.) When it is proposed to build the "Railway Station at Guildford? (b.) "How long will it take to complete the