

WESTERN AUSTRALIA.

PARLIAMENTARY DEBATES.

Legislative Council—Second Session of 1876.

Opened on Monday, 7th August, 1876.

LEGISLATIVE COUNCIL,

Monday, 7th August, 1876.

Opening of Council—The Governor's Speech—Address in Reply.

OPENING OF COUNCIL.

THE Council was prorogued by His Excellency The Governor on the 3rd January, 1876, to the 4th April; thence to 4th May; thence to 5th June; thence to 3rd July; thence to Monday, 7th August; on which day it met for the despatch of business.

The Council met at 3 o'clock, p.m.

Shortly afterwards, HIS EXCELLENCY THE GOVERNOR entered the Chamber and took the Chair.

THE GOVERNOR'S SPEECH.

HIS EXCELLENCY was then pleased to deliver the following Speech:—

MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

I greet you with pleasure at the opening of another Session, feeling sure that you will resume your legislative duties in that spirit of zeal for the public welfare which has heretofore influenced your proceedings.

The Bill to enlarge the powers of the various Municipal Councils with respect to the removal of nuisances detrimental to health, which last Session you were unable to complete, will again be submitted for your consideration. The postponement of this question has enabled me to avail myself, in the preparation of the

revised Bill, of the assistance of a Committee of Gentlemen thoroughly conversant with the practical working of the Act which is now in force; and I would again express the hope that this important question, treating, as it does, of a subject which so closely affects the general well-being of the community, will receive your careful attention. It is proposed to repeal the Municipal Institutions' Act of 1871, and, in addition to the sanitary sections of the new Bill, to provide for the registration of electors, to make fuller and stricter provision as to elections and the audit of accounts, and, while enlarging the borrowing powers of the Councils, to give the ratepayers a veto on the raising of loans.

Another measure of last session which you will be invited to reconsider is the Act to make provision for the Higher Education of Boys, which has appeared to the Secretary of State to be open to objection, in so far as it throws on the Government the responsibility for an undefined amount of expenditure in connection with the proposed school, and, by placing the school directly under Government management and control, makes the Government not only responsible for the quality of the secular education given, but liable to be called to account upon the allegation of any religious grievance. On these grounds His Lordship has decided—though not without hesitation, considering the amount of support which the measure obtained in the Legislature, and the satisfaction with which he has noticed this very

praiseworthy movement in favor of providing public education of a higher class—that the High School Act must be disallowed, but suggests as an alternative that a measure should be passed on the principle of the Queensland Grammar School Act, which is understood to have worked successfully, and may therefore not unreasonably be accepted as a guide in this class of legislation. A new Bill, following the principle of the Queensland Act as closely as local circumstances will permit, will accordingly be presented for your consideration. As regards the objections which have been raised to the proposed school on the ground of the secular character of the education to be given therein, His Lordship is of opinion that this was indispensable in a school designed for the joint use of members of different denominations, and has informed me that he could not entertain objections based on that ground to a system which, after the fullest discussion, has been adopted in the other Australasian Colonies, and elsewhere throughout the Empire.

Bills will also be introduced to amend and consolidate the laws relating to the licensing of carts and carriages; to give Naval Courts extended powers of enquiry into cases of misconduct on the part of certificated officers of the merchant service; to give greater power for the arrest of absconding debtors; to amend the Road Boards Act; with various other measures which need not here be enumerated.

The estimates of Revenue and Expenditure for 1877 will be laid before you without delay. The usual statement with regard to the financial condition of the Colony will at the same time be made by the Acting Colonial Secretary. You will find that the revenue for the six months ended the 30th June last, exceeded the estimate by £5,730, and that on the 31st July there was a balance to the credit of the Colony of £26,119. The depression which might be expected to result from the fall in the prices of wool and sandalwood will, I trust, be to some extent counterbalanced by the favorable season which we have enjoyed, both for pastoral and agricultural pursuits; while as regards the pearling industry, about which some gloomy forebodings have been entertained, the

Government Resident reports that “The pearlers do not seem to be much disheartened at the fall in the price of shells, for if the decline does not continue, a fair profit may yet be made with native labor. There will be fewer Malays imported, and as there will be less competition for this description of labor, a better selection ought to be made at a cheaper rate.” There was a time when the Colony would have been seriously shaken by a reduction, however slight, in the value of its staple products. That time is, happily, past; and, while the symptoms of possible commercial depression to which I have alluded make it doubly incumbent on the Government to be careful in matters of expenditure, I have, myself, no fear that the progress of the Colony will be arrested, nor have I any anxiety as to its future.

In compliance with the request contained in your resolution of the 13th December last, I appointed a Commission to consider and report on the Tariff, with a view to its complete revision. The Commission was composed of one Official and four Representative Members of your Honorable House, and I take this opportunity of thanking those gentlemen for the care which they bestowed upon the subject, and for their ready and valuable assistance. The Commission is of opinion that the importation of corn, flour, meal, salt meat, and certain minor articles, should be free; that, in order to the encouragement of ship-building and equipment, the principal and most costly articles included under the general name of ship-chandlery should also be placed on the free list; and that the duty on butter, tea, and refined sugar should be reduced. It is considered that the loss to the revenue resulting from these reductions should be made good, mainly by an additional duty of 1s. per gallon on spirits, to be supplemented by increased duties on cocoa, coffee, and confectionery; while on certain articles which are now on the free list—wool bales, and bags and sacks, for instance—it is proposed to levy a duty of 10 per cent. *ad valorem*. The report of the Commission will be presented to you, and submitted for the decision of the House. I trust the result may be a simplification of the existing Tariff, and

the abolition or reduction of some of the duties at present imposed on the prime necessities of life.

Steps have been taken to give effect to your wishes in the matter of Immigration, and I shall be prepared, as I stated on a former occasion, to expend your votes for this purpose so long as the new comers find employment in a manner which shall indicate that their presence is required in the Colony. There are 90 immigrants for this Colony on board the *Daylight*, which left England on the 18th May last, and a further batch will be despatched in the course of the present month. Our Agents at home are taking much pains in the matter, and, so far as I can judge from the lists which have just been received, I should say that the immigrants now on their way have been carefully and judiciously selected. I believe I am justified in saying that, with the exception of a few malcontents, who probably owe their want of success not so much to the Colony as to themselves, the great majority of the immigrants introduced at the public expense have found good and suitable employment, and have no reason to complain of their prospects in Western Australia.

I take this opportunity of stating that in consequence of some of the Government immigrants having left the Colony within a few months after their arrival, while others, it is well known, have come out with no intention of remaining, but simply as a means of getting on to the neighbouring colonies, it has been decided that all future immigrants shall be required to enter into an agreement with our Agents in England to remain here for three years from the date of their arrival, or, failing this, to repay to the Colonial Government the full cost of their passages. A Bill to ratify these agreements, and to make them binding in the Colony, will be submitted to you in the course of the Session. I am aware that this new arrangement will probably lessen the number of applicants for passages to Western Australia; but should this be the case to the extent of even one-half, it will be far better for the Colony to import a reduced supply of labor on terms which will probably induce it to remain, than that we should lay ourselves open to be made use of in the manner to which I have referred.

An interesting report on Crown Lands and settlement, and on the Land and Survey branches of the Surveyor General's Department for 1875, will be presented to you. The Surveyor General is again able to report that settlement during the past year has been decidedly progressive; that the stock-owner, the sheep-farmer, and the agriculturist have, in their several ways, been making sure and certain strides; and he hopes to see, by the occupation of new and healthy country, both flocks and herds increase. I have to announce to you that, for the purpose of obtaining an accurate survey of country now being extensively occupied, and other country believed to be good pasturage, a strong party has been sent into the field under the direction of the Deputy Surveyor General. The limits of the survey will be between the higher parts of the Murchison and Greenough Rivers, and their tributaries, the work being a continuation of the Greenough and Talling survey made in 1873. While on this subject I may state that the proposed regulations for the disposal of Crown Lands in the Northern and Eastern districts, on which I last session requested your opinion, preparatory to their being submitted to the Secretary of State, will again be brought to your notice. The question has been held over at the request of several members of Your Honorable House, and I again recommend it, together with that of the concession of additional grazing rights to small farmers, to your careful and attentive consideration.

The Report of the Board of Education for 1875 will be laid before Council. You will remember that in reply to my minute of the 12th November last, with reference to the question of the payment of teachers by results, the Board expressed its belief that the teachers of the Government Schools would, as a body, derive considerable benefit from the provisions of the Elementary Education Act in regard to their remuneration. The Board is now able to report that this favorable expectation has been realised, a statement which is fully supported by the fact that the emoluments of the teachers for 1875 show a net increase of £1,488 as compared with their former fixed salaries. At the close of last year there were 58 Government Schools and 20 Assisted Schools in

operation, with an aggregate average attendance of 2,921 scholars, being an increase of 149 over the average attendance for 1874. You will find it stated in the report that in almost every district officers are employed to enforce the compulsory clauses of the Act, and that if the attendance increases during the current year at the same rate at which it increased last year, the additional amount which was placed on the Estimates for 1876 will hardly be sufficient to meet the increased expenditure. It is further stated, in conclusion, that during the past year there is evidence of decided improvement in the progress as well as in the attendance of scholars, and the Board is convinced that so long as the present system of remunerating teachers is in force, such a result may be confidently anticipated.

I have to congratulate you on the successful working of the section of "The Wines, Beer, and Spirit Sale Act" of last session which prohibits the sale of liquor to persons in a state of intoxication, and the harboring of such persons on any licensed premises. It is considered in certain quarters that the Act is unfair to the publican. I confess that, for my own part, I do not share that opinion: and I think that, considering the magnitude of the evil which the Act is intended to meet, its provisions should be maintained and enforced. A return of the convictions under the Act for the six months ended the 21st June last, will be laid before you. On examining it, you will see that the measure is not uncalled for, and that its operation is likely to be attended with highly beneficial results.

I am happy to inform you that the extension of the Telegraph line to Eucla has been, so far, attended with success. The Bremer Bay station, 120 miles from Albany, has been opened, and communication established with Perth. The wiring has been completed to within a short distance of Esperance Bay, 286 miles from Albany, and beyond that point the line has been surveyed, cleared, and poled for a further distance of about 150 miles. I do not conceal from myself that the most difficult part of the work is yet to come, but I nevertheless expect that when this House next meets I shall be able to congratulate you on the

successful completion of a work which will place us in close and frequent communication with the neighboring Colonies, and help to draw attention to our many and varied resources. The total liabilities incurred on account of this line, including all contracts, amount to about £38,000, of which the sum of £33,000 has been already voted by this Council. The remainder will appear on the Estimates which are about to be laid before you, and will I trust prove sufficient for the proper completion of the work.

I invite your particular attention to the correspondence which has recently taken place between the Government of New Zealand and this Government on the subject of Electric Telegraph communication by deep sea cables between the Colonies in these seas and other parts of the world, of which copies will be forthwith placed before you. I have urged that the most favorable route for the proposed duplicate cable would be from a point to be selected on the North-West Coast of this Colony, to Ceylon, taking advantage of the Cocos Islands as a midway telegraph station, and thus affording the means, as explained in the correspondence, of unbroken communication between England, India, and Australasia, without passing through any foreign country. Subject of course to your approval, and to the sanction of Her Majesty's Government, I have expressed my concurrence in the opinion entertained at the Conference at Sydney in 1873, that, for the construction of such a line, the money necessary should be jointly raised, on terms and conditions to be agreed upon, and that while each country and colony should retain its own receipts, each should contribute to interest, maintenance, and general charges, in accordance with the stipulated conditions, and in proportion to the revenue derived. I need hardly observe that with this Colony as a starting point for the cable, the financial success of our new line to Eucla would be assured; but apart altogether from this, and from the benefits which we should undoubtedly derive from such a scheme, I believe that no other route is possessed of such conspicuous advantages, and that sooner or later it will be adopted.

I have received from the new Government Engineer a full report on the works

in progress on the Geraldton and Northampton Railway. The report is too voluminous and important to be usefully epitomised on such an occasion as this. In submitting it, therefore, *in extenso*, for your perusal and careful consideration, I will merely quote the following paragraph, which may be regarded as a summary of the conclusions at which Mr. Thomas has arrived:

"The sums voted by the Legislative Council for a Railway and Telegraph between Geraldton and Northampton, I am informed by the Auditor General to amount in all to £115,000: of this £26,000 has not yet received the sanction of Her Majesty's Secretary of State. Up to end of June there has been expended, including rolling stock (£9308) and all other charges against the vote, a sum of £79,601, leaving a balance available (in the event of the £26,000 to be raised by loan being approved) of £35,398 to complete the Railway and Telegraph, and cover the amount of contractor's retention money, —a sum I feel to be amply sufficient to meet all requirements. The railway, therefore, including a telegraph line, rolling stock, &c., should not, and will not in all probability, exceed £3360 per mile, an amount which, considering the exceptional easy country through which by far the greater portion of the line runs, and the total absence of any engineering difficulties, is perhaps in excess of what it should have been, yet, all things considered, it has not cost so very much more than might have been expected. I therefore consider, that although faults have been committed in this the first attempt at railway making in the Colony, there is certainly nothing to discourage the Government from entering upon similar undertakings in the future."

You will be furnished with correspondence on the subject of the Point Moore Light House, from which you will observe that an Iron Tower and Lighting Apparatus have been despatched from England, in charge of an experienced mechanic, and will shortly be landed on the spot, where everything will be in readiness for their erection. The lowest estimate for a stone tower having amounted to nearly £6,000, I thought it would be better and cheaper to import

an Iron Tower from England, to be sent out with the Lighting Apparatus which had been previously ordered by my predecessor; and it appears to me that, both in point of cost and efficiency, the work promises to be a success. I have directed that the new tower at Arthur's Head—where the Lighting Apparatus originally imported from Champion Bay is to be erected—be pushed forward as rapidly as possible, in order that the fitter in charge of the Point Moore Apparatus may be able to superintend the adjustment of both lights before he returns to England.

I duly forwarded to the Secretary of State the various plans which have from time to time been put forward for the improvement of Fremantle Harbor, with a request that His Lordship would submit them to Sir John Coode, or some other eminent authority, for careful consideration and report. I regard this question as of the highest importance in connection with the future of the Colony, and I trust that the course which has now been adopted may result, at no distant date, in a satisfactory solution of the difficulty. It remains of course to be seen whether an anchorage and approaches, safe in all weathers for large ships, can be constructed at Fremantle at a cost within the means of the Colony. I hope that the answer may be favorable, for the work is one which I should rejoice to see inaugurated during the period of my connection with the Colony.

Correspondence with reference further to the question of the proposed railway from Fremantle to Perth and Guildford will be communicated to you. The promoters of the scheme have now ascertained that they were in error in naming ten years as the term for which a guarantee would be required in order to the promotion of the undertaking, and inasmuch as Your Honorable House advised the introduction of a Bill to guarantee interest for a period of ten years only, the negotiations have in consequence been suspended. In forwarding to you the request of the promoters that the term of the solicited guarantee may be extended from ten to twenty-one years, I cannot but express to you my opinion that it would be better to undertake the construction of the line as a purely Government work—the public resources

admitting of it—than to guarantee interest to others for the lengthened period required.

During the recess I had the pleasure of visiting, for the first time, the Southern Districts of the Colony. There, as in the Eastern Districts, I found an industrious and contented population, ready on every occasion to extend a cordial welcome to the representative of the Crown, and anxious to promote, as between the Executive and the people, those feelings of mutual confidence and regard which are so conducive to the good government of the country.

In now committing to your care the measures which await your consideration, I earnestly pray that a blessing may attend your deliberations, and that your desire to further the general interests of the Colony may lead you to just and wise conclusions.

Which being concluded, a copy of the Speech was handed to Mr. Speaker, and His Excellency The Governor left the Council Chamber.

The Speaker took the chair.

ADDRESS IN REPLY.

Mr. RANDELL moved, That an humble address be presented to His Excellency the Governor, in reply to the speech with which he had been pleased to open the session. The first paragraph in the speech referred to the Bill to enlarge the powers of the various Municipal Councils with respect to the removal of nuisances detrimental to health—a measure which, in his opinion, was calculated to be of great importance, and very beneficial to the community. He felt sure that the hon. members of that House, although perhaps not agreeing with all the details of the Bill, would give their best attention to assist in making it workable and useful. The time had no doubt arrived when there should be an advance made with reference to enlarging the powers of our Municipal Institutions. An opinion had been expressed by those competent to form an opinion in such matters, that a necessity existed for the introduction of sanitary measures, especially with regard to the larger towns; and he thought most people would coincide in that opinion. They would find this to be a feature in the Municipalities Bill to be brought forward this session. He thought, also,

that the time had arrived when the regulations dealing with the election of members of Municipal Councils should be more closely assimilated with the regulations governing the proceedings at elections of members of the Legislative Council, especially with reference to proxy voting and personal canvass. When the Bill came under consideration, he should have a further opportunity of expressing his opinion upon these points. He also observed that it was proposed to make fuller and stricter provision as to the audit of accounts, and, while enlarging the borrowing powers of the councils, to give the ratepayers a veto on the raising of loans—a very proper provision, and one which he had no doubt would work well. He thought the time had arrived when, in Perth, at any rate, greater borrowing powers should be given to the City Council than that body now possessed. With regard to the next paragraph of the speech, that referring to the Bill to make provision for the higher education of boys, he thought it must be gratifying to those hon. members who had supported the Bill last session to find that Lord Carnarvon spoke in such complimentary terms with reference to the movement; and although His Lordship had deemed it necessary to disallow the Bill, yet it had not been done on account of the opposition raised against it by a section of the community. All who took any interest in the question of education must hail with satisfaction the introduction of another measure, framed more in accordance with what the Secretary of State conceived to be likely to be useful and successful. A very similar measure had recently been introduced in South Australia; where forty children can be gathered to attend, advanced schools are established by the Government for the purpose of supplementing the instruction received at the primary schools. He was sure that those hon. members who supported the Bill last session would gladly support the new one this session, and that they should thereby remove the disgrace which now attached to the City of Perth of having no school where the youth of the Colony could be taught the higher branches of education, without leaving the country. Whilst speaking on this question of education, he might here

incidentally refer to another paragraph in His Excellency's speech referring to the existing Elementary Education Act. It must be a source of satisfaction to every hon. member to find that the teachers of the Government Schools had, as a body, increased their emoluments under the payment by results system. He did not know what effect this statement would produce upon those who had, from time to time, opposed the Act. It had been a bone of contention in some parts of the Colony, and the Press, also, had reviewed it somewhat with disfavor; but he thought—although it could not be doubted there were individual cases of hardship—the great bulk of teachers had benefited by the result system, a system calculated to stimulate the masters and to promote the efficiency of the schools. He felt sure the House would readily vote any additional amount that might be found necessary to meet the increased expenditure arising out of the increased earnings of the teachers. With reference to the paragraph dealing with the financial condition of the Colony, he was glad to find that the revenue for the past six months had exceeded the estimated revenue by over £5000, and that on the 31st July there was a balance to the credit of the Colony of £26,119. Such a state of affairs must be reassuring and satisfactory to the public at large. It was to be hoped that the balance would be spent in some useful way calculated to promote the welfare of the Colony—but not squandered away. Reference was also made in the speech to the pearling industry, which seemed, for a time, to have almost collapsed. The statement of the Government Resident was, however, reassuring, and he was happy to find that there was a likelihood of this important industry being carried on with even greater profit than heretofore to those engaged in it, consequent upon their number being reduced. Allusion was also made to the depressed state of the wool and the sandalwood markets, which depression he believed with His Excellency was not such as to give rise to any gloomy forebodings. Although no doubt the fall in the price of wool and pearl shells, and the stagnation of the sandalwood trade, must be felt for a time, he was yet inclined to regard the future in a cheerful light, in the belief that the

Colony possessed enough vital energy to survive this commercial depression, and to enjoy more prosperous times. With reference to the paragraph referring to the Tariff Commission, he entirely agreed with the principle which His Excellency enunciated at the close of the paragraph. That there should be a simplification of the tariff was desirable, but when the matter came to be dealt with in committee he should probably be inclined to disagree with the recommendations of the Commission with regard to some articles. For instance, he could scarcely understand why it was proposed to reduce the duty on refined sugar and not on the commoner kind. He would also be inclined to oppose the proposed increase of 1s. per gallon on spirits, inasmuch as he believed such an increase would merely defeat the object in view. With regard to the main question of the simplification of the tariff, he thought that the most desirable course to adopt with a view to arrive at that end would be that the principle of *ad valorem* duty should, as much as possible, be introduced. Every article which might be regarded as a prime necessary of life should, in his opinion, be as free of taxation as possible. He thought that the time had arrived when property and capital should contribute their proper share to the cost of the Government of the Colony. With respect to the paragraph referring to immigration, he thought the House would agree with him that the steps taken with regard to binding future immigrants to remain in the Colony for a term of years after their arrival, was a wise step. It was useless to introduce men here at public expense unless something were done to retain them in the Colony when they came. He was very glad indeed to learn that the immigrants now on their way had been carefully and judiciously selected; he hoped they would prove a class more useful to the Colony than those hitherto introduced. He was pleased to find from the report of the Surveyor General that settlement during the past year had been decidedly progressive. No doubt there was, at the present moment, a gloom settling over the agricultural and pastoral industries of the Colony, but he hoped that God in His good Providence would bless the country with rain, and thereby

remove the gloom. It must be a source of satisfaction to the House to learn that our flocks and herds were increasing,—especially looking at the high price now obtaining for meat. It was also satisfactory to learn that the extension of the Eucla Telegraph was progressing towards a successful completion; and it was a further source of gratification to him—for he had been opposed to the construction of the line being undertaken out of current revenue—to hear from His Excellency's lips that only another £5,000 would, probably, be required to properly complete the work. The paragraph referring to the prospect of the Colony being connected with the civilised world by means of a duplicate submarine cable was likewise matter for congratulation. He was glad, too, to find that the Government Engineer had felt himself justified in reporting so favorably of the progress and condition of the Geraldton and Northampton Railway. There had been a great many rumours afloat with reference to this work, and the public had been led to believe that a largely increased expenditure would be necessary in connection therewith. It was therefore extremely satisfactory to learn that the sum already voted for the construction of the line would be sufficient to meet all requirements, and that the House would not be asked to grant any further amount to carry on this important work to completion. He said important, because it was the first undertaking of the kind which the Government of the Colony had taken in hand. To have to abandon such a work would indeed have disgraced us in the eyes of the world. With regard to the paragraph referring to the question of Harbor Works, he could only express a hope that the result of the matter being referred to an eminent authority at home would be that some steps would at once be taken to improve the harbor at Fremantle, than which improvement he could not conceive a more necessary and important work for the Colony to undertake and carry out. With regard to the proposed railway between Fremantle, Perth, and Guildford, he would be glad if it could be shown that its construction would promote settlement and advance the interests of the Colony. But in his opinion, the railway should run between Guildford and the Eastern Districts,

rather than between Fremantle and Guildford. He agreed with His Excellency that it would be much better for the Government to undertake the construction of the line than that a guaranteed interest should be given to a private company for doing so—a guarantee extending over so long a period as twenty-one years. If the House resolved that a railway should be undertaken, he hoped it would be a line to connect the Eastern districts with Guildford, which he believed would be a far more useful and profitable line than that contemplated. In conclusion he could only express the pleasure he felt at the tone of congratulation and hopefulness which pervaded His Excellency's speech throughout, and he trusted that the prayer breathed at its close—that a blessing might attend their deliberations—would be heartily reciprocated by every member. He would now move, That an humble address be presented to His Excellency the Governor, in reply to the speech he had been pleased to deliver to the Council.

MR. PARKER said it afforded him much pleasure to second the resolution for the adoption of a reply to the most able speech which His Excellency had just delivered. The hon. member who had moved the address had spoken so fully upon every part of the speech, that he was very glad to find there was nothing left for him to say. He certainly agreed with the speech almost from beginning to end. With respect to the proposal to establish a High School, he hoped the House would adopt a measure for the establishment of such an institution, so that colonists need no longer be under the necessity of sending their children to other countries to be educated. He was pleased to find that there was so large a balance to the credit of the Colony as £26,119; there were reports current that the balance would have been on the wrong side of the ledger, and it was very satisfactory to find that, in reality, it was otherwise. It was gratifying also to find that the country was becoming occupied and settled—a strong proof that the Colony was progressing. He cordially seconded the motion before the House.

The motion was then put and agreed to, and a Select Committee having been appointed to prepare the address, it was

brought up and read by the Clerk, as follows :—

MAY IT PLEASE YOUR EXCELLENCY,—

We, the members of the Legislative Council of Western Australia, in Council assembled, desire to express to Your Excellency our thanks for the address with which you have been pleased to open this Third Session of this Honorable Council, and assure you of our earnest desire to coöperate with you in all measures which may best promote the public welfare of the Colony.

We will give our best consideration to the several important Bills which you propose to bring before us.

We learn with pleasure the sound financial position of the Colony, and agree with Your Excellency in hoping that the depression which might be expected from the fall in the prices of wool and sandalwood may be somewhat counterbalanced by the favorable season which most of the districts have enjoyed to the present time for pastoral and agricultural pursuits. We feel much confidence in the permanent progress of the Colony, and do not anticipate any serious interruption to its prosperity by any transient depression which may possibly arise.

We have to thank Your Excellency for the appointment of a commission to report on the Tariff, in compliance with the request of the Council; and the report of the commission will receive our careful consideration.

We are glad to receive the information Your Excellency has conveyed to us on the subject of immigration, and coincide with you in considering that it would be unwise to continue the introduction of immigrants unless there was reason to expect they would receive employment on arrival. We consider that the proposed agreement to be entered into by immigrants before embarkation, binding them to remain for three years in the Colony, or otherwise defray the full cost of their passage money, is a proper and wholesome measure.

The report of the Surveyor General will be read with much interest, and the proposed Land Regulations will be carefully considered, and we have to thank Your Excellency for holding them over for our further consideration at the request of certain members of this House.

The report of the Central Board of Education will be considered with the attention which, from the importance of the subject, it merits.

We are much pleased to learn the successful progress of the Eucla Telegraph Line, and are of opinion that the laying of a cable from the North West Coast of this Colony for opening up communication with India and Europe is a question of the greatest importance to this Colony, and we promise our most careful consideration of the correspondence on this subject with the Government of New Zealand; and we beg to express our appreciation of the prompt action which Your Excellency has taken in this matter.

We will be glad to receive the report of the Government Engineer on the works in progress on the Geraldton and Northampton Railway.

We are pleased to learn that the plans in connection with the Fremantle Harbor question have been referred to England for the opinion of an eminent engineer, and are fully sensible of the vast importance of this undertaking. We look forward with hope that a satisfactory solution of the difficulty may be arrived at.

The further correspondence respecting the construction of a railway between Fremantle and Guildford will receive our careful attention. We agree in thinking that it is a question for grave consideration whether, as a matter of general principle, it is not more desirable, wherever the public resources admit of the expenditure, that a work of this kind should be undertaken by Government rather than on a guarantee for a lengthened period.

In again thanking Your Excellency for the address with which you have been pleased to open this Session of the Legislative Council, it only remains for us to assure you that we earnestly unite in your prayer that a blessing may attend our deliberations, and that we may be led to just and wise conclusions in endeavoring to advance the general interests of the Colony.

THE ACTING COLONIAL SECRETARY moved, That the address be adopted.

MR. STEERE seconded the motion.

MR. BROWN said he had imagined that the course pursued last year with

regard to adjourning the debate until the following day would also have been adopted this year. He did not intend to propose that the House should adjourn, but he wished to make a few remarks before the motion was adopted. He, for one, did not agree with the whole of His Excellency's speech, and he was sorry the remarks he was about to offer would not follow the same peaceful vein which had characterised the remarks of those hon. members who had spoken before him. He was somewhat surprised at some of the statements embodied in the speech. With regard to the disallowance of the High School Act by the Secretary of State, he only hoped that when they came to read His Lordship's despatch it would be shown that he had just grounds for so doing. For his own part, he was exceedingly sorry that His Lordship had done so, and he only hoped there were just grounds for taking such a high tone; if such grounds existed, if it were shown that they existed, then he should be happy to proceed to consider whether the Bill proposed to be substituted would suit their requirements. But if he thought the Secretary of State had no good grounds for disallowing the Act passed by that House last session, he would ask hon. members to assist him to re-introduce a Bill framed on the same principle, and send the same back to the Secretary of State, again and again, until His Lordship assented to it. With regard to the paragraph referring to the financial condition of the Colony he was glad to hear that the actual revenue had exceeded the estimated revenue. Still he thought His Excellency was very much in error when he stated that the present depression would be "counterbalanced by the favorable season which we have enjoyed." He had come there that day to learn for the first time that the season had been in any way favorable. Why, the cry went up on all sides, that never in this Colony had there been such a season of depression, both for agricultural and pastoral pursuits. He regretted to see such a paragraph in the speech. If it referred to the present season, it was a mistake. Then, again, he did not think that the statement quoted from the report of the Government Resident at Roebourne, with regard to the pearling industry, would exactly

be borne out by the facts of the case. It was said that the pearlers were not much disheartened. He had met many of those engaged in the industry, and one and all had expressed themselves exceedingly disappointed; they would not throw it up, if there was the slightest chance of making a living at it, but they were exceedingly disappointed, and, as a matter of fact, a large number had withdrawn from it. With reference to the Tariff Commission, the members of that commission were very properly thanked by His Excellency for the care they bestowed on the subject. He had not yet had an opportunity of reading their report, but judging from the paragraph referring to it in the vice-regal speech, he did think that, instead of improving the tariff, their recommendations, if carried into effect, would render it quite as great an anomaly as it was at present. He, for one, would have nothing whatever on the free list; let them put their seven or their ten per cent. on every article imported, so long as the system of deriving the greater portion of the revenue from Customs receipts obtained. It was unjust to certain sections of the community when certain articles were admitted duty free, and he thought the fairer system would be to have one uniform *ad valorem* rate. Dealing with the question of immigration, His Excellency intimated that it had been decided that all future immigrants shall be required to enter into an agreement with our agents in England to remain here for three years from the date of their arrival; with which provision he (Mr. Brown) quite concurred. In the address in reply to His Excellency's speech was an expression thanking His Excellency for holding over from last session, the proposed regulations for the disposal of Crown Lands in the Northern and the Eastern districts for further consideration, at the request of certain members of that House. He could not agree in that expression of thankfulness; on the contrary, he was surprised that His Excellency should have acted as he had done in the matter. He was one of those who believed that if the Colony was ever likely to progress, its advancement would not be the result of any form of government, but of the adoption of liberal, wise, and judicious land regulations. Our land was the lever with

which we must hope to lift the Colony ahead, and, imbued as he was with that belief, it had been a matter of regret to him last session to see how this question of amending the land regulations had been treated by the House. It was hurried through without receiving any consideration, although he had done his utmost to induce hon. members to give their serious attention to the matter. Subsequently, after the session was over, it appeared that certain hon. members had placed themselves in communication with His Excellency with reference to those very regulations, instead of fighting out the question in that House, where it ought to be fought out. They had requested His Excellency to hold them over until the present session, and His Excellency, it appeared, had complied with their request. It was therefore proposed to thank the Governor for so doing. He did not thank His Excellency for holding them over; he did not thank His Excellency for taking any notice of the recommendations of these gentlemen, or for countenancing lax legislation at all. If hon. members had done their duty, they would have discussed the matter in that House, instead of hurrying it through as was done last session, and then asking that it might be held over until the present session. With regard to the paragraph in His Excellency's speech relating to the working of the Elementary Education Act, no doubt that Act gave every satisfaction to the members of the Central Board, who, no doubt, deemed it perfection itself. He, however, thought it capable of great improvement. Even the hon. member for Perth (Mr. Randell)—himself a member of the Board—admitted there were individual cases of hardship under the system now in operation—exceptional cases where poor country teachers were reduced to a state bordering on starvation. Surely, the Act might be so amended as to enlarge the powers of the Central Board so as to enable them to deal with these exceptional cases. The system worked very well in towns—in centres of population—no doubt; but in the country there were many reasons why it could not work well, and the result was, there were numbers of children going without education who ought to be taught, and who under the old system would have been taught. He

was sorry to notice it foreshadowed in His Excellency's speech that there was no intention to alter the provisions of the Act in any way, and that the opposition of the Central Board to any interference with it was to continue. His Excellency stated in his speech that the compulsory clauses of the Act were enforced in almost every district throughout the Colony. It was not being enforced in the Champion Bay district, at any rate, simply because the Board had no power to provide the increased accommodation which would be necessary were the compulsory clause carried into effect. What was the use of compelling children to attend school, unless at the same time provision was made for their accommodation? Referring to the "Wines, Beer, and Spirit Sale Act," His Excellency said it was considered in certain quarters that the Act operated unfairly towards the publican—an opinion which His Excellency said he did not share. On the other hand, he (Mr. Brown) maintained that it was unquestionably unfair to the publican. It reduced the position of a publican to the lowest level of degradation; it told him plainly that his trade is one which must be regarded as degrading in every way, although licensed by the law of the land itself; it implied that every publican must be a man possessed of no sense of honor, and on a par with the lowest of mankind. The result would be that we should only have the lowest of the low occupying the position of a publican—a position which ought to be one of respectability as it was of responsibility. As to the question of harbor works, nothing more could have been expected as yet than what was notified in His Excellency's speech. He had heard that it was in contemplation to ask for a vote towards the erection of a magnificent Town Hall at Fremantle; but he hoped hon. members would not lose sight of this question of harbor works when that vote came before them. With reference to the proposed railway to Guildford, he did not concur in the view taken by His Excellency as to the propriety of the work being undertaken by the Government rather than by guaranteed interest to others for a lengthened period. Possibly, he might change his opinion on this point; but he did think now, if the Colony were only asked to pledge itself for

a limited number of years to provide the small amount of six per cent. on the capital expended, for twenty-one years, it would be more advantageous—regard being had to the smallness of our revenue—if it adopted this guarantee system rather than undertake the work itself. They would then be in a better position to raise the money for the construction of the remainder of the line. He regretted thus to have to differ on so many points in the vice-regal speech; but, while he did not doubt that His Excellency was actuated by an earnest desire to promote the best interests of the Colony, still he could not allow the motion before the House to pass without giving expression to his sentiments. He should feel bound to vote against the adoption of the address in reply, principally because of the paragraph thanking His Excellency for holding over, from last session, the question of land regulations, simply at the request of certain members of that House after the session was over.

Mr. CROWTHER moved, The adjournment of the debate until the following day.

Agreed to.

LEGISLATIVE COUNCIL.]

Tuesday, 8th August, 1876.

"Game Act, 1874," amendment Bill: Second Reading—
Address in Reply: resumed debate.

"GAME ACT, 1874," AMENDMENT BILL.

SECOND READING.

THE ACTING COLONIAL SECRETARY said this Bill had been introduced by the Government at the request of several hon. members, and of other persons outside the House, who were of opinion that the preservation of game would be more effectual if the close season were altered, and in some instances extended.

The close season at present commenced on the 1st June. A large number of ducks at that date, and for a month afterwards, were to be found on our waters, not having gone up the country to pair. It appeared to him useless to prohibit the destruction of game before the time for pairing arrived; and it was therefore now proposed that the close season should commence a month later. It was for the House to consider whether it might be still further extended. There was a clause in the Bill providing a penalty for the destruction of magpies at any season of the year, it being deemed better to afford such protection to this bird which was of great service in destroying worms and slugs.

MR. SHENTON moved, as an amendment, that the Bill be referred to a select committee, who might make inquiries from sportsmen and others acquainted with the habits of wild birds as to the best dates for the closing season.

MR. STEERE said no doubt an alteration in the present Game Act was called for, and he was very glad indeed that the Government had brought forward the Bill. He saw no objection to its being referred to a select committee. He thought some provision ought to be made as to what should be done with game unlawfully destroyed—how it should be disposed of. There was a feeling abroad, also, in favor of licensing persons using a gun, so as to prevent the indiscriminate destruction of birds by little boys. Perhaps such a provision could not be inserted in the present Bill, but it appeared to him to be a desirable one.

MR. RANDELL supported the amendment motion for referring the Bill to a select committee, for the reason assigned by the hon. member for Toodyay.

THE ATTORNEY GENERAL had no great objection to the Bill being referred to a select committee, though he did not think, if such a committee were appointed, it would gather any very important information on the subject.

MR. CROWTHER imagined that the object of moving for a select committee was to enable those appointed on it to institute inquiries, among persons conversant with the habits of wild fowl, as to the proper period for fixing the close season. Then arose another question:—the period that might be considered