LEGISLATIVE COUNCIL,

Monday, 28th August, 1882.

Audit of Railway Accounts at Fremantle—Scale of Arbitration Fees—Volunteer Vote: How to be expended—Brands Act Amendment Bill: second reading—Width of Tires Bill: in committee—Estimates: in committee—Dog Bill: further considered in committee—Adjournment.

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

PRAYERS.

AUDIT OF RAILWAY ACCOUNTS AT FREMANTLE.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary, "How long the Inspector of Accounts "had been engaged in auditing the Rail- "way Accounts at Fremantle: whether "the audit was yet completed; and, if "not, how much longer would it take?"

THE COLONIAL SECRETARY (Lord Gifford), in reply, said the Inspector of Accounts had been engaged in auditing the railway accounts at Fremantle since May 1st; the audit was not yet completed, and would take at least, he was informed, another six weeks to bring it up to date.

MR. SHENTON said the reason he had asked the question was because he had heard indirectly that the Inspector had been engaged almost four months at the work, and that it was likely it would take some weeks more to finish it. It appeared that this information was correct, and was borne out by the official statement just made to the House. That being so, he thought the matter was not unworthy the attention of the Council. If a department which had only commenced work in March last year, and had not been opened more than eighteen months,—if the accounts of that department, in that short space of time, were in such a state that it took about six months to audit them, there must be something radically wrong indeed with the manner in which the accounts were kept. When the Railway Vote was under discussion last Session, he and other members drew the attention of the Government to the desirability of dividing the duties devolving upon the Traffic Manager and Station Master at Fremantle, but the reply they received—whether official or non-official, he now forgot—was that the Traffic Manager was opposed to any change, and that he was perfectly willing and had plenty of time to do all the work that devolved upon him in his various capacities. But he thought it was now clearly shown that, as regards the accounts at any rate, the work had been done in anything but a proper way, and hence all this expense, time, and labor wasted in auditing them. He thought it was the duty of the House to direct the attention of the Government to the matter, with a view to discover who is responsible for all this confusion, which had necessitated a public officer to be taken away for months from his legitimate work, and to devote six months to the auditing of the accounts of an office which had only been eighteen months in existence.

SCALE OF ARBITRATION FEES.

MR. CAREY, in accordance with notice, asked the Colonial Secretary "To "lay upon the Table of the House a copy "of the scale of fees paid by the Govern- "ment, and allowed by law to arbitrators "in this Colony; also a return showing "the amount paid by the Government "for fees in arbitration cases, from 1st "January, 1879, to 30th June, 1882,— "such return to show the number of "sittings and amount paid in each case."

THE COLONIAL SECRETARY (Lord Gifford) said that he would furnish the return asked for, next day.

VOLUNTEER VOTE, AND COLONEL ANGELO'S PASSAGE MONEY.

MR. S. H. PARKER, in accordance with notice, asked the Colonial Secretary, "To furnish the House with a return show- "ing how the Volunteer Vote for 1883 was "proposed to be expended. Also, to "state whether Colonel Angelo's passage "to the Colony from Tasmania was paid "by the Government, and, if so, what was "the amount so paid, and under what "item of expenditure was it charged?" His reason for asking the question was because he noticed that it was proposed to expend £1,300 on the Volunteers next year, and it would be interesting to the House to know how the Government intended to appropriate this lump sum, in view of the recent appointment made to

the service, and the consequent increased charge upon the vote, which was not more than the vote for the present year.

The COLONIAL SECRETARY (Lord Gifford) laid on the Table the return asked for, showing that it was proposed to expend the grant as follows:—

	£	s.	d.
Capitation money for 545 men	545	0	0
Maintenance of field guns	50	0	0
Drill instructors, armourers, &c. ...	177	15	0
Marching and incidental expenses ...	77	5	0
Ammunition	150	0	0
Salary of Inspecting Field Officer ...	300	0	0
	£1,300	0	0

With regard to Colonel Angelo's passage, £50 had been paid towards it by the Government, and another £50 advanced, to be repaid by instalments. The amount was charged under the item of "Travelling Expenses of Officials."

BRANDS ACT AMENDMENT BILL.

Sir T. COCKBURN-CAMPBELL, in accordance with notice, moved the second reading of a Bill to amend "The Brands Act, 1881." The hon. baronet said it was a very simple Bill, and one which he thought would commend itself to all hon. members. It was not proposed to deal with the principle of the existing Act in any way, but simply to remove an inconvenience which had arisen in connection with the registration of earmarks. Many hon. members were aware of what was meant by the classification of sheep, but, as others might not so clearly comprehend the system adopted, he would shortly explain it to them, in order that they should be aware why he troubled the House with this little Bill. Sheep were classed, for breeding and other purposes, according to wool, sex, and age. In former days this was carried out by handling every sheep separately, but on all well-regulated stations, at present, a different system was adopted from the old one, which was cumbersome, expensive, and knocked the sheep about. The present plan was to run the sheep through narrow lanes or "races," having swing gates, at which men were stationed, who let out the sheep into different yards according to their class. And the way in which these men recognised the class to which a sheep belonged was by means of earmarks of the description mentioned in the second clause of this Bill—a clip out of the ear, horse-shoe shape, at the end. But, under "The Brands Act, 1881," this difficulty had arisen,—the neighbor of a man who used the ordinary class earmark might register that earmark as his mark for ownership, in which case a penalty might be inflicted upon the man who used it as a class mark. For this reason he (the hon. baronet) sought, by means of this Bill, to forbid that the class mark generally in use should be registered as an earmark under the provisions of the earmark registration clause of "The Brands Act, 1881." He had ascertained that it had not so been registered as yet. He proposed also to repeal the 21st clause of the Act, which provided that the same earmark might be registered for different ears to mark sex. This would no longer be required when a class mark could be used for the purpose; and, if it were repealed, the Government would have far more earmarks available for registration, for they could register the same earmark on the one ear for one owner and on the other ear for another. He might add that, personally, he was opposed to the earmark registration clauses of the new Brands Act, which he did not think would prove of much value, and that some pressure had been brought to bear upon him to move that they should be repealed. But, considering the fact that a very large number of persons had availed themselves of them, and had registered their earmarks, he thought it would be undesirable to take action in the matter. Some hon. members were aware that these earmark registration clauses were, for a reason upon which he would not dilate, a dead letter at present; he believed, however, that steps would be taken to remove the causes which made them so, at as early a date as possible.

Mr. STEERE thought the Bill was one which was very much required indeed, but he would wish to point out, in connection with the registration of earmarks, that, up to the present time, those sheep-owners who had complied with the provisions of the Act in this respect had in no way obtained any greater degree of security thereby than if they had never gone to the trouble of registering, simply because the Government had as yet been unable to publish the registered brands in the *Gazette*, as required by the Act; so

that, in reality, the Act was inoperative in this respect. He did not know whether the Government ever intended taking any steps, as intimated by the hon. baronet, to have these registered earmarks published, as required; if not, he thought the clause dealing with the subject in the principal Act might as well be repealed altogether. The object of the Bill otherwise was a very commendable one.

MR. MARMION strongly advocated the repeal of the system of earmark registration, which, he had heard from more than one source, was found to be not only inoperative but a nuisance to sheep-owners generally. He understood that only a very small proportion of sheep-farmers had availed themselves of the system—[THE COLONIAL SECRETARY: About two hundred]; and he failed to see the use of retaining a principle on the Statute Book which was virtually acknowledged to be of no avail to anyone.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) expressed a hope that the House would not abolish a system which had only been in operation a few months, but would give it a fair trial. The reason why the Government had not yet published the registered brands in the *Gazette* was simply owing to the difficulty of reproducing in print some of the marks which had been registered; but this was a difficulty which they hoped to be able to surmount. He thought the House would be acting with inopportune haste if it were now to undo what it did with regard to these earmarks last Session, before the system had been fairly tested.

MR. BROWN said he was one of those who had advocated the adoption of earmarks, but he thought the present Act was defective, inasmuch as it only contemplated registration in respect of one year. The reason why the Act had remained inoperative was simply because the Government had not been able to publish a list of the registered brands, and until these were published the system of registration afforded no protection to the sheep-owner. The Government, however, although they had not afforded sheep-owners the protection which the Act contemplated, had retained the fees paid in respect of the registration, and if that part of the Act dealing with the registration of earmarks were repealed, as suggested by the hon. member for Fremantle, it would be but justice to those who had registered their brands and paid their fees to have those fees returned. They had had a great many discussions as to the value of earmarking, and, as a result, a majority of the House decided upon affording those who desired to avail themselves of this additional protection an opportunity of doing so,—and wisely, he thought. The Act had not yet had a fair trial, and, like most new measures of a novel character, it had met with considerable opposition. But, although it had only been in force a short time, they were told that no less than two hundred sheep-owners had availed themselves of its provisions. Hon. members would bear in mind that the Act was not a compulsory one to anyone, as in some parts of Australia, and, in face of the fact that it was entirely a voluntary proceeding on the part of sheep-owners, and also that they had to pay a fee, and further bearing in mind that the Government had not been able to afford them that protection which the Act contemplated—bearing all this in mind, he thought the fact that over two hundred sheep-owners had, in a Colony like this, availed themselves of the earmarking provisions of the Act, showed that the Act was appreciated. At the same time he was sure it would have been more generally appreciated had it admitted of registration in respect of both ears.

MR. CROWTHER did not know much about the subject of earmarks himself, but he had never yet heard a solitary sheep-owner outside that House advocate the retention of these marks as an essential part of the system of branding. He thought if the earmark clauses were struck out altogether, it would render the Act more valuable, and more suitable to the present requirements of the Colony.

MR. BURGES thought the question of earmarking would always remain a dead letter.

MR. VENN, as a practical sheep-farmer, had no objection whatever to the system, except that referred to by the hon. member for Geraldton, and he hoped the House would not indulge in the childish pastime of destroying this year what it had built up, with much

care and deliberation, only one session ago.

The COLONIAL SECRETARY (Lord Gifford) explained the difficulties which the Government had experienced in publishing registered earmarks in the *Gazette*,—a difficulty, however, which they hoped to overcome before long, when sheep-owners who had availed themselves of the provisions of the Act in this respect would be afforded that increased security which the Act contemplated. He believed the Bill now before the House would facilitate the practical operation of the Act, and for that reason it would have his support.

Mr. GRANT said the earmarking system only led to confusion, owing to the impossibility of sheep-owners being able to place distinctive marks on such a small organ as the ear.

Mr. HAMERSLEY said that by adopting the suggestion of the hon. member for Geraldton and allowing registration of earmarks to be made in respect of the two ears, instead of one, a very large number of combinations might be made—a number which might surprise hon. members. He thought it would be conceded that twenty distinctive marks may be made on one ear of a sheep; these were of course separate marks, but, taken in pairs, they would give two hundred different combinations. Conceding this—and it was undeniably correct—the same number of combinations might be formed from the other ear of the sheep; and, taking into consideration that an earmark may and should be represented by one or two of these marks taken from one or both ears, we should thus obtain 40,000 distinctive earmarks. With regard to the difficulty of registration, and the subsequent publication of these hieroglyphics in the *Government Gazette*, he could submit a scheme to the Government which would obviate all difficulty in the matter. Returning to each of the separate marks which may be made in the one ear, let each of these marks be represented by a letter, commencing with the letter A. Let the same mark on the other ear be represented by figures, starting with the figure 1. Then, instead of attempting to give a graphical delineation of a registered earmark, either in registering or advertising, all that would be necessary would be to take say, 1BC; D32,—and so forth. He submitted he had now removed the only difficulties connected with the practical operation of the Act, which he trusted would be further amended as proposed by the hon. member for Geraldton.

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

WIDTH OF TIRES BILL.

IN COMMITTEE.

Clause 1.—"From and after the passing of this Act, every waggon, dray, cart, or other vehicle, the wheels whereof shall be less than five inches wide on the tire, within the meaning of this Act, shall be charged with double the license fee to which such waggon, dray, cart, or other vehicle shall otherwise be liable under the laws relating to the licensing of carts and carriages:"

Mr. BROWN, in accordance with the recommendation embodied in the report of the Select Committee, moved that this clause be struck out, and that provision be made, instead of compulsorily increasing the license fees in the manner here contemplated, to empower Municipal Councils and Roads Boards to do so, as may appear expedient to them. This would be more in accordance with the existing provisions and the scope of the Roads Boards Act and of the Municipalities Act. The clause as it stood practically meant this—that ninety-five out of every hundred carts and drays would be immediately charged double the present license fees, which would be a great hardship. While the Select Committee admitted the plea put forward by the Government in justification of this step, namely, the destruction caused to the roads by narrow-tired wheels, still it appeared to them that the present proposal would press most severely upon a class of people who were the least able to bear the burden of increased taxation, such as sandalwood carters. Instead of attaining the end in view by this compulsory legislation, the Select Committee proposed to impose restrictions upon the weight to be carried upon narrow tires, such weight to be adjusted on a differential scale, according to the number of wheels and the width of the tire. He thought this was a question

which might fairly be left to the various Municipalities and Roads Boards, and that these bodies might safely be empowered to increase the fees in accordance with this scale.

MR. STEERE was opposed to the clause being struck out. The doctrine propounded by the hon. member for Geraldton was to him a novel one—that the people who contributed mostly to the destruction of our roads, such as sandalwood carters, should be treated with most consideration. He thought the principle which they ought to adopt was quite the reverse. Although some of these carters might be comparatively poor, there were others who did a great deal of damage to the roads who could well afford to pay the extra tax. His experience of permissive legislation in Western Australia was that it had proved a perfect failure, and, if they hoped to protect their roads by widening wheel tires, it would never do to rely upon permissive legislation to assist them in doing so. He did not, however, approve of the clause as it now stood, for he thought the Act ought not to come into operation at once, but two or three years hence,—say, 1st January, 1885. Another amendment he would suggest was that the Bill shall only affect vehicles employed on the main lines of roads. This would relieve many of those who are employed in sandalwood-carting from the operation of the Act, as they simply cart the wood to depôts adjacent to the main roads, and then return into the bush again for another load. If the amendment he suggested were adopted, it would only be those carts employed in conveying the wood from these depôts into town that would be subjected to this extra tax, and come within the operation of the Act.

THE COLONIAL SECRETARY (Lord Gifford) suggested that the recommendations of the Select Committee be embodied in a separate Bill, otherwise it seemed to him they would be drifting into confusion, if they endeavored to engraft these recommendations upon the Bill now before the House, which aimed at attaining the object in view by an entirely different process to that suggested by the Select Committee.

MR. BROWN said the question before the House was simply this—whether the principle to be adopted with reference to the Bill should be permissive or compulsory; whether the Legislature should fix a hard and fast line, or leave it to the discretion of Municipal bodies and the Roads Boards. No doubt if this clause were struck out, another one, based upon the recommendations of the Select Committee, would have to be inserted in lieu thereof.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it was quite true that the question under consideration was whether the House would say aye or no, to this clause; but that question involved the whole principle of the Bill. According to this clause, the principle recommended was that of compulsion, whereas according to the recommendations of the Select Committee this compulsory principle was changed into the colorless principle of permissive legislation, which, as the hon. member for Swan said, had proved a complete failure as regards legislation in this Colony, more particularly when it was sought to apply it to local taxation. He did not suppose there was a solitary member present who would venture to say that, if this clause were expunged, the principle would be carried into operation by a single Road Board or Municipality in the whole Colony; and, if they were going to abandon the principle underlying this clause, they might as well abandon the whole Bill at once. With regard to the suggestion of the hon. member for the Swan, that the Bill should not come into operation until the 1st January, 1885, he did not think the Government would oppose that proposition, though it appeared to him a very long time to keep the Bill in abeyance, for, after all, he did not think this could be regarded as a very heavy taxation. Simply doubling the existing license fee was not an oppressive burden to place on the shoulders of those who ruined our roads; and it would be as well, he thought, to bear in mind the great damage which would be done in the interim, before the Bill came into operation, if it was delayed until the time named by the hon. member for Swan.

MR. CROWTHER said, if the Government in their wisdom neglected to do anything to the roads between this and 1885, he should like to know what would become of the roads. If they were not

going to have any permissive legislation at all in connection with their Roads Boards and Municipalities, what on earth was the good of establishing these local bodies. If the Government wanted to dictate to these boards what they shall do, on the "thus far shalt thou go and no farther" principle—as the old woman said to the sea when she went to wash her shoe on the beach; if these boards were not to be entrusted with any discretionary power at all, they had better be put out of existence at once. The members of these boards were elected by the "free and independent" whose interests they represented, and were, for the most part at any rate, thoroughly acquainted with the requirements of their respective districts, and also with the ability of the settlers to bear further taxation or not. They were no fools. They were men of common sense, at any rate. [The Attorney General: Too much sense to tax themselves.] If the hon. and learned gentleman were better acquainted with the country and its settlers, he would use a different argument. If these local bodies could not be entrusted with such power as that proposed to be placed in their hands by the Select Committee, all he could say was, the sooner the better such local institutions are abolished, and also Representative Government altogether, and let us revert to the position of a Crown Colony, pure and simple.

Mr. SHENTON said if this clause was struck out, it would be sheer waste of time going on with the Bill. They had had plenty of experience now with regard to permissive legislation, as regards this principle of local taxation, and the result had been—*nil*. Not one of our District Road Boards had carried out this principle, and it appeared to him they never would, until it was rendered compulsory. It would be just the same with this wheel tax. With regard to the Municipalities, on the other hand, the ratepayers had, as a rule, voluntarily taxed themselves for the upkeep of their streets and roads, and yet received no assistance from the Government. The Roads Boards, however, had shown no disposition to help themselves, and when the vote for roads came under discussion he should like to see a proviso introduced to the effect that unless these boards made use of the power vested in them of levying local rates, and taxed themselves to the extent of at least one-third of the Government grant, they should be debarred from receiving such grant. We might then hope of being able to keep our roads in something like passable order and repair.

Mr. CAREY said the hon. member for Toodyay had changed front entirely within the last few years. It was not so long ago since he (Mr. Carey) had stood alone in that House in a division that took place in favor of the principle of compulsory taxation. He could safely say—unless they rendered it obligatory upon the Roads Boards to levy this extra tax on narrow wheels—it would prove to be an utter failure. As to the poverty of carters, as a body, his experience of that class in his own district led him to believe that they were about the best paid class of men in the district, and could very well afford to pay this increased license fee.

Mr. VENN said, if the object of the Bill was simply to increase the revenue, he could understand the Government being anxious to retain this clause, but if the object in view was to preserve the roads, he failed to see how this extra tax was going to do that. They would be simply charging double the present fee for narrow tires, and, on the other hand, allowing loads three times the present weights being carried on those tires. He thought if the House accepted the recommendation of the Select Committee, the preservation of their roads would be much more likely to be attained than if the clause became law.

Mr. MARMION said it was not his intention—although it might appear somewhat inconsistent on his part after what had fallen from him on the occasion of the debate for the second reading of the Bill, in favor of compulsory taxation—to support the recommendation of the Select Committee rather than this clause. Upon reconsideration, he did not think they would be legislating upon a correct principle if they attempted to legislate over the heads of the local bodies, whom we had entrusted with certain powers to legislate for themselves. Surely this was one of those subjects upon which these bodies might be entrusted to legislate. If they were

not capable of framing regulations and determining the amount of fees that ought to be charged for carts and other vehicles employed within their jurisdiction, what were they fit for? If they could not be entrusted with such a power as this, the best thing that could be done with them was to strip them of all the privileges of local self-government which we had granted to them, and let us revert to the old order of things, and place everything in the hands of a paternal Government. Not that he agreed with all the Boards did; he disapproved of many things which they did. He thought in many instances they had done those things which they ought not to have done, and had left undone those things which they ought to have done; he would not add there was no good in them, but they certainly had not shown that amount of public spirit which they might have been expected to do, especially as regards the introduction of local taxation for the conservation of their roads. At the same time he thought, as we had given these bodies the rights and privileges of local self-government, we ought not to legislate over their heads in matters of this kind, which essentially came within their jurisdiction. He alluded particularly to the Roads Boards. As to our Municipal bodies, he thought the House would be acting most unfairly and injudiciously to attempt to legislate over the heads of these bodies, who had already shown their willingness and readiness to tax themselves, and also their capacity for local legislation. If it should be proposed to impose compulsory taxation, as regards carts and other vehicles within Municipal boundaries, and not to give these bodies a freedom of choice as to imposing such taxation as this Bill contemplated, he should feel it his duty to divide the House upon every clause of the Bill.

THE COLONIAL SECRETARY (Lord Gifford) said the hon. member for Fremantle talked about legislating over the heads of the local Road Boards; but he would ask the hon. member if any of these boards had ever yet legislated for themselves, in the direction of local taxation? Had they ever exercised the powers vested in them in this respect? Had they in any way assisted the Government or the Legislature in maintaining the roads in their respective districts? On the contrary had they not burked the question of local taxation in every way? What then was the use of talking about the impropriety of legislating over the heads of such bodies as these, who would neither legislate for themselves nor allow anybody else to legislate for their benefit, if they could help it. It could not be said that the proposed tax would press heavily upon anyone, or that it was in any way excessive; on the contrary, he maintained it was a very reasonable and equitable impost. The question for that House to consider was, whether we were going to continue the present wasteful expenditure of public funds upon roads which are no sooner made than they are destroyed, or whether some steps should not be taken to compel the local bodies entrusted with the management of the roads to co-operate with the Government and the Legislature in conserving these roads, and in endeavoring to make the money expended upon them go as far as it can be made to go. If something were not done in this direction, the vote for roads, instead of being increased to £10,000, would, in a few years, amount to £20,000 or £30,000.

MR. CROWTHER pointed out how unjustly the principle of local taxation for the maintenance of roads would operate in various districts of the Colony, owing to the immense extent of roads to be kept in order in thinly populated districts. The hon. member said, unless the Government were prepared with some comprehensive scheme of local taxation, that would press fairly and with equal degree upon each district, he should certainly be opposed to the adoption of any compulsory principle. As to the Government talking about wasteful expenditure of public funds in the roads, —if there had been wasteful expenditure it was under Government supervision and not under that of the Roads Boards. With the pittance at their command, these boards, he maintained, had done a vast amount of good useful work, and had not frittered away the money in work which, however "scientific", was neither ornamental nor useful. Although these local bodies may not have levied any direct tax upon the settlers in their

districts, it was a libel upon them to say they had not contributed to the upkeep of their roads. He had known settlers whose teams had been working for days and weeks on the roads, free of charge, simply because the local board had interested themselves in the matter, and induced them to do so. He did not like much talking, but he believed in people saying what they meant, and he had no hesitation in saying, as regards this Bill, that it was inapplicable to the requirements and to the condition of the Colony.

Mr. RANDELL said that, as a member of the Select Committee, his opinions with reference to the Bill were pretty well expressed in the report of that Committee. The noble lord, the leader of the Government, asked why we should continue our present system of destroying the roads by means of narrow tires; but the right hon. gentleman seemed to forget that the Bill itself contemplated the very same thing, and simply provided for the payment of an increased license fee for doing so. He was sorry to see the attitude assumed towards the Road Boards by the hon. member for the Swan, who would, in all probability, under another form of Government, occupy the position of Premier of the Colony; and he regretted to find the hon. member seeking to curtail the privileges of self-government vested in these bodies, by rendering the principle of local taxation compulsory upon them. Hon. members should bear in mind that these carters—especially those at which this Bill particularly aimed—those engaged in the conveyance of sandalwood and other produce to market and for shipment—did not use the roads simply for their own personal profit, but also for the profit of the Colony and the development of its resources. The principle of maintaining roads out of the general revenue had been affirmed for years past, and he saw no reason to depart from it, as yet, —especially in view of the fact already mentioned, that the majority of these carters use the public roads not for their own personal gain alone, but also for the gain of the country at large. Supposing these carts were to cease using the roads altogether, and all traffic were put an end to, in what position would the Colony find itself then? He was entirely opposed to the principle of this Bill, which appeared to him to have been drafted without any consideration for the requirements of the Colony. If the clause now before the Committee became law, he should look upon it as an act of confiscation, as regards a large amount of property which was now utilised for the well-being of the Colony. He considered that the principle embodied in the report of the Select Committee was the right principle to go upon, and he hoped the House would not consent to the retention of this clause in the Bill, which would entail great hardship upon a most deserving and industrious class of the community, which we could not do without.

Mr. STEERE failed to see that an extra tax of 10s. a year would entail such excessive hardship upon any of these carters. It could not be said that these men used their carts for the public benefit only; were it so, it would be but right that the public funds should provide them with roads to pursue their avocations, without any aid whatever from local taxation. But no one would for a moment contend that these carters had no ulterior object in view beyond the development of the country's resources. The hon. member for Wellington said if the main object of the Government was to swell the revenue, rather than the conservation of roads, he could understand the principle of the Bill; but he (Mr. Steere) took it that the Government had a dual object in view, namely, the preservation of the roads and the obtaining of additional means to enable the roads to be preserved. He believed that in the Wellington District about £100 a year was now received from cart licenses, and, if this Bill became law, that amount would be doubled, which would go a great way to assist the District Road Board in maintaining the roads in repair. And so with regard to other districts. He was surprised at the complete change of front shown by the hon. member for Fremantle with regard to this question of compulsory taxation, for, if he was not mistaken, the hon. member last year did all he could to induce the House to accept this very same principle of compulsory taxation. [Mr. Marmion: No.] At any rate the hon. member proposed that

the grant from public funds should be withheld from those boards that did not supplement it by means of local taxes,—which was only another species of compulsion; and he was sorry the hon. member should have so completely turned round, and shown himself that evening a most uncompromising opponent of a Bill based upon that very principle which he himself advocated last year. [Mr. MARMION: No.]

MR. GLYDE would support the clause of the Bill now under consideration, for, in his opinion, it would not entail any such hardship as some hon. members seemed to apprehend. He did not think that simply doubling the present license fee would be felt much by anyone, or trouble anyone concerned so much as it seemed to trouble some hon. members of the House.

MR. S. H. PARKER said last year he submitted a proposal having for its object the conservation of the roads by prohibiting horses to be driven in single file, but that proposition did not meet with the approval of the House, it being considered that a Width of Tires Bill would answer the purpose better. But, now that hon. members had got a Width of Tires Bill, it appeared that neither did this measure meet with the approval of the House. It seemed to him that so long as our roads are maintained out of public funds it is the duty of the Legislature to see that the expenditure of those funds shall be made to go as far as possible, so as to confer the greatest amount of good upon the greatest number; and, if this could be done by widening the tires of vehicles using these roads, so that the money spent upon them would thus last all the longer, it appeared to him the House was bound to support some such measure as this. Under these circumstances he felt called upon to vote for the clause before the Committee, provided it be amended as proposed by the hon. member for Swan, so that it shall not come into operation until January, 1885, and that the words "or other vehicle" be struck out, so as to exclude carriages from the operation of the clause. He also thought the Bill ought not to be made to apply to Municipalities, which already taxed themselves for the up-keep of their roads. Perth, for instance, which had recently borrowed thousands of pounds for this purpose, surely ought to be excluded from the operation of the Bill, seeing that all the roads and streets within the Municipality were maintained out of local rates. It was true the Government subsidized this expenditure, by a grant towards the up-keep of the main thoroughfare, but this subsidy could not be regarded as a gift, for, if all the Government buildings in the city were assessed at the same valuation as private property, the rates so received would be ten times more than the amount of this subsidy.

The motion to strike out the clause was then put, and, a division being called for, the numbers were—

Ayes	...	...	10
Noes	...	...	9
Majority for		...	1

AYES.	NOES.
The Hon. M. Fraser	The Hon. A. C. Onslow
Mr. Crowther	Mr. Burges
Mr. Grant	Mr. Burt
Mr. Hamersley	Mr. Carey
Mr. Higham	Mr. Glyde
Mr. Marmion	Mr. S. H. Parker
Mr. S. S. Parker	Mr. Shenton
Mr. Randell	Mr. Steere
Mr. Venn	Lord Gifford (*Teller.*)
Mr. Brown (*Teller.*)	

This clause was therefore struck out.

Clause 2—Definition of 5 inches wide in the tire:

THE COLONIAL SECRETARY (Lord Gifford) thought, inasmuch as the House in its wisdom had declared against the fundamental principle of the Bill, by striking out the first clause, it would be only waste of time to proceed any further with it. The Bill had been brought forward by the Government at the instigation of a gentleman who was deeply interested in the maintenance of the roads, one of the leading men at the Greenough. [Mr. CROWTHER: I hope the noble lord does not refer to me.] No. As, however, the House had rejected the main principle of the Bill, he proposed to withdraw it for the present. Possibly, by next Session, hon. members might be more inclined to accept such a measure.

MR. BROWN: It is now plain that the object which the Government had in view in bringing in this Bill was—I was going to say extort—but to extract a little more money from country residents. [Lord GIFFORD: No.] The House having struck out the clause which pro-

vided that a little more money should find its way into the coffers of the Government, they now proposed to withdraw the Bill altogether. [Lord Gifford: The Bill made no provision for any of the money raised under it going into the coffers of the Government.] I understood the noble lord to say that the object of the Bill was to make the country settlers contribute towards the upkeep of their roads, so as to release the Treasury from the charges now made upon it for this purpose. [Lord Gifford: No.] Well, I know the Government recently sent out circulars to the various Roads Boards, proposing that they should assist the Government in raising money for this purpose; but inasmuch as the replies to those circulars were not satisfactory, we immediately have this Bill put forward, under the name of a Width of Tires Bill, but, in reality, as a measure for imposing increased taxation. [Lord Gifford: No.] I think the Bill was brought forward in a rather ungracious way, regard being had to the replies received by the Government from the Roads Boards. I have already said that, so far as encouraging the use of wider tires goes, the proposals of the Select Committee would have had that effect, without at the same time pressing with undue severity upon any class of the community, and I should be sorry if the Bill were to be allowed to be withdrawn altogether, and without due consideration. Of course, if the Government think fit to throw out the Bill because they find they cannot get a few shillings more out of the pockets of the settlers, and if other hon. members think that to have been the sole object of the Bill, by all means let it be withdrawn. I think, however, the Bill having been read a second time is the property of this House, and that it is not within the province of the Government to withdraw it, without leave—though of course it would be competent for His Excellency the Governor to veto it. I think the recommendations of the Select Committee are such as will commend themselves to the good sense of the House; and, in pursuance of these recommendations, I now move that this clause be struck out, as no practical purpose would be served by any of the provisions contained in it.

The Attorney General (Hon. A. C. Onslow): It was with regret that I found the hon. member for Geraldton would not accept my noble friend's assurance that the Government did not withdraw the Bill because they had been defeated in their object of extracting a few shillings more out of the pockets of country settlers. I think it has been stated over and over again that this was not the primary object of the Government with regard to this Bill. The object of the Government was to extract, directly or indirectly as best it could, from those who destroy the roads, some contribution towards the maintenance of the roads so destroyed, with the supplementary object of endeavoring to bring about the introduction of wider tires, as another means for conserving the roads and preventing this destruction. These two objects have been defeated by the striking out of the first clause of the Bill. I do not say that the recommendations of the Select Committee would not form the basis of a good Bill enough, but it is a Bill that cannot possibly be induced to fit into the four corners of the Bill as originally drafted. Amendments proposed to be made in Bills in Committee should at any rate be in consonance with the fundamental principle of the Bill. It is impossible to try to make an amendment which is diametrically opposed to that principle to fit into a Bill, without destroying its symmetry. Hon. members might as well take a canto from "Don Juan" and try to make a moral homily of it, as to try to fit the Select Committee's Bill into the four corners of this Bill. Therefore I think we are quite justified in withdrawing it, for the present Session at any rate.

Progress was then reported and the House resumed.

ESTIMATES.

IN COMMITTEE.

Governor's Establishment, Item £373 16s. 8d.; *Legislative Council*, Item £700:

Agreed to without discussion, and Progress reported, with leave given to sit again another day.

DOG BILL.

The House then went into Committee for the further consideration of the Dog Bill.

Clause 4.—Owners of dogs to register them:

MR. STEERE moved, as an amendment, That after the word "district," in the 29th line, the following words be inserted: "or if no such notice as provided for in section 5 shall have been given." If this notice were not given some of the Boards might not levy a tax.

Clause, as amended, agreed to.

Clause 5.—Notice of persons appointed to carry out the Act:

Agreed to.

Clause 6.—"All fees for registering "dogs paid to any person appointed by "a district board and one-half of all "fines and penalties shall be placed to "a separate account by such board, and "shall be applied in such manner as "such district board shall deem best for "the destruction of unregistered dogs, "whether native or otherwise. All "monies so expended shall be accounted "for and audited in the same manner as "the money expended on roads, as pro-"vided for in the 'District Roads Act, "'1871:'"

THE COLONIAL SECRETARY (Lord Gifford) said it might happen that all the unregistered dogs in a district had been destroyed, and it would then be necessary to apply the fees to some other purpose. He, therefore, proposed amending the clause by empowering the Governor to direct how the money should be expended. The amendment he had to propose was the insertion of the following words at the commencement of the clause: "It shall be lawful for the Gov-"ernor, by writing under his hand, to "direct that any portion, or," etc.

MR. STEERE said he could not accept the amendment, as it would entirely vitiate the principle of the Bill, to leave it to the discretion of the Governor to say how the fees should be applied. When the happy time arrived that all unregistered dogs are killed—a consummation which the present Bill was intended to aid—the Bill might be repealed altogether; but he did not think that happy day was likely to arrive at a very early date, or that it was within a measurable distance. He thought the provisions of the Bill as drafted would be found to act more beneficially than the amendment proposed by the noble lord. He should have much liked to have been able to accept the amendment, and he had himself endeavored to shape a clause providing that, in the event of the fund raised from these fees not being required for the purpose of destroying unregistered dogs, the money should revert to the Treasury; but he had been unable to frame a clause to meet his views on this point, any more than did the noble lord's amendment.

MR. VENN would like to see all the money raised under the Act applied to the destruction of native dogs alone, and he would suggest that the Roads Boards be empowered to offer a bonus for every tail brought into them. If that were done, there would not be much chance of there being any money left to be returned to the Treasury. There might be penalties imposed for keeping unregistered dogs, but he thought the work of destruction should be confined to native dogs, which were the greatest nuisance the settlers had to contend against.

MR. BURGES concurred with what had fallen from the hon. member for Wellington, that their efforts should be directed to the destruction of the wild dog.

The amendment was then put and negatived.

MR. STEERE said he was not indisposed to accept the suggestion of the hon. member for Wellington, that the money raised under the Bill should be applied to the destruction of native dogs, rather than unregistered dogs, and, in order to carry out the suggestion, he would move as an amendment that the words "unregistered dogs, whether native or otherwise" in the 8th line, be struck out, and the words "native dogs" be inserted in lieu thereof.

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

Clause 7.—"If any person shall know-"ingly make a false declaration respecting "all or any of the particulars contained "in the said description, or shall wilfully "insert or omit, or wilfully cause or "permit to be inserted or omitted, in "such description, any matter or thing "whatsoever contrary to, or for the pur-"pose of concealing the truth, he shall "forfeit a sum not less than Twenty nor "more than Forty shillings:"

MR. CROWTHER considered that 20s. was too high a sum to fix as the

minimum penalty. The breach might be a very trivial one, which a mere nominal fine would meet, and he thought the best course would be to leave it to the discretion of the Magistrate. He would therefore move that words "less than twenty nor" be struck out.

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

Clause 8.—Receipt to be given for fee:

Agreed to.

Clause 9.—List of registered dogs to be exhibited:

Agreed to.

Clauses 10 and 11:

Agreed to.

Clause 12.—Dogs not registered to be seized and detained:

Mr. VENN pointed out the impracticability of putting the provisions of this clause into execution. It would be impossible, in most cases, to seize and detain the dogs which destroyed a man's sheep, as they generally did their prowling at night, and it would be impossible to say whether they were registered or unregistered dogs. He thought the owners of sheep ought to be at liberty to destroy these mongrels, and not simply to seize and detain them, pending proceedings being instituted against the owner—if the owner could be found. Whether a dog was registered or unregistered, if caught in the very act of killing sheep or doing other mischief, the person aggrieved ought to be at liberty to destroy such dog. He would therefore move that after the word "any" and before the word unregistered, the words "registered or" be inserted, so as to make the clause applicable to all dogs.

The COLONIAL SECRETARY (Lord Gifford) said he did not like this amendment at all. A question might arise as to whether a registered dog, found at large, was or was not "under the immediate control" of the owner or some other competent person, and, if not, the dog, no matter how valuable, and although duly registered, would be liable to be destroyed, if the amendment became law. He saw no objection to this provision applying to unregistered dogs, but he thought it might operate very harshly as regards the owners of registered dogs, and he would not support the amendment in any way.

Mr. MARMION said the amendment would not be open to so much objection if a proviso were introduced, requiring the person who destroyed a registered dog to pay the owner of it the value which he (the owner) put upon it. He could hardly think the hon. member was in earnest.

Mr. GRANT would support the amendment. Dogs, whether registered or unregistered, had no business to be prowling about people's sheep paddocks, without being under the control of some competent person. Some of these dogs, unless looked after, might destroy valuable sheep, worth hundreds of pounds.

Mr. VENN did not think anybody was likely to destroy a valuable dog wantonly, without good cause. His object was to protect the owners of sheep who destroyed a dog caught in the very act of killing their sheep, in their own paddocks.

The ATTORNEY GENERAL (Hon. A. C. Onslow) said he could sympathise with the owners of sheep, who found their flocks worried and destroyed, either by registered or unregistered dogs, but he did not think the House would for a moment consent to putting registered dogs on the same footing as unregistered dogs, under this section. With regard to damages, he would ask the hon. member to refer to the 19th clause, which provided that the owner of every dog, whether registered or unregistered, shall be liable to be mulcted in damages for injury done to any cattle, horses, or sheep, by his dog.

Mr. MARMION said they were not there to legislate for country districts alone, but also for the towns, and it appeared to him it would be a most harsh proceeding if the amendment were adopted. As a rule when registered dogs were seen in the act of doing injury to sheep or cattle, their owners could be discovered, and the penalty imposed by the 19th clause enforced. If the dog were not seen, it could not be destroyed, except by poison.

Mr. STEERE said, seeing that the clause would apply to towns as well as the country, a great deal of damage might be done, and there would be no remedy, for a maliciously disposed person might take advantage of the clause and destroy a very valuable dog, should he

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 un-"registered 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 con-"stable 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 any-"thing in this Act contained, any "Government Resident, Police, or Resi-"dent 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 Com-"mittee on the Coastal Steam Service "being of opinion that a breach of the