

lous that a Justice of the Peace should be empowered to give a man three years for a breach of the law, but at the same time could not be entrusted with the power to order the destruction of an unlicensed cur.

THE ACTING COLONIAL SECRETARY denied the assertion that the Government were not anxious to abate this dog nuisance. On the contrary, it was the intention of the Government to carry out the provisions of the Bill with rigor, but under wholesome restrictions.

MR. STEERE: The hon. gentleman says the Government are extremely anxious to carry out the provisions of the Bill. So they may be; but the present Governor will not be always here. Supposing we have a Governor like the last one (Mr. Weld), who caused instructions to be issued that the dogs of natives should not be destroyed, what would happen then? As to the police leaving important duties in order to go a long distance to destroy a dog, I would ask any hon. member endowed with common sense if any Justice of the Peace would be so ridiculous, so foolish, as to order a policeman engaged on some important duty to leave it, and go and destroy a dog forty or fifty miles away. A man who would do that, possessed no common sense at all.

MR. RANDELL said he would support the amendment. The objection he formerly had to the Bill had been removed by the amendments adopted the previous night.

THE ATTORNEY GENERAL: As to the reflection imputed to His Excellency by some hon. members that Resident Magistrates were a more intelligent class of persons than honorary Justices, I do not think there is any ground whatever for such an imputation. But there is this reason to be alleged why the power proposed to be invested by this Bill, as to the issuing of instructions to destroy dogs, should be limited to Resident Magistrates: a Resident Magistrate has a defined district under his jurisdiction, and is, generally, more cognisant with the routine duties of the police—where they are wanted, and what is required to be done—than honorary Justices are likely to be. This appears to me a substantial reason why the power should be entrusted to the former.

MR. PADBURY would support the amendment. A man had no business to be on the commission of the peace if he could not be entrusted with the simple power to issue orders to destroy an unlicensed or unregistered dog. He would be sorry indeed to cast such a slur upon the Magistrates of the Colony.

The amendment was adopted, on a division (*Vide* "Votes and Proceedings," p. 131), and the address in reply, as amended, was agreed to.

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## LEGISLATIVE COUNCIL,

*Wednesday, 13th September, 1876.*

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Prorogation of Council.

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### PROROGATION.

HIS EXCELLENCY THE GOVERNOR having entered the Council Chamber, and having desired that hon. members be seated, was pleased to deliver the following speech:—

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

The time has come when I can relieve you from further attendance in Council. In doing so, I have to express to you my acknowledgments, as well for the attention which you have bestowed upon your Legislative duties, as for the liberal provision which you have made for the use of the Public Service.

I thank you for placing at my disposal a sum which I doubt not will be sufficient for the preliminary and final surveys of the proposed Railway from Fremantle to Perth and Guildford. Aware of your desire that this work should be speedily accomplished, it was with much pleasure I informed you in the course of the Session that I had received from the Secretary of State a Despatch which I agree with you in regarding as favorable to the fulfilment of your wishes. A preliminary survey of the route will be

shortly commenced, with a view to the preparation of an approximate estimate of the total cost of the undertaking. The result will be forwarded to the Secretary of State, with full information on all necessary points, by the earliest possible opportunity; and His Lordship's reply will be communicated to Your Honorable House with no unnecessary delay.

Your wish that steps should be taken for the encouragement of steam communication between this Colony and the Straits Settlements, is one which I heartily share. I have directed that a notification shall be published, setting forth the terms and conditions on which a subsidy for this purpose will be granted, and will take care that the interests of the Colony are protected in any contract that may be entered into in the matter.

The subjects adverted to in the various Resolutions and addresses which have been presented to me by Mr. Speaker, shall receive my careful attention.

I take this opportunity of informing you that I have purchased a small vessel for service on the North-west Coast. She is now undergoing some necessary repairs, and will be despatched with as little delay as possible, for the double purpose of visiting the pearling grounds, and procuring for the Government more definite information than we at present possess with reference to the guano deposits which have recently attracted so much attention. I believe that these guano deposits will, if properly managed, be a source of profit to the Colony for some years to come, and immediate steps will be taken for the protection of this valuable public property.

Turning to the various measures which have occupied your attention, I have especially to thank you for the patient consideration which you have given to the new Municipalities Act, the Tariff Act, and the Act to provide Higher Education for Boys, all of which are measures of the highest importance.

The Municipalities Act, which enlarges the powers of the various municipal councils with respect to the removal of nuisances detrimental to health, is one of the most important measures of this or any session. I doubt not that its provisions will be enforced in a liberal and enlightened spirit, and that the operation

of the Act will be highly beneficial to the community.

In the Tariff Amendment Act you have taken an important step in the direction of free trade, by the wise abolition of some of the duties which have been heretofore imposed on the prime necessities of life.

The Act for the Higher Education of Boys has been framed to meet the objections, raised by the Secretary of State to the Act of last Session, which appeared to His Lordship to be open to objection in so far as it threw 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, made the Government not only responsible for the quality of the secular education to be given, but liable to be called to account upon the allegation of any religious grievance. These defects have been removed by the new Act, which I observe has been supported by a considerable majority of your Honorable House.

Another useful measure is the Act to prevent the introduction of contagious or infectious diseases in cattle or sheep. The provisions of this Act will serve as precautions against the introduction or spread of disease, and will be a valuable addition to our Statutes.

I am sorry that you were unable to agree to the amendments which I made in the Bill entitled "An Act to amend the Law relating to Dogs," from which, for reasons with which you are acquainted, I have felt it my duty to withhold Her Majesty's assent. I can quite understand your wish for the abatement of the nuisance which this Bill was intended to meet, and, if the existing laws are imperfect, I shall be prepared, on a future occasion, to join you in considering whether a measure cannot be devised which, while free from the objections which I entertain to the leading principle of the present Bill, shall still be sufficient to lessen the evil complained of.

I have noticed with satisfaction an increased disposition on the part of private Members to initiate legislation on questions of public importance. This is as it should be; and if during the present Session I have had occasion to propose to you an unusual number of amendments,

it must be borne in mind that, under the constitution which here exists, the Governor has to exercise, not only the functions of the Crown, but also those functions of deliberate and careful revision which elsewhere devolve upon the Upper House; and for my own part I appreciate a system which admits of direct and immediate communication between the Governor and the Representatives of the people. It is intended by the Imperial Act under which our constitution is established, that the legislative responsibility of the Crown shall be co-ordinate with that of the Council. This

being so, it is for both branches of the legislature to work harmoniously together, having each no other object in view than the honor of the Queen's service and the advancement and happiness of the people.

I thank you once more for your cordial assistance and support, and now prorogue this Council to Wednesday, the 14th March next ensuing."

HIS EXCELLENCY having handed a copy of the Speech to the Speaker, retired from the Council Chamber, and the Session closed.