

Progress reported, and leave given to sit again.

The House adjourned at eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Thursday, 11th July, 1878.

Busselton Jetty—Health of Flocks in various districts—Small Farmers' Rights—Special Survey, North West Coast—Point of Order—Estimates: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

BUSSELTON JETTY.

MR. CAREY, in accordance with notice, drew the attention of the Colonial Secretary to the necessity for extending the Busselton Jetty, in order that the Mail Steamer and timber ships may be afforded wharfage accommodation; and asked if the Government had any intention of carrying out such extension.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied as follows:—"The Government is desirous of carrying out all necessary works of a public nature, but the extension of the Jetty referred to would cost £1,800 or £2,000, and the Government does not feel justified in placing such a sum on the Estimates for 1879."

HEALTH OF FLOCKS IN VARIOUS DISTRICTS.

SIR T. COCKBURN-CAMPBELL,—in drawing attention to the returns moved for by him, and laid on the Table on Tuesday, showing the present condition of the sheep in the various districts of the Colony as compared with their state of health at the date of the appointment of the sheep inspectors to the new districts formed a few months ago,—said

the periodical returns at present furnished by the inspectors were not of such a character as to enable the Government to arrive at a valuation of the services of those officials. Hon. members were aware that there had existed for a long time past a very general feeling of dissatisfaction throughout the Colony,—and more especially in those districts which, though free from scab, were called upon to contribute their share of taxation—with regard to the length of time sheep-owners had been called upon to pay towards the eradication of scab. This feeling of dissatisfaction was intensified by reason of the prevailing impression that the non-eradication of the disease was in a great measure attributable to neglect on the part of the sheep inspectors in carrying out the provisions of the Act as they ought to be carried out. The House would be aware that last Session it recommended a re-distribution of the inspectors' districts and a re-arrangement of the then existing boundaries, with a view to enable a more constant supervision of infected sheep. And he found from the returns now before him that since that re-distribution some really good work had been done by the inspectors, and his object in drawing attention to the subject was to point out the desirability of such returns being furnished periodically by the inspectors, instead of the returns they were now called upon to send in, and which, as he had already said, afforded the Government little or no means of judging of the value of the services respectively performed by the various inspectors. From the returns laid on the Table the other day he found that, while the number of sheep in quarantine at the time of the re-distribution of the districts in October last was 30,000, there was very little more than half that number in quarantine now. In view of the desirability of similar returns being furnished periodically, he would ask hon. members to affirm the following resolution: "That the House is of opinion that Inspectors of Sheep should be required to furnish the Government with a half-yearly return showing the number of infected sheep in their respective districts; such return to be published in the *Government Gazette*; this House considering that such a return would afford a valuable indication of the work per-

formed by the several inspectors, and be likely to incite them to more earnest efforts in the performance of their duties."

MR. CAREY thought it would be better were the returns to be furnished quarterly.

MR. CROWTHER was afraid that, under the existing Scab-in-Sheep Ordinance, it would be a long time indeed before scab would be entirely eradicated, for, in point of fact, the Ordinance offered a premium to the inspectors to keep just a wee bit of scab in their respective districts, otherwise their occupation would be gone. He thought it would be advisable to offer some bonus for the complete eradication of the disease, otherwise he was afraid it would never be eradicated.

SIR T. COCKBURN-CAMPBELL said the returns he proposed the inspectors should furnish would certainly enable the Government to judge whether those officers were discharging their duties efficiently and zealously, and if it were found that they were not, the Government would be in a position to get rid of the inspectors if they did not get rid of the scab.

MR. HARPER directed the attention of the Government to the necessity for the exercise of very stringent measures to prevent the introduction of infected sheep into the Nickol Bay district, which was at present entirely free from scab. A large number of sheep passed through the Champion Bay district, northwards, to the Gascoyne and Sharks Bay, and as the disease was known to be rife in that district (Champion Bay), every precaution should be taken with regard to the flocks passing through it northward.

The resolution was adopted.

SMALL FARMERS' RIGHTS.

MR. CAREY asked the Commissioner of Crown Lands if any provision had been made in the amended Land Regulations—shortly to be published—allowing agriculturists the right to run a limited number of stock on adjoining Crown Lands?

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): No provision has been made, but I see no reason why a commonage should not be formed round each homestead. The Government

are prepared to proclaim such commonages whenever and wherever required.

MR. CAREY thereupon moved the following resolution: "That in the opinion of this Council it is desirable that such alterations should be made in the Land Regulations as will give to the *bonâ fide* agricultural settlers the right to run a limited number of stock on adjoining Crown Lands."

MR. BROWN said this had been a vexed question for years, and various suggestions had been made with a view to a solution of the difficulties which surrounded it, but heretofore without success. The subject had on more than one occasion been referred to Select Committees of the House, with a view, if possible, of devising some means whereby the small farmer might be placed in a better position than at present as regards the depasturing of his stock, without at the same time pressing unduly on the existing rights of any other class of settler; but, so far, it had not been found practicable to concede this grazing right to the agriculturist without entrenching on the rights of the pastoral lessee. It could not be regarded as fair or reasonable that, after a squatter had gone to the expense of reclaiming and improving his land, sinking for water and fencing his runs, the small stock-owner should be allowed to pick the eyes out of this land. And this was the main objection to the granting of the concession contemplated by the hon. member for the Vasse. If, under the existing regulations, no facilities were afforded the small farmer for depasturing his stock, he (Mr. Brown) would be inclined to support some such resolution as that before the House; but the conditions now regulating the disposal of lands set apart for special occupation were altogether in favor of the small farmer. In those areas which were set apart for special occupation, a small farmer who took up a section of 100 acres had the right to 200 acres of commonage, for depasturing his stock thereon. He (Mr. Brown) would, however, like to see the agriculturist get the whole of these 300 acres in fee simple, on the same conditions as to deferred payments and improvements as he now obtains his 100 acres. But what the resolution before the House contemplated was, that the small farmer should be

conceded grazing rights free of cost to himself, but at the expense of his neighbor, the pastoral lessee.

MR. BROCKMAN said the system of commonage had been in force in former years, and it then proved a failure, and therefore he could never understand why the system had been revived.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) did not think the Colony was likely to be pushed ahead by the cockatoo farmer—the only class who would benefit by the adoption of the resolution before the House. Whatever part of the Colony he had visited, he had generally found these men carrying on a perpetual warfare against the inroads of starvation—doing very little good for themselves and still less for their country. No doubt their condition would be improved if, as the hon. member for Vasse proposed, they were allowed to run their cattle on other people's land. It was very evident that these grazing rights could not be conceded to this class without depriving another class of their existing rights, or, in other words, without robbing Peter to pay Paul. He believed that, in this case, the Colony was more likely to go ahead by the assistance of its Peters than its Pauls.

MR. SHENTON was of a different opinion, and believed that the general prosperity of the Colony was more dependent upon the agricultural than the pastoral interest. This view of the relative value of the farmer and the squatter was recognised by the House in its action with reference to the proposed Eastern Railway, the main object in view being to encourage agricultural settlement. Of what use would this railway be, if the country were divided into extensive pastoral areas, occupied by a few squatters? He thought it was the duty of the House and of the Government to do all within their power, by the enactment of wise and liberal regulations, to induce industrious agriculturists to settle on the land, rather than let it be monopolised by a few wealthy flock-owners. In the neighboring Colonies, the squatter had gradually to give way to the farmer, and it would be the same here yet.

MR. CROWTHER said, if the Western Australian agriculturist was not liberally enough dealt with, under the existing

land regulations, let him by all means be so,—but not at the expense of his neighbor. Many of this class were, no doubt excellent colonists, and deserved every encouragement, but there were others among them who, not content with that sphere of life in which their lot was cast, were fired with an ambition to become amateur squatters, and were under the impression that a pair of top boots and two hundred acres entitled them to be regarded as yeomen. He had no objection whatever to making the land laws more liberal as regarded the *bonâ fide* agriculturist, but not at the expense of any other class of settlers—not that he loved the farmer less, but that he loved fair play more.

MR. CAREY said no doubt, as the hon. member for Geraldton had said, there had been a great deal of talk about improving the position of the small farmer; but, beyond that, there had been very little done for him, either by that House or the Government. As to giving him the fee simple of 200 acres of "common land" in addition to his 100 acres of land taken up for "special occupation,"—as suggested by the hon. member for Geraldton—that would be of no use to the small farmer, unless he could comply with all the required conditions as to improvements; and he would like to know how many small farmers were in a position to do this? He could not agree with the Attorney General in that hon. gentleman's very low estimate of the "cockatoo" farmer; many of our best and most prosperous settlers had risen from that rank—but none would be able to do so under the existing land regulations.

MR. MARMION said he would gladly see and support any equitable arrangement whereby the small agriculturist might be placed in a better position as regards the depasturing of his stock, and he believed the Government were equally desirous that something should be done in this direction. But the difficulty—as had been pointed out by previous speakers, and in the report of the Select Committee appointed two or three Sessions ago to enquire into the subject—was this: owing to the terms on which pastoral leases were now held it was found impracticable to concede any more general concessions to small farmers

than were at present afforded by the 132nd section of the existing land regulations, which empowered the Governor at any time to proclaim any Crown Lands as a commonage. It appeared to him that any hon. member who brought forward a resolution of the nature of that before the House, should at the same time be prepared with some feasible and practicable scheme for giving it effect.

MR. MONGER said the squatters in the Eastern districts, at any rate, were not so selfish as they seemed to be in the districts represented by the mover of the resolution. He had not heard any complaints, for many years past, in his district, where a very good feeling existed between the small farmer and the squatter, the former in many cases being allowed to run not only a limited but an unlimited number of stock on his neighbor's land. He thought this feeling of mutual good will ought to be fostered, for there was no doubt that the so-called small farmer was the back-bone of the Eastern districts.

The resolution, on being put to the House, was negatived on the voices.

SPECIAL SURVEY, NORTH-WEST COAST.

MR. BROWN, in accordance with notice, asked the Surveyor General on what terms, and under what conditions, the survey parties despatched to the North-West Coast on special survey, have been engaged.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser), in reply, read certain letters and minutes, explanatory of the terms under which the party had been organised.

POINT OF ORDER.

MR. BROWN raised a Point of Order. Every hon. member who put a question to the occupants of the Government benches seemed to assume that he had a right to comment upon the same, and to initiate a debate upon the reply which his question elicited. For instance, a discussion had just taken place after the reply had been given to the question put by the hon. member for Vasse to the Commissioner of Crown Lands, and he (Mr. Brown) would ask Mr. Speaker to rule whether he would be in order in now speaking to the answer given.

MR. SPEAKER ruled that it would not be in order for any debate to take place upon a reply to a question. According to *May*, it was the frequent practice in both Houses, to put questions to ministers of the Crown concerning any measure pending in Parliament, or other public event. Such questions, however, should be limited, as far as possible, to matters immediately connected with the business of Parliament, and should be put in such a manner as not to involve opinion, argument, or inference; nor were any facts to be stated unless they be necessary to make the question intelligible. In the same manner (according to *May*), an answer should be confined to the points contained in the question, with such explanation only as will render the answer intelligible; but a certain latitude was sometimes permitted, by courtesy, to ministers of the Crown.

ESTIMATES.

FURTHER CONSIDERED IN COMMITTEE.

Administration of Justice, Item £9,430 :

SIR L. S. LEAKE called attention to the claims of the holder of the office of clerk to the magistrates at Perth (Mr. Cowan) to increased pay—claims which were equitably based on length of service and on the amount of work performed.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he would bring the claims of the officer in question under the attention of His Excellency the Governor, if such were the wish of the House.

MR. MONGER pointed out that while the clerk at Newcastle received £100 a year, the clerk at York, who had a great deal more to do, only received £90. He did not understand on what principle the salaries of these clerks were apportioned, unless it was another case of the individual being paid and not the office.

MR. PEARSE considered that the remarks of his hon. the Speaker applied with equal force—as to the amount of work performed—to the clerk to the magistrates at Fremantle, the principal port of the Colony.

MR. CROWTHER considered they were applicable to every magistrate's clerk in the Colony; but, as they were now dealing with a special case, and, in order to bring the matter to a definite conclusion, he would suggest that the

salary of the clerk at Perth be increased by £50.

MR. BROWN, MR. BURT, and MR. S. H. PARKER expressed their full concurrence in the proposal.

MR. MARMION contended that the duties of the clerk at Fremantle, if not quite so onerous as those of the clerk at Perth, were very nearly so; and the salary attached to the office was altogether inadequate, and incommensurate with the responsibility attached to the office, and the work to be performed. He would move, That the House should memorialize His Excellency to place an additional sum of £25 on the Estimates for the salary of the clerk to the magistrates at Fremantle.

MR. BROWN said he would be prepared to support the motion. He thought it would be a very good plan, and an equitable one, to arrange the salaries of these clerks on a graduated scale, according to the importance of the office, and the amount of work attached to it. The amount of business done in some courts was double and treble that which was transacted in others, and of course the duties of the clerks were correspondingly arduous, and their responsibility commensurately great. If this were done—if a graduated scale of pay were adopted—the clerks, as they gained experience and became entitled to promotion, might be transferred from the lower-paid offices in the country to the better paid offices in the towns, according to seniority and merit.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) thought, as there seemed to be a general desire on the part of hon. members to advocate the claims of the clerks in their respective districts, the better course to adopt would be to move that the votes for the clerks to magistrates should be increased, with a view to general increase of salary all round. He was prepared, on his own responsibility, to recommend the claims of the clerk at Perth to the favorable consideration of the Governor, seeing that there appeared to be a general opinion on the part of hon. members that those claims were well-founded; but he could not undertake to do so in the case of every clerk recommended by individual members, which would place him in a false and invidious position.

SIR L. S. LEAKE: I am perfectly willing to leave my man in the hands of the House and of the Government.

MR. MARMION: As the Colonial Secretary has shown no disposition to meet me in the same spirit as he has met the hon. the Speaker, I shall have recourse to the proper mode of obtaining an increase of any item on the Estimates, and move that an address be presented to His Excellency, praying that he will be pleased to add an additional sum to the salary of the clerk to the magistrates at Fremantle, which I consider would be only a simple act of justice.

MR. BROCKMAN failed to see on what principle, or upon what grounds, the clerks at the Greenough, Guildford, Bunbury, Vasse, and York should only receive £90 a year, while the clerk at Newcastle received £100.

The matter then dropped.

Item "Forage Allowance to ten Magistrates at £50 per annum each :"

MR. CROWTHER said the Resident Magistrate now stationed at Geraldton was offered that appointment in 1863 (when in Bunbury) by Governor Hampton, at a salary of £500 a year, and forage allowance for two horses. The offer was then declined. From that year until 1870 the office was filled by a gentleman, who, as part of his emoluments, received forage allowances for two horses. In 1870 the office again became vacant, and Governor Weld pressed the appointment upon the present Magistrate, at a salary of £500 and two forage allowances. The appointment was then accepted on those conditions, and the official referred to entered upon his duties on the full understanding that his emoluments would be what had been promised him when he consented to accept the office, namely, a stipend of £500 a year, and forage allowance for two horses, estimated at 3s. 8d. a day each. In the following year (1871) the Legislative Council, regardless of the distinct understanding upon which the Magistrate had consented to accept the appointment, reduced the forage allowances from 3s. 8d. a day for each horse to £50 a year. As a rule he (Mr. Crowther) did not object to these forage allowances being limited to £50 a year, but when a gentleman entered upon office on the distinct understanding that

he was to receive forage allowances for two horses, and the House reduced the allowance to one horse, that gentleman, whoever he might be, could not be regarded as having been fairly treated. The resolution, reducing the allowance from 3s. 8d. a day, for each horse, to £50 a year, was carried by a bare majority of nine to eight, and was characterised by the Administration of the day as an act of gross hardship. The matter was subsequently brought under the notice of Governor Robinson, towards the end of His Excellency's administration; but, as a new Governor was shortly expected, His Excellency did not feel justified in taking any step in the matter, but left it to his successor. The new Governor was now amongst them, and he (Mr. Crowther) hoped the present Administration and the present Council would place the Magistrate in question on the same footing as he was when he accepted office, and would fulfil the promise made to him when he consented to undertake the duties.

MR. SHENTON was sorry that this matter had cropped up again. The question had been fully considered and discussed in that House in former Sessions, and the decision arrived at was that there were no fair grounds for granting a double forage allowance to the officer in question. It was a great pity, he thought, that these matters should be allowed to crop up Session after Session, in the face of a distinct resolution of the House adverse to the proposed increase.

MR. CAREY also regretted the subject should have been brought forward again. Bearing in mind that the officer referred to when he left Bunbury was only in receipt of £250 a year and one forage allowance, and that he now got £500 a year, and the same forage allowance, he did not think he had much to complain of. He (Mr. Carey) failed to see what the duties of the magistrate at Geraldton were that they should entitle him to two horse allowances any more than any other stipendiary magistrate. The officer in question had, moreover, a very good house to live in, free.

MR. BROCKMAN said he would support the proposed increase, on the simple ground of justice, and not as a precedent to be adopted in other cases.

THE COLONIAL SECRETARY (Hon.

R. T. Goldsworthy) said the position of Resident Magistrate at Geraldton was different to the position at Bunbury; the former was Government Agent, and also discharged other important duties. But apart from that, if an officer accepted an appointment on certain conditions, these conditions ought, in fairness, to be carried out; they had no right to curtail the allowances distinctly promised him.

MR. BROWN could quite understand hon. members objecting to the proposal of the hon. member for Greenough if it had reference merely to the office and not to the particular gentleman now occupying it. Whenever this subject had cropped up, he (Mr. Brown) really felt ashamed of his country at the gross act of injustice which had been committed.

MR. HAMERSLEY would support the proposal for an increase, on the understanding that it was a special case, and should not form a precedent—in other words, on the clear understanding that if another gentleman were appointed to the office the Government would not again promise two forage allowances. When the salary attached to the office was first fixed at £500, and forage allowance for two horses, the Resident Magistrate at Geraldton then had to discharge the duties of visiting magistrate at the Greenough as well, which necessitated his travelling about a great deal. But now there was a Resident Magistrate stationed at the Greenough, and the Geraldton Magistrate was no longer called upon to discharge the duties of the Greenough district.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): In deference to the expressed wish of hon. members, I shall be happy to move that the word "ten" in the item under consideration be struck out and the word "nine" be inserted in lieu thereof, and that the sum "£500" be struck out, and "£450" be inserted in lieu thereof: also that "forage to one magistrate at £100 per annum" be added to the Estimates.

Agreed to.

The item of "Administration of Justice" was then put and passed, as amended.

Police Department, Item £20,154 read:

MR. CAREY drew attention to the item "Two Inspectors at £250 each—£500," and asked if it was proposed to

give either of these appointments to any person not now in the police service?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): No conclusion, so far as I know, has been arrived at with regard to the appointments alluded to, but I may state for the information of the hon. gentleman that we are desirous, as far as possible, that the officers holding these appointments shall be of a higher class than those who have heretofore occupied the position of sub-inspectors in the service.

MR. CAREY said that would offer no inducement for a better class of men to enter the service, if outsiders, whatever their social and intellectual qualifications might be, were to be pitchforked over the heads of officers of long standing in the service.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) thought it would be found that the proposed arrangement would not only maintain the present efficiency of the department, but increase it.

MR. MARMION, while agreeing as to the desirability of responsible appointments such as these being held by a superior class of men to an ordinary constable, said there was a good deal in what the hon. member for Vasse had said as to such an arrangement having a tendency to do away with every incentive to officers in the force aiming at promotion by merit. Admitting, for the sake of argument only, that there might not be men possessing the desired qualifications in the police department, there might be such men to be found in other departments of the public service, and if there were, he thought it would be very unfair indeed were the Government to go outside the service to fill the offices. He hoped the Government would bear this in mind, when making the appointments referred to.

MR. BROWN assumed that the Government would assuredly act upon that principle, for it was their duty to do so, not only with regard to these particular appointments but in every branch of the public service, so long as efficient officers were to be found without going outside. He had every confidence in the Government adopting that course with regard to the appointments alluded to, for if they adopted any other course everybody would say it was an improper one. With

respect to the total grant for the police department for the ensuing year (£20,154) he thought that—in view of the fact that the Government had, in accordance with the wish of the House, limited the expenditure to the sum named, and reorganised the whole department—it would be unwise, until it was seen what would be the result of that reorganisation, to make any further reductions.

MR. SHENTON also thought the Government were certainly entitled to that amount of consideration at the hands of the House. At the same time,—reverting to the appointments already referred to—he did hope the Government would endeavor to fill them without going outside the colonial service, if they could find efficient men in the ranks of that service. A very strong feeling of dissatisfaction had been created in the public mind when this principle was violated in the case of the appointment of the present Superintendent.

MR. CROWTHER did not think His Excellency would find much trouble in finding qualified officers among the present Government *employés* to fill these appointments efficiently, and, if such was the case, it would be extremely unfair and unjust to those officers if their claims were overlooked in favor of outsiders.

MR. CAREY trusted that this very pronounced expression of opinion on the part of the House would receive the attention of the Government when making this and other fresh appointments in the public service.

The vote was then agreed to.

Gaols, Item £6,984 15s. read:

Agreed to.

Rottneſt Penal Eſtabliſhment, Item £2,620 read:

MR. SHENTON asked the Colonial Secretary if there was any intention on the part of the Government to carry out the recommendations embodied in the report of the departmental commission, with respect to establishing a juvenile reformatory at Rottneſt?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied that such was the intention of the Government, and they were solely deterred from bringing forward the scheme this year from considerations of the expense which the proposal would entail.

The vote was then passed.

Government Printing Office, Item £1,603 10s. read :

Agreed to.

Inspectors of Sheep, Item £1,250 read :

Agreed to.

Education, Item £9,585 read :

MR. CAREY called attention to the amount of salary paid to the Inspector of Schools, and to the fact that he was only allowed forage allowance for one horse. This officer was constantly travelling from one place to another, and one horse could never do the work.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the Inspector was allowed travelling expenses when he had to hire a horse. After giving the subject some attention the Central Board of Education, however, were of opinion that it would be wiser economy to allow the inspector two forage allowances—£100. If the House concurred, he would make a motion to that effect.

MR. CAREY thought the proposal was a very fair one.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) then formally moved that the sum of £100 be inserted on the Estimates, in lieu of £50, under the head of "forage allowance" for the Inspector of Schools.

Motion agreed to.

Item "High School," £600 :

MR. CROWTHER asked if the governors of this institution had taken any steps to elect a governor in the place of Mr. Steere, resigned; and whether Mr. Randell, who had left the Colony, had tendered his resignation, or whether it was competent for the governors of the school to leave the Colony for any length of time they pleased and yet retain their seat among the governing body.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) pointed out that it rested with that House to appoint Mr. Steere's successor, and not with the governors of the school. As to Mr. Randell, he (the Attorney General) regretted he had not reminded that gentleman of the expediency of his resigning, before leaving the Colony. As a matter of fact, Mr. Randell had not resigned, and there was no provision in the High School Act to provide for the filling up of a vacancy in the governing board in the event of one of the governors being absent from the Colony for an unlimited period.

MR. SHENTON thought that in the interest of the school itself some steps should be taken to remedy this. They might have all the governors absent from the Colony for an indefinite period of time. He would like to ask whether the governors had framed any by-laws for the regulation of their proceedings and respecting the internal conduct and management of the school, as required by the fourth clause of the Act. These by-laws and regulations should have been placed on the Table of the House, if they were framed.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said no by-laws had yet been made, in pursuance of the clause referred to. The matter had quite escaped his notice until a comparatively recent date, but, as soon as the present Legislative Session closed, it was the intention of the governors to prepare the necessary by-laws, as contemplated in the section of the Act mentioned by the hon. member.

MR. HARDEY asked what became of the fees paid by parents when they were fined for non-compliance with the compulsory clause of the Elementary Education Act?

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he could not answer the hon. member's question off-hand; but unless some specific provision was made in the Act for the appropriation of the fines, the money would be paid into the Treasury, as a matter of course.

The vote for "Education" was then agreed to.

Poor House and Charitable Allowances, Item £5,562 read :

MR. CAREY called attention to the item "Maintenance of Paupers and Relief of Destitute, £5,000," which was increasing year after year. A large number of these paupers were the relics of convictism, and their maintenance should be chargeable to the Imperial Government. These men could be sent home to the old country at a less cost than the expense of maintaining them here, and he thought it would be a great saving to the Colony if they were shipped out of it.

MR. BROWN did not think the House should entertain that notion for one moment, so long as the Colony received

the aid it did from the Imperial Government in the shape of the present annual grant.

MR. CROWTHER: To my mind, it is just a question of expediency. If the maintenance of these men costs £25 per head per annum, as I understand it does, and we could ship them home for £20, I would pack them off and get rid of them.

MR. BROWN: And have the Imperial grant withdrawn.

MR. CROWTHER: Let it be withdrawn.

The vote was then passed.

Immigration, Item £4,000 read :

Agreed to.

Pensions, Item £1,839 13s. read :

MR. BURT—referring to the item “H. Spencer, first class clerk, £112 10s.”—said that the year before last he drew the attention of the House and of the Government to the very inadequate salary received by this officer, and last year he had been gratified to find the Government proposing, at the last moment, an increase of £50 a year to his salary—an increase which should have been made years ago. This year he found the officer referred to on the retired list, and his pension calculated on the amount of salary he had been receiving prior to the date when the Government so magnanimously came forward with a proposal to augment his pay, namely a year ago. Now inasmuch as that increase of pay was made at the express wish of the House—a wish expressed fully three years ago—he (Mr. Burt) thought it would not be out of place if the Government, in calculating the amount of his pension, had given him the benefit of it. This would only have been an act of bare justice to an officer who had served in the Treasury department for thirty years, and who had frequently had sole charge of the department, for weeks and months together, in the absence on leave of the Treasurer. Had the Government acted with a little more liberality in the case of an old officer possessing such claims to consideration as Mr. Spencer, the House, he was sure, would have applauded, rather than cavilled at the action of the Government.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): The officer referred

to preferred to retire on the amount placed opposite to his name on the Estimates (£112 10s.) rather than remain eighteen months more in the service, which would have entitled him to an allowance of £25 per annum more. I do not know how far the House would be justified in acting upon the suggestion of the hon. member Mr. Burt; personally, I should be glad to do all within my power for the officer in question.

MR. SHENTON suggested that a gratuity be given him in recognition of his past services.

MR. BROWN: In view of the long and faithful services of the officer referred to, I am sure the House would be prepared to act liberally towards so highly respected a public servant, either in the shape of a gratuity or of an additional pension; and I have no doubt the Government will take his case into consideration, and that anything, in reason, which they recommend to the House, will be adopted.

MR. S. H. PARKER supported the proposal for giving a gratuity, and he would suggest a hundred guineas as the amount to be granted.

MR. MARMION and MR. CROWTHER concurred in the opinion that the claims of the officer referred to were such as entitled him to the favorable consideration of the House and of the Government.

The Item “Pensions, £1839” was then passed.

Ecclesiastical Grant: Church of England, £2,191; Roman Catholics, £1,067; Wesleyans, £206; Presbyterians, £79:

MR. SHENTON asked when the Government again proposed taking the census, as this grant depended upon the proportion of the population belonging to each denomination, and it was now seven years ago since the last census was taken.

MR. S. H. PARKER thought if the hon. gentleman asked this question in the interests of his own denomination, he ought to pray fervently that the taking of another census should be deferred *sine die*.

MR. CROWTHER proposed that the amount of the vote be reduced by ten per cent., but the proposition was negatived on the voices.

Progress was then reported, and leave obtained for the further consideration of the Estimates next day.

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

LEGISLATIVE COUNCIL,

Friday, 12th July, 1878.

Constitution Bill—Jury Act, 1871. Amendment Bill, 1878: first reading—Medical Officer at Northampton—Boat Licensing Bill, 1878: re-committed—Estimates: further considered in committee—Adjournment.

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

PRAYERS.

CONSTITUTION BILL—RESPONSIBLE GOVERNMENT.

MR. S. H. PARKER, in accordance with notice, moved for leave to introduce a Bill to establish a constitution for Western Australia, and to grant a civil list to Her Majesty.

SIR T. COCKBURN-CAMPBELL: I rise to move the Previous Question. I find that the course pursued by the Legislatures of the other Australian Colonies on the adoption of a change in the constitution was, in the first place, to pass a resolution affirming the necessity for the proposed change, and,—the country having expressed its desire to that effect,—then to bring in a Bill embodying the details of the constitutional reform contemplated. I have not the slightest objection to the Bill now proposed to be introduced by the hon. member being brought forward, and I would not do anything whatever to hinder him in bringing in his Bill; but before we agree to the introduction of a measure to decide the details of the new constitution, I think we ought first of all to affirm the principle whether a constitutional change is desirable or not. I think it is most unreasonable, and that it has the appearance of being ludicrous, that the

House should be asked to agree to the introduction of this Bill, before we affirm the resolutions to be submitted for our consideration on Monday next. This is no ordinary Bill, but a measure dealing with a question of vital importance to the whole Colony, and I think that question should be dealt with in the proper form and manner. It does appear to me that, until we affirm the principle of the desirability of introducing a change in the form of Government, we should be acting in a most extraordinary manner if we agreed to the motion of the hon. member for Perth for leave to introduce this Bill. For this reason, and for other reasons which are well known to every hon. member, but which (being contrary to the rules of the House) I cannot refer to at the present time, I beg to move the Previous Question.

MR. CROWTHER, agreeing with what had fallen from the hon. member for Plantagenet, seconded the movement of the Previous Question.

MR. S. H. PARKER: As the hon. member for Plantagenet has adopted the unusual course of moving the Previous Question on the motion for introducing this Bill, it behoves me to give my reasons for bringing the measure forward. It is well known to the hon. baronet and to the House generally, that I have not taken upon myself to introduce this Bill without consulting nearly every member of this Council with reference to its provisions. I had no desire whatever to introduce the measure—as seems to have been supposed by some people—with a view of my being appointed the first Premier under the constitution which it proposes to establish, and at one time I was laboring under the belief that I should have induced the hon. member for Geraldton to bring it in. As I said before, nothing is further from my mind in introducing this measure than that I should be the first Minister entrusted to carry out its provisions; but I gave a pledge to my constituents that I would, in the course of the present Session, bring in such a Bill, and it is in fulfilment of that pledge that I have done so. It is solely in deference to the views of hon. members of this House that I have deferred its introduction until the present time. To postpone it any longer would endanger its being brought in at all