

## LEGISLATIVE COUNCIL,

*Thursday, 7th September, 1876.*

Money Grants; communication from His Excellency The Governor—Admiralty Coast Survey—Salary of Colonial Secretary—"District Roads Act, 1871, Amendment Bill, 1876," second reading—Land Regulations: Report of Select Committee; consideration of resumed in committee of the whole.

COMMUNICATION FROM HIS EXCEL-  
LENCY THE GOVERNOR.

THE ACTING COLONIAL SECRETARY notified to the House that His Excellency had been pleased to forward the following communication, in reply to certain resolutions adopted by the House:—

"The Governor has received from Mr. Speaker the resolutions adopted by your honorable House on the 5th instant. In compliance therewith, the Governor has added to the Estimates the sum of £250 for a Boat Jetty at Owen's Anchorage. As regards the proposed extension of telegraphic communication from York to Beverley, the Government will at once call for tenders for the construction of this work, and, should it be decided to proceed with it, the Governor will accept your resolution as your authority for the expenditure of the necessary amount, not exceeding £1,000. In the same way, with regard to the proposed encouragement of steam communication between this Colony and the Straits Settlements, a notification will be forthwith published, setting forth the conditions on which a subsidy for this purpose will be granted, and should the amount approved by your honorable House require to be expended, the Governor will accept your resolution as his authority for the expenditure in question."

## COAST SURVEY.

THE ACTING COLONIAL SECRETARY, with leave, without notice, moved, in committee of the whole House, That in the event of Her Majesty's Government sending a steamer for the purposes of a Coast Survey, His Excellency the Governor be authorised to increase the vote for such purposes by any amount not exceeding £1,000 in excess of the present vote.

Agreed to.

SALARY OF OFFICE OF COLONIAL  
SECRETARY.

## IN COMMITTEE.

MR. STEERE, pursuant to notice, moved, "That in the event of the office of Colonial Secretary becoming vacant, the Council is of opinion that the salary

attaching to that office should revert to its former amount of £800 per annum." The hon. member said he thought it necessary to do this, because there was a chance, he believed, of the office becoming vacant, and advantage might be taken to fill it up in England at a salary of £900, which Mr. Barlee had been drawing latterly. The increase to Mr. Barlee was made under peculiar circumstances, and he did not think it was ever contemplated by the House that it should be a permanent increase in connection with the salary attached to the office.

MR. RANDELL seconded the motion, which was affirmed.

DISTRICT ROADS ACT, 1871—AMEND-  
MENT BILL, 1876.

## SECOND READING.

THE COMMISSIONER OF CROWN LANDS, in moving the second reading of this Bill, said its object, so far as he could see, was to prevent corrupt practices at elections of District Roads Boards. It also more clearly defined the qualifications of electors, and provided for the better management of elections, the proposed system of voting being that known as the cumulative system. Hon. members were well aware of the necessity for enacting regulations of the nature provided for in the Bill, which, however, did not affect the present District Roads Boards Act beyond the extent he had sketched out.

MR. STEERE seconded the motion for the second reading, although he considered the Bill would require amending when it came to be considered in committee. He believed the Bill had been brought forward partly in consequence of representations he had made to the Government. In the district which he represented, it was in contemplation to levy rates under the old Act, which the Roads Boards were empowered to do, and the ratepayers had no redress. Disputes frequently occurred at elections also, and here again there was no redress, except by appeal to the Supreme Court—a very costly process. It was proposed to remedy this by empowering the Resident Magistrate of a district and a Justice of the Peace to investigate the matter of complaint. As to the preparation of the voters' lists, these would be prepared in the same way as under

the new Municipal Institutions' Bill. He thought the Bill altogether would be a great improvement upon the present Act, and would do away with many irregularities in the conduct of elections. There was one amendment which he intended to propose when in committee on the Bill, and that was that persons residing more than fifteen miles from a polling place, or a voter residing out of the district, should vote by proxy. The management and control of these Roads Boards were getting too much into the hands of persons residing in and near the towns, who, when elected to a seat on the Board, only looked after the roads in the vicinity of the towns, leaving those a distance off altogether neglected. He considered the Bill a very desirable one, and it should have his support.

Motion for second reading agreed to.

#### LAND REGULATIONS—REPORT OF SELECT COMMITTEE.

##### IN COMMITTEE: RESUMED.

MR. STEERE asked the Commissioner of Crown Lands if any instructions had been issued to Resident Magistrates not to sacrifice Government property by disposing of land at auctions at prices below its value? At a recent land sale at Bunbury, a piece of ground which had been improved to a considerable extent by the Municipality, was set up at public auction and sold at a price far less than it was worth, simply because the Resident Magistrate thought that he had not the power to buy it in, as in the case of an ordinary auctioneer. This was a misconception which if shared in by other Resident Magistrates might lead to a considerable loss to the public revenue.

THE COMMISSIONER OF CROWN LANDS replied that attention had been called to the particular case referred to, but that no definite rule had been laid down with reference to such land sales.

MR. STEERE thought that definite instructions should be issued to the magistracy, informing them that they may exercise discretionary power in the matter of buying in the land, should the price offered for it be below its value.

Proposed amendments to Sections 43 to 89 agreed to.

Section 90.—“Words ‘or Licensee of  
“Special Occupation Land’ to be inserted

“after the word ‘purchaser,’ in the second  
“line. Words ‘provided these improve-  
“ments have been properly and concisely  
“described with their cost and registered  
“in the records of the Land Office; a  
“report may be made in the commence-  
“ment of any work and again within  
“three months after completion’ to be  
“inserted after the word ‘portion,’ in the  
“fourth line. Word ‘value,’ in the sixth  
“line, to be struck out, and ‘valuation’  
“to be inserted in lieu thereof. Words  
“‘In the event of any lessee not obtaining  
“on application a renewal of his lease, he  
“shall be entitled to compensation from  
“the Government, or purchaser, or lessee,  
“for all improvements made by him’ to  
“be inserted after the word ‘Governor,’  
“in the last line.”

MR. MARMION failed to see the necessity of this section, or of the proposed amendments, looking at the provisions of the 92nd section.

THE COMMISSIONER OF CROWN LANDS said the 92nd clause was very restrictive as to claims for improvement.

MR. PADBURY was in favor of section 90, and thought that compensation should be made for any lawful improvements.

MR. STEERE fully concurred. He considered that the Government should make compensation, on resuming land, just as much as any private individual.

Amendment agreed to.

Section 91.—“The words ‘the eradica-  
“tion of poison’ to be inserted after the  
“word ‘fencing,’ in the third line.”

MR. MARMION thought the introduction of the words “eradication of poison” would lead to a great deal of complication, and he failed to see how the value of such an improvement could be ascertained.

THE COMMISSIONER OF CROWN LANDS considered that anything tending to the removal of this curse should be encouraged by every possible means. Were it not for this poison, land in the Colony would be capable of carrying five times the number of sheep it now could carry, and the profits of the run-holder would be correspondingly increased.

MR. CROWTHER was afraid that it would be very difficult, if not impossible, to estimate the value of improvements made under this head. Would the incoming tenant be called on to pay the actual sum expended by the lessee in the

eradication of poison (whether successful or not), or how would the valuation be determined?

THE COMMISSIONER OF CROWN LANDS did not see how it would be possible to provide for every contingency. The select committee recommended that poison land be considered as such when it is not possible to feed sheep or cattle over it; and that the poison plant shall not be considered as eradicated until it had been proved not to have existed on any land for the three years previous to a Crown grant being claimed.

MR. CROWTHER thought the regulation, as amended, opened a very wide door for discussion, but he was free to confess he did not see light through it.

MR. PADBURY thought the eradication of poison depended, in a great measure, upon the season when the plant was grubbed. To give a man compensation for what he simply said he had expended, and without any corroborative evidence, appeared to him a very unsatisfactory provision.

THE ACTING COLONIAL SECRETARY considered the additional words a great improvement. If there was anything deserving of compensation it was the eradication of this poison plant, and he did not anticipate there would arise much difficulty in valuing the improvements so effected. The Commissioner of Crown Lands would have to be satisfied that the claim was a just one. In no direction could land legislation be so beneficially directed as in the eradication of the poisonous indigenous plants which infested the lands of the Colony. A lessee who undertook to free his runs from this pest, and thereby render the land fit for pastoral purposes, was a public benefactor, and every inducement should be offered persons to grapple with this evil.

MR. MARMION pointed out that, according to the next preceding regulation (No. 90) compensation for improvements could be claimed by the lessee only in respect of the portion purchased out of his lease. If the portion bought by the purchaser was not freed from poison the lessee could not claim any compensation, although the whole of the land surrounding that portion had been eradicated. So that in many instances a lessee might receive no compensation for his outlay,

unless he had succeeded in eradicating the very portion of land selected by the purchaser out of the lease. It seemed to him that the introduction of the words proposed to be added to the regulation would lead to abuse and confusion, and he would move, as an amendment on the paragraph under discussion, that the words be omitted.

MR. RANDELL said he would support the amendment, for he failed to see how the suggestion of the select committee could very well be carried into effect.

MR. SHENTON would also support the amendment. He thought the insertion of the words "eradication of poison" would be very liable to abuse, and he could not see how it could prove so beneficial to the country as some hon. members seemed to imagine.

MR. PARKER said he was not surprised that the hon. member for Fremantle and the hon. member for Perth should regard the suggestion of the select committee in the light which they did; but he was surprised at the view expressed by the hon. member for Toodyay. To his (Mr. Parker's) mind, the eradication of poison was one of the first improvements in respect of which a man had a right to claim compensation.

MR. SHENTON said he opposed the recommendation on conscientious and not on personal grounds, in the belief that no possible good result to the country would be derived from it, but that, on the other hand, it would lead to endless confusion and to much abuse.

MR. HAMERSLEY thought if they did not include the proposed words in the regulation, they might as well do away with compensation for improvements altogether, so far as regarded a good deal of land in this Colony. It was all very well for hon. members to say it would lead to abuse, but they had brought forward nothing in support of the assertion. He cordially supported the proposition to insert the words.

MR. PEARSE: On this occasion, I intend to oppose the amendment of my hon. colleague. This poison plant is the greatest curse of the country, and every encouragement ought to be given for destroying it.

Amendment, That the words "eradication of poison" be omitted, put and

negated, on a division. [*Vide* "Votes and Proceedings," p. 115.]

Recommendation of select committee agreed to.

Proposed amendments to sections 92, 93, and 94—agreed to.

Section 95.—To be struck out, and the following new regulation inserted in lieu thereof: "Any person desiring to rent first-class lands for pastoral purposes may obtain an annual license to occupy for such purposes in blocks of not less than three thousand acres, on payment of one pound for each thousand acres; but where the land applied for is necessarily limited by the interference of the boundaries of other holdings, so that the area contained is a less quantity, the license may be in accordance with such, provided that no license is issued for a less sum than one pound."

MR. MARMION preferred the existing regulation, which admitted of blocks of not less than 1000 acres being taken up for pastoral purposes, whereas the proposed amended regulation limited the number of acres that could be thus rented to 3000 acres. This was another privilege sought to be taken away from the small capitalist.

THE COMMISSIONER OF CROWN LANDS said the amended regulation was not introduced by himself, but by some other members of the select committee. He did not think it would affect the small run-holder as much as it would the speculator, while at the same time it would increase the revenue. The price was within the reach of everybody—£3 for a block of 3,000 acres.

MR. PADBURY concurred, and pointed out that, under the new regulation, where the land applied for was necessarily limited by the boundaries of other holdings, so that the area sought to be rented did not contain 3,000 acres, the license would be correspondingly reduced.

MR. STEERE considered 1,000 acres perfectly useless as a run, either to a poor man or the more wealthy squatter.

MR. PARKER was of the same opinion, and thought the new regulation would be a positive advantage to the small run-holder.

The amended regulation was then agreed to, as were also the proposed amendments in Sections 96 to 102.

Section 103.—Words "by any person or," to be inserted after the word "application," in the first line. Words "either by himself or by an agent or servant authorised by him," to be inserted after the word "remove," in the second line. Word "or," in the third line, to be struck out, and the word "and" to be inserted in lieu thereof. Words "to the Commissioner of Crown Lands or," to be inserted after the word "made," in the fifth line.

#### FEES CHARGEABLE.

Per Month.  
£ s.

To fell, hew, and remove timber in baulk, or for piles, for each man ...	3	0
Or in the case of a pair being employed	5	0
For each cutter or splitter of fencing, firewood, or shingles ...	0	5

To be inserted after the word "wood," in the thirteenth line, the words "of not less than six inches in diameter at the butt after being cleaned, and wattle or other bark." Word "six," in the fifteenth line, to be struck out, and the word "twelve" inserted in lieu thereof.

MR. MARMION asked how it was proposed to carry out the provision as to the size of sandalwood. Wood less in diameter than that specified might be represented as the branches of bigger trees. He failed to see how they could prevent evasions of this regulation.

THE COMMISSIONER OF CROWN LANDS said a statutory enactment would have to be introduced, if the principle was affirmed by the House.

MR. MARMION thought it would be impossible to get a conviction. If it were possible to carry out the regulation it would no doubt be a very beneficial one.

MR. SHENTON did not think that any regulation would prove altogether effective, but he believed that the proposed amendment would put a very great check on the present indiscriminate cutting down of young wood. There would be no difficulty in distinguishing the branch of a tree from the butt.

Section 103, as amended, agreed to.

Proposed amendments to sections 107, 108, 111, 112, 118 and 121, agreed to.

Supplementary Regulations (relating to Free Grants to Immigrants) to be struck out, and the following inserted in lieu thereof:—

"Any immigrants on first arriving in this Colony, whether introduced wholly or partially at the expense of the Impe-

rial or Colonial Government, or at their own cost and expense, may select from any unimproved rural Crown Lands open for selection—

If of the age of 21 years or over..... 50 acres.  
Or between the ages of 14 and 21 ... 25 „  
Or under such age, if with parents... 12½ „

Provided that no greater quantity than 150 acres be allotted to one family, and that every selection be made within twelve months after the arrival of the selector;

“When selected, such lands may be allotted to such immigrants as may immediately then occupy them, by occupation certificates, which shall only be deemed transferable in case of death of the holder on application of the executors or administrators and on payment of a fee of ten shillings. These certificates may be exchanged for Crown grants after three years from date of each, provided that the land described in such has been enclosed with a good and substantial fence, and at least one-fourth shown to be in cultivation, and that if at the end of the said term of three years the above conditions, or any of them, be not fulfilled to the satisfaction of the Commissioner of Crown Lands, the lots in which default shall have been made shall revert to the Crown, with any or all improvements that may be thereon.”

MR. RANDELL did not consider the new regulations as liberal as the existing regulations. They were calculated to mislead, by holding out baits to the immigrant of which he could not, in most cases, possibly avail himself.

THE COMMISSIONER OF CROWN LANDS said the great objection to the present regulations was the provision for compulsory residence for two years before selection.

MR. RANDELL moved, That the words “twelve months” in the 10th line, be struck out, and the words “three years” inserted in lieu thereof.

Motion agreed to.

MR. MARMION considered it very hard that, in case of any default being made, the land, with all improvements thereon, should revert to the Crown. He thought it would be wiser, and certainly more liberal, that, in case of default, the term should be extended, on payment of a small fee per acre. He would suggest the omission of the last

four lines of the proposed new regulation.

MR. STEERE: Extend the term, if you like; but I certainly think there ought to be some provision made with respect to the fulfilment of the conditions. I would move that the term be five years, and not three.

Motion agreed to.

MR. PEARSE: Supposing an immigrant fulfilled the required conditions within a year, he would now have to wait four years longer before the land would become his own.

MR. RANDELL moved, That the following words be added:—“Provided, however, that if the conditions as above mentioned, in regard to cultivation and fencing, be complied with at any time prior to the above term of five years, the Crown Grant shall be issued.”

Motion adopted.

The new regulation, as amended, was then agreed to, and the Report of the Select Committee adopted with amendments.

## LEGISLATIVE COUNCIL,

*Friday, 8th September, 1876.*

“Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill, 1876”: first reading; motion for suspension of Standing Orders—Wells between Upper Murchison and Gascoyne Rivers—Estimates; recommitted —“District Roads Act, 1871, Amendment Bill, 1876”: in committee—High School Bill: in committee—Slaughter Houses Bill: second reading; in committee.

“THE WINES, BEER, AND SPIRITS SALE ACT, 1872”—AMENDMENT BILL, 1876.

MR. MARMION, with leave, introduced and moved the first reading of a Bill to amend “The Wines, Beer, and Spirits Sale Act, 1872.”

Motion agreed to.

Bill read first time.

MR. MARMION said there were several country members about to leave for their respective homes before the next sitting day of the Council, and as the Bill before the House was a very short one and very intelligible, he would move for