

"Law and Parliamentary Library Act, '1873,' shall be, and the same is hereby repealed."

Agreed to *nem. con.*

MR. STEERE moved, That the following new clause be added to the Bill, to stand as clause 2:—"The Attorney General for the time being shall, together with two unofficial members of the Legislative Council to be appointed in that behalf by the said Council from time to time, form the Law and Parliamentary Library Committee."

Agreed to without discussion.

Title and preamble agreed to and Bill reported.

The House adjourned at half-past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 5th September, 1881.

Caretaker on Lapepede Islands—Licensed Surveyors under the Land Transfer Act—Excess Bill, 1880: Consideration of Report of Select Committee—Excess Bill, 1880: second reading; in committee—Engines for Eastern Railway—Immigration in connection with the Convict System—Closure of Street in Pinjarrah Bill: first reading—Municipal Institutions Act, Amendment Bill, 1881: further considered in committee—Message (No. 22): Railway to King George's Sound on the Land Grant System—Message (No. 23): Barristers Admission Bill—Message (No. 24): Temporary use of Loan Moneys for the construction of Railway Sheds—Fencing Bill, 1881: re-committed—Distillation Act, Amendment Bill: third reading—Estimates: further consideration of—Adjournment.

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

PRAYERS.

CARETAKER ON LACEPEDE ISLANDS.

MR. BURT asked the Honorable the Colonial Secretary, (1) "With what object does the Government keep one man stationed on the Lapepede Islands?" (2) Out of what vote is he paid, and (3) how long is it proposed to keep him there?" It

appeared, the hon. member said, that when there really was any guano on the islands they were left unprotected, but now, when all the guano had gone, the government kept a man there,—for what purpose, goodness only knows, unless they expected the United States Government to reassert their claim to the islands.

THE COLONIAL SECRETARY (Lord Gifford) replied as follows:—"(1.) To protect the guano deposits on the Islands, and to see that none is taken away surreptitiously. (2.) Miscellaneous Vote. (3.) It is proposed to keep him there until the whole of the guano claims are settled."

LICENSED SURVEYORS, UNDER THE LAND TRANSFER ACT.

MR. HIGHAM, in accordance with notice, asked the Honorable the Commissioner of Crown Lands, "Whether it is a fact that several gentlemen who have served their apprenticeship under duly qualified surveyors, and who have expressed their willingness to undergo any necessary examination with a view of being gazetted in this Colony as licensed surveyors, have been denied this right; and, if so, upon what grounds?" He had been informed that several young men who had duly served their apprenticeship as surveyors, and who had applied to be licensed under the Transfer of Land Act, had been refused, while others were granted licenses under the Act. He thought it was very unfair towards those others who were duly qualified, that this invidious distinction should be made, and that any monopoly should be created in respect of these licenses.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) replied as follows:—"The Surveyors employed under the Land Transfer Act have to be specially licensed for that purpose by the Commissioner of Crown Lands. This is done on the requisition of the Commissioner of Titles, following on application from the Surveyors. If the gentlemen alluded to by the Honorable Member for Fremantle come to me from the Commissioner of Titles, there will be probably no difficulties in the

"way of their obtaining the denied Certificates."

EXCESS BILL, 1880: REPORT OF SELECT COMMITTEE.

IN COMMITTEE.

Mr. SHENTON, in moving the adoption of the report of the Select Committee appointed to consider and report upon "The Excess Bill, 1880," said hon. members would observe from the report that the main portion of the over-expenditure had been caused by the payment of £15,535 on account of the Northern Railway. This matter had been so fully discussed already, that it would be needless on his part to enter into any details, but he could not help again remarking that he considered such a large expenditure of public funds without reference to the Legislature in any way, was a grave departure from the regulations laid down for the expenditure of public money. The excess in connection with the Works and Railways Department was, in the opinion of the Committee, satisfactorily explained in the report of the Commissioner. The next item of over-expenditure was under the head of "Medical," the vote for that department having proved insufficient to meet the expenses connected therewith, chiefly as regards the maintenance of lunatics. It appeared that while each female patient only cost the Colony £26 per annum, we were obliged to pay the Imperial Government £42 a year in respect of every male lunatic chargeable to Colonial Funds, and he thought the sooner the better some arrangement was arrived at whereby the Local Government might take over the management and control of the Asylum. The excess on this vote amounted to £1,028, but, so far as the Committee could see, the overdraft was, under the existing arrangement, unavoidable. The next item was that of the Police Department, where there had been an overdraft of £1,171. It was much to be regretted that, notwithstanding the fact that the House, Session after Session, expressed its disapproval of any over-expenditure in connection with this department, there was always an excess under the head of "Incidental" in the vote. The excess in the present instance appeared to have been caused by the cost

of the police staff exceeding the amount which the vote could bear, and consequently the contingent votes had suffered. The overdraft under the item of "traveling expenses" was incurred principally by the Police in the North District, in pursuit of native offenders. The Committee could not help remarking, in connection with the Crown Agents' account for saddlery and harness for this department, that some of these articles had been unnecessarily expensive, and he hoped that, in future, less costly articles would be provided. The attention of the Superintendent ought to be called to this, and a saving thereby effected in that item. With regard to the overdraft under the head of "Gaols" (£1317 14s. 10d.), the Committee discovered that, although in 1879 an apparent overdraft of £900 appeared for the department, such an overdraft did not, in reality, exist, as claims for that year, amounting to £890, were paid in 1880, out of that year's vote. The remainder of the overdraft was caused by the expenses of prisoners *in transitu*, and the payment during 1880 of a sum of £447 to the Convict Establishment for the maintenance of prisoners for the last quarter of 1879. The overdraft in connection with the Printing Department was explained in a memorandum attached to the Select Committee's Report; and the excess under the head of Roads and Bridges was caused by a portion of the grant to the different Roads Boards for 1879 not having been paid until the following year. With reference to the item of Pensions, the overdraft under that head was incurred by reason of no provision having been made on the Estimates for certain pensions becoming due. Under the item "Miscellaneous Services" there was a very large excess, but the main portion of it was in connection with that endless source of expense—the Northern Railway, the particulars of which were already within the knowledge of hon. members. The only other item under this head requiring explanation was that of "Travelling Expenses of Officials," which was accounted for as follows: Passages to the Colony of the Chief Justice, the Attorney General, and the Colonial Secretary, £300; the Surveyor General's expenses in attending the Melbourne Exhibition

as our Commissioner, £100; the transfer of Mr. Oct. Burt from Perth to Newcastle to undertake the duties of Resident Magistrate; the transfer of Mr. Fairbairn, R.M., from Newcastle to the Vasse, as also the expenses of the same officer on the occasion of his official visit to the Gascoyne; and, finally, Dr. Lovegrove's expenses in connection with his visits to the Blackwood, £125—expenses which the Committee found had never been authorised by the Legislature. He remembered distinctly that when the House was asked to vote £50 a year for Mr. Lovegrove in consideration of his paying periodical visits, in his magisterial capacity, to the Blackwood, the House was given to understand that this amount would be all that would be required; but when the Select Committee came to make inquiries into this item of the travelling expenses of officials, they found that Mr. Lovegrove was not only receiving a salary of £50 a year, but also the whole of his travelling expenses, at the rate of so much a mile, which last year amounted to £125, so that, in reality, the Colony was paying this gentleman £175 a year for services which the House had been led to believe would have been performed for £50. The overdraft under the head of "Refunds, £158 18s. 5d.," had been principally caused by land rents twice paid, refund of duties to the Convict Department, and drawback on goods re-exported. The excess in connection with the Harbor Master's Department had resulted chiefly in connection with the supply of oil for lighthouses. On the whole, the Committee found that, after deducting the expenses connected with that "unhappy railway" at the North, and regard being had to the fact that the vote for the Medical Department had proved insufficient to meet the expenses, and one or two other items of unforeseen expenditure, the actual excess for the year was but small, with the exception of the overdraft incurred by the Police Department. With these explanations, he now begged to move the adoption of the Select Committee's report.

Mr. STEERE did not think the report required much consideration, the various items having already been explained in "Return A," and further elucidated by the hon. member who acted as Chairman

of the Select Committee to whom the Excess Bill was referred. With regard to the cost of the maintenance of male lunatics, he recollected that when the Departmental Commission was inquiring into this matter, the members of the Commission were told that the Imperial Government had stated they would be very glad if the Colony would take over the Asylum, but that, so long as the Imperial authorities held it, we should have to pay the same amount as we are now paying in respect of each male patient chargeable to Colonial funds, and he was afraid, exceedingly high though the amount was, we were powerless in the matter, unless we took over the establishment ourselves.

Mr. MARMION said he failed to understand why there should have been such an overdraft in connection with the maintenance of male lunatics, seeing that we had always been paying for them at the same rate,—unless there had been an unexpected acquisition of male patients during the year, over and above the average.

The COLONIAL SECRETARY (Lord Gifford) said the explanation was a very simple one. Sufficient provision had not been made on the Estimates for the maintenance of the number of patients admitted, and, in view of this insufficiency, a larger sum had been placed under the same head on the Estimates for next year, in order, if possible, to avoid another overdraft arising from the same cause.

Mr. S. H. PARKER regretted that the Government, when it asked for, and obtained, a Supplementary Vote last Session, did not include this item, and also the £15,000 for the Northern Railway in that Supplementary Vote, as the money had then been expended.

Mr. BROWN feared there was no course before the House but that of adopting the report, and passing the Excess Bill. This, however, was another instance, he thought, of the bad custom which the House had too often pursued, in paying out of current revenue charges which ought to be defrayed out of loan. He had no hesitation in stating that every hon. member in that House, if asked at the time to vote such an amount as £15,000 for the purposes of the Northern Railway out of current revenue,

would have refused to do so. He, for one, certainly would have refused. Plainly, such a sum for such a purpose should have been provided out of a loan. With such drains as these made upon the Colony's revenue, what possible result could we expect, but deficits and financial embarrassments? If we were going to continue the practice in the future, he was afraid we should find that our revenue would not be found equal to meet the ordinary requirements of the Colony. If the same overdrafts were likely to take place in connection with the Eastern Railway, as had taken place with regard to the Northern Line, and in proportion to the relative cost of construction, there would be a sum of at least £50,000 which would have to be provided, and it would be a very hard thing upon this Colony if it had to pay that amount out of current revenue. He thought some provision ought to be made to meet such contingencies as these out of loan. At any rate, the Legislature ought to have an opportunity of saying whether these large sums should be defrayed out of the ordinary revenue of the Colony, or whether they should be provided for out of borrowed money.

MR. MARMION said very possibly if the House had been consulted with regard to the item referred to by the hon. member for Geraldton, it would, under the circumstances, not have opposed the payment of the money out of current revenue, but it would have taken good care that the very next loan raised should make provision for refunding the amount, and recouping the revenue.

The report of the Select Committee was then adopted.

EXCESS BILL, 1880.

THE COLONIAL SECRETARY (Lord Gifford), in accordance with notice, then moved the second reading of a Bill to confirm the expenditure of £28,600 13s. 1d. for the services of the year 1880, beyond the grants for that year. The House having already adopted the report of the Select Committee to which the Bill had been referred, and having heard the various items constituting it elucidated, it would be unnecessary for him to trespass any further upon the time and patience of hon. members by entering into any further explanation.

The motion was agreed to *nem. con.*

The House then went into Committee on the Bill, when it was passed without discussion or amendment.

TANK ENGINES ON EASTERN RAILWAY.

MR. SHENTON, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to call the attention of the Crown Agents to the fact that the two Tank Engines sent out for the Eastern Railway are not in accordance with the Indent or Specification—which state that they should be so constructed as to burn wood, whereas no such provision had been made. The Commissioner of Railways also stated that in some of the parts the workmanship is defective, although a charge of £30 5s. 9d. had been made for inspection. Owing to the facts above stated, the Colony had already been put to an outlay of £86 16s. 5d., to remedy the defects of No. 1 Engine; and a similar amount would be required for No. 2. In addition to which they would be a source of constant expense to the Railway Department, in keeping them in repair." Hon. members were aware that this was not the first time the Colony had occasion to complain on the same score, for not long ago we were equally disappointed in the locomotives sent out for the Northern Railway. Under these circumstances, he thought that, in the interests of the Colony, and in the discharge of their duty to the public, the Government ought to direct the attention of the Crown Agents to these matters, and endeavor to obtain some explanation from them.

MR. STEERE, in seconding the motion, said he considered it very necessary indeed that the attention of the Crown Agents should be called to the matter complained of. There could be no doubt that the Colony would suffer very great loss indeed in consequence of the defective character of these engines, and he questioned very much whether we would get any satisfaction unless we employed some other agency than the Crown Agents for the purchase of our railway material. He had always been of opinion that we could have no better

agents in financial matters than the Crown Agents, but he believed we would derive great advantages were we to have recourse to some other agency for other purposes. He thought it was high time the attention of the Secretary of State should be called to the fact of how badly we had been served by the agents hitherto employed.

THE COLONIAL SECRETARY (Lord Gifford) said he was not going to oppose the address, but he thought they should remember that, in matters of finance, the Crown Agents had served us very well, and in other matters too, although in this instance there certainly seemed to have been some misunderstanding, if not ground for complaint. At the same time, if we were to employ other agents, it should be borne in mind that it would probably be a greater expense upon the Colony, in respect of agency charges, than we are now paying.

The motion was then agreed to.

IMMIGRATION IN CONNECTION WITH THE CONVICT SYSTEM: STATEMENT MADE IN THE HOUSE OF COMMONS.

MR. SHENTON, pursuant to notice, moved the following resolution: "That—the attention of this House having been drawn to a statement made in the House of Commons, on the 4th March last, by the then Under Secretary of State for the Colonies, in answer to a question by Sir J. Laurence, to the effect that the Imperial Government, in accordance with an understanding entered into with the Colony of Western Australia, that it should forward to the Colony a due proportion of free immigrants to the number of convicts introduced, had tried the experiment, but that it had turned out a piteous failure, as the colonists could find no occupation for a large number of free immigrants, who after being sent out at great expense by the Home Government, became paupers chargeable to Imperial Funds—An Humble Address be presented to His Excellency the Governor, respectfully requesting him to call the attention of the Secretary of State to the fact that no free immigrants able to work have ever become paupers in Western Australia; and that notwithstanding its limited revenue, the Colony has expended no less a

"sum than £27,000 during the last seven years upon the introduction of free immigrants, and at the present time finds its progress greatly retarded by want of labor." The hon. member said it would be in the recollection of the House that at an earlier stage of the Session he had, in order to refute the statement made in reply to Sir James Laurence's question, moved for a return showing the amount which this Colony had expended upon immigration, out of public funds, within the last few years, and from that return it appeared that we had spent on an average since 1873 a sum of about £4,000 per annum for the purpose of introducing free immigrants into the Colony, showing clearly that the Under Secretary of State must have been grievously misinformed as to the requirements of our labor market. Had it not been for the crippled state of our finances, the vote for immigration would undoubtedly have been greatly increased, for the want of labor was a want which had been seriously felt in every part of the Colony for years past,—so much so, indeed, that, as a last resource, we had been compelled to fall back upon Chinese Coolie labor to supply our immediate requirements in this respect. He believed that on board one of the emigrant ships sent out here by the Imperial Government some years ago, there was a considerable proportion of old people among the immigrants, who, in consequence of old age and infirmity, were not able to do much work, and some of them had become paupers chargeable to Imperial funds. But this was owing to the class of people sent out, and was altogether an exceptional case, no such thing having occurred during the past ten or fifteen years. It might be said that it was useless making any further representations to the Home Government with regard to this subject, as it was not likely they would do anything more for the Colony in this matter; but he thought there would be no harm in trying them, and in pointing out there must have been some misunderstanding when the Under Secretary made the reply which he did to Sir James Laurence's question. He might add that he had, since then, been in communication with Sir James Laurence—in whom this Colony seemed to have a very true and

disinterested friend—and he had promised to furnish Sir James with such data as would enable him to refute the statement made by the Under Secretary of State in replying to his question in the House of Commons. He therefore hoped the House would agree to this address to His Excellency, respectfully requesting him to call the attention of the Imperial authorities to the fact that no free immigrants able to work had ever become paupers in Western Australia. He thought this much, at any rate, was due to the Colony itself, for such a statement, if uncontradicted, was calculated to produce a most prejudicial impression against the Colony as a field for emigration. He had every reason to believe that the subject would be again brought before the Imperial Parliament by Sir James Laurence, and he hoped the result, as regards this Colony, would be more satisfactory than it was before.

The motion was agreed to unanimously.

CLOSING OF STREET IN PINJARRAH BILL.

MR. S. H. PARKER moved for leave to introduce a Bill to close a portion of a certain street in the town of Pinjarrah—the Bill which the House refused to pass last Session. The Council having by its action on that occasion resented the course pursued by the late Administration in closing this street without reference to the Legislature, and thus asserted its privileges, he thought they might agree to pass the Bill now, as the street in question was, he believed, now virtually closed, and had been so ever since.

Leave was given to introduce the Bill, which was read a first time, Mr. BURR intimating his intention of opposing its further progress by every means within his power.

MUNICIPAL INSTITUTIONS ACT, AMENDMENT BILL.

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

MR. SHENTON said he had amended the second clause of the Bill in order to render it more acceptable to the House. The 43rd section of the present Act empowered the Council of any Municipality to appoint and remunerate such officers and servants as shall by them be deemed necessary, and the Bill now before the Committee proposed to add

the following words to the section referred to: "And, on the resignation, or abolition of the office, of any such officer or servant, the Council may cause to be paid to such officer or servant any gratuity not exceeding the amount of one month's salary for each year of the service of such officer or servant which to the Council may seem fit. Provided always that the payment of any such gratuity shall be disallowed by the Auditors unless such expenditure shall be confirmed and allowed by a vote, taken at the next general annual meeting of the ratepayers. And the said 43rd section shall be read as if the above-mentioned words had been added thereto and formed portion thereof at the time of the passing of 'The Municipal Institutions Act, 1876.'" Hon. members would observe that, according to the clause as at present worded, no gratuity could be granted without the consent of the ratepayers, and thus the objection raised to the Bill the other day—that the Councils would be going behind the backs of the ratepayers in voting these gratuities—had been removed. He hoped the clause, as amended, would meet with the approval of the Committee.

MR. RANDELL said that when Progress was reported the other day in order to allow the hon. member to amend this clause, he had hoped that the hon. member would have eliminated another very objectionable feature in the clause, empowering these Councils to grant any gratuities at all to their retiring servants. But this (to him) obnoxious feature was still retained, and consequently he felt bound to offer the same opposition to the Bill as he did when it was under consideration before. He was sorry to have to oppose the Bill, which, in reality, was a measure to indemnify the City Councillors of Perth and their late Chairman (Mr. Parker), in respect of the gratuity illegally voted by them to the late clerk (Mr. Lazenby); and for that reason he was sorry he felt bound to oppose it, because many of the councillors were his personal friends, and he should be very glad to see them reimbursed in some way or other, but not in the way here proposed. It was introducing a principle which the House had for some years past set its face against,—that of granting

pensions and superannuation allowances to public servants. He believed that, in opposing the Bill, he should be representing the feelings of the majority of the ratepayers, and he regretted that the question had not been submitted to them, for an expression of their opinion as to the provisions of the Bill. Though he quite concurred in the statements expressed in the House the other day, deprecating the notion that the elected members were mere delegates, sent to the Legislature simply to register the edicts of their constituents, whose feelings and opinions they were bound to consult on all occasions, still the present Bill went so far out of the ordinary course of legislation, seeking as it did to legalise an illegal act, that he really thought the ratepayers of the city ought to have had an opportunity of expressing an opinion on the merits of the Bill, and especially upon the principle involved in the second clause. The City Council did not incur this illegal expenditure in ignorance of the provisions of the Act; they did it with their eyes open, and with the hon. member for Perth, a shrewd and astute lawyer, at their head; and when they voted this gratuity to their late clerk they must have done so knowing it was contrary to the provisions of the clause which limited the amount which they were empowered to expend (for purposes beyond the scope of the Act) to a sum not exceeding three per cent. of the ordinary annual income of the Council. No doubt they must have done this in full expectation that the ratepayers would ratify the expenditure; but, in the meantime, those much-abused persons the Auditors came upon the scene, and he thought those officers, so far from being deserving of any blame for the determined stand which they made against this illegal expenditure, were entitled to every praise and consideration, for it must have been a very distasteful duty they had to perform. For the reasons which he had stated, he felt bound to oppose the Bill, which he again ventured to submit was a private one, and one which ought to have followed the course laid down with regard to the formalities to be observed in the introduction of such Bills.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) could not for a moment

agree that the Bill in the form which it had now assumed was a private Bill. When it was originally submitted it simply dealt with the City Council of Perth, and as such it was regarded as a private Bill; but now it was proposed to extend the provisions of the Bill to every Municipality throughout the Colony, and the measure, in its present shape, was one which, in his humble opinion, was essentially a public one. Admitting the point which the hon. member for Toodyay wished to establish, namely, the desirability of indemnifying the unfortunate City Councillors for having taken an illegal step, he did not think the object in view could possibly have been attained in a more unobjectionable manner than was here proposed. He did not think it was possible to empower the municipal bodies to grant gratuities in the way it was here contemplated, and at the same time to hedge them round with greater safeguards than were provided in this Bill. If they admitted the principle of allowing gratuities at all, he did not see how it could be done in a more straightforward and statesmanlike manner than was here provided, by making such gratuities conditional only upon the sanction and approval of the ratepayers. But the question was—is it, or is it not, expedient to vest these Municipal Councils, or even the ratepayers themselves, with this power? He believed he was quite right in stating that, as a rule, these municipal bodies were not very wealthy corporations; and what would happen if this clause became law? When the Council of any Municipality wished to get rid of an officer or servant who had served them for some years, they could not well do otherwise, if this Bill passed, than to grant him a gratuity. Everybody would say they had the power to do so, and, that being the case, they ought to exercise it. In this way, indirect pressure would be brought to bear upon them, which very few such bodies would be able to resist, and the next thing would be an indirect pressure brought to bear upon the ratepayers to confirm the action of the Council. The result would be this: whenever a municipal servant retired, an indirect compulsion would be put upon the Council to vote him a gratuity, and, that being done, further indirect compulsion

would be put upon the ratepayers to confirm the vote. It was for the House to say whether it thought the Municipal Councils of this Colony were rich enough to be able to give retiring allowances to their servants, or whether it was fair towards these bodies, or even towards the ratepayers themselves, to put them in a position in which they would necessarily be called upon, under the influence of indirect compulsion, to make presents of money to their servants.

MR. STEERE did not think our Municipal Councils were in a position to be able to afford these gratuities to their retiring officers, and for that reason he should oppose the clause as it stood at present.

MR. BURT said the Attorney General seemed to regard the provision which required the confirmation of the ratepayers, in general annual meeting assembled, as a sufficient safeguard against any abuse of the power proposed to be conferred upon Municipal Councils by this clause. The hon. gentleman had possibly never attended a general annual meeting of ratepayers in this Colony. The hon. gentleman would probably be astonished to learn that at these meetings the ratepayers were generally represented by some solitary citizen, more public spirited than the rest, who, with the Council itself, constituted the "meeting." On extraordinary occasions, he believed such a thing did happen as two or three ratepayers putting in an appearance at these annual gatherings, and, in that case, the meeting was regarded as a very numerous and representative meeting indeed, whose proceedings were considered worthy of being chronicled with full circumstance and detail in the local journals. If this was the only safeguard against the squandering of municipal funds upon retiring servants, he thought they ought to hesitate before they placed such a power in the hands of these councils as was here proposed.

The Committee then divided upon the clause, with the following result:

Ayes	5
Noes	5
AYES.			
Mr. Burges	...	Mr. Grant	...
Mr. Hamersley	...	Mr. Higham	...
Mr. Shenton	...	Mr. Randell	...
Mr. Stone	...	Mr. Venn	...
Mr. Brown (Teller.)	...	The Hon. A. C. Onslow	...
		(Teller.)	
NOES.			

(Several hon. members left the Chamber, and declined to vote one way or the other.)

THE CHAIRMAN, in giving his casting vote with the Ayes, said he had not considered the matter at all, and that he wished to give his vote strictly in accordance with the rules laid down by *May*, in such cases, namely, in such a manner as not to make the decision of the House final. An opportunity would thus be afforded for the further consideration of this question on the motion for the third reading of the Bill.

The Bill was then reported to the House.

MESSAGE (No. 22): *RE* RAILWAY TO KING GEORGE'S SOUND.

THE SPEAKER notified to the House that he had received the following Message from His Excellency the Governor:

"The Governor has much satisfaction in forwarding to the Legislative Council copies of correspondence on the subject of the construction of a Railway to King George's Sound on the Land Grant System, concluding with a Despatch from the Secretary of State, in which His Lordship says that he will be prepared to sanction any scheme of the kind contemplated which may be brought forward by responsible and competent persons, on terms which, on examination, may appear to His Lordship to be reasonable and advantageous to the Colony.

"The Governor would now suggest to Your Honorable Council that you should authorise him to incur the expense of sending a Delegate to England for the purpose of bringing the question to the notice of Capitalists in London. In no other manner, in the Governor's opinion, is the matter likely to be brought to so prompt and satisfactory an issue; and as the question is one of vital importance to the Colony the outlay which would have to be incurred in sending a Delegate Home would be comparatively unimportant.

"Should Your Honorable Council concur in this suggestion, the Governor will at once get together such further particulars as are likely to be required, and will select and despatch a compe-

"tent and trustworthy representative
"with as little delay as possible.
"Government House, Perth, 5th Sep-
"tember, 1881."

THE COLONIAL SECRETARY (Lord Gifford) moved, That the Message be taken into consideration on Wednesday, 7th September.

Agreed to.

MESSAGE (No. 23): ADMISSION OF
BARRISTERS BILL.

THE SPEAKER also announced the receipt of the following Vice-regal Message:

"The Governor has had under his
"careful consideration the Bill passed
"by Your Honorable Council intituled
"An Act to regulate the admission in
"certain cases of Barristers of the Su-
"preme Court of Western Australia,
"and to prevent unqualified persons
"from taking fees in consideration of
"the performance of conveyancing, and
"of work connected with the Adminis-
"tration of the Law relating to Real
"and Personal Property."

"The Governor finds, on inquiry, that
"certain documents, such as Wills,
"Agreements not under Seal, and Letters
"of Attorney, are excluded from the
"operation of the Imperial law which
"prohibits other than qualified persons
"from dealing with legal business; and
"having regard to the great inconveni-
"ence likely to be caused in this scattered
"community by the sweeping restrictions
"sought to be imposed by the 6th section
"of the Bill under consideration, the
"Governor suggests to Your Honorable
"Council to amend the Bill by adding to
"the 6th section a proviso in the follow-
"ing words:

"Provided always, that nothing herein
"contained shall extend, or be construed
"to extend, to prevent any person
"drawing or preparing any:—

"(a) Wills or other testamentary
"instruments:

"(b) Agreements under hand only:

"(c) Letters or powers of Attorney:

"(d) Transfer of Stock containing
"no trust or limitation there-
"of."

"Government House, Perth, 5th Sep-
"tember, 1881."

THE COLONIAL SECRETARY (Lord Gifford) moved, That the Message be taken into consideration next day.
Agreed to.

MESSAGE (No 24): TEMPORARY USE OF
LOAN MONEYS FOR THE ERECTION
OF RAILWAY GOODS SHEDS.

THE SPEAKER further announced to the House the receipt of the following Message from His Excellency the Governor, with reference to the temporary use of loan moneys for certain purposes:

"In reply to your Address No. 28, the
"Governor begs to say, that while he
"will be happy to meet the views of Your
"Honorable Council as regards the tem-
"porary use of Loan Moneys for the
"purposes indicated in your Address, a
"more definite understanding would be
"desirable as to the restoration of the
"amounts so advanced when required
"for the completion of the Public Offices.
"Your Resolution should conclude with
"an authority to the Governor to re-
"transfer the amounts in question from
"General Revenue to Loan, whenever he
"may find it necessary to do so, otherwise
"the work for which the money was
"raised might possibly be brought to a
"stand-still or inconveniently delayed.

"Government House, Perth, 5th Sep-
"tember, 1881."

THE COLONIAL SECRETARY (Lord Gifford) moved, That the Message be taken into consideration on Wednesday, September 7th.

This was agreed to.

FENCING BILL, 1881: MOTION FOR
RECOMMITTAL.

On the Order of the Day for the third reading of this Bill,

MR. STEERE moved, That the Order be discharged, and the Bill recommitted. Before the House, however, went into Committee, he should like to make a few observations with reference to some proposed amendments. It would be in the recollection of hon. members that when the Bill was reported to the House, after passing through Committee, he stated that he hoped to be able to propose certain modifications which would render the Bill more acceptable to some hon. members, and he certainly had at that

time thought that he should have been able to make more satisfactory alterations than he had since found he had been able to do. He had given the matter a great deal of consideration since then, and had come to the conclusion that, if he were to modify the provisions of the Bill to the extent desired by some hon. members, he should be doing great injustice to those who have heretofore fenced their lands. He thought that, in the modifications which he proposed to make, he had made great concessions, in the interests of persons who would be affected by the Bill in having to pay to their neighbors who had already fenced a moiety of the value of such fences, for, instead of calling upon them to pay the whole amount in a lump sum, he proposed that they should be called upon to do so by instalments. It was a curious circumstance, that the greatest opposition to the Bill came from those hon. members who represented town constituencies; and, without meaning any disparagement to these gentlemen, he thought it was but reasonable to suppose that they could not be expected to understand what would be the practical effect and operation of the Bill in rural districts, as well as country members, who had themselves been country settlers, and who, he might say, were almost all of them in favor of the Bill. Another rather curious thing in connection with the fundamental principle of the measure was the fact that those hon. members who were most opposed to the Bill represented towns where the same principle, as regards sharing the expense of fencing, had been in operation for very many years. It had been said, "Why go on with the Bill this Session, before the country has had an opportunity of pronouncing an opinion upon it?" He should like to know when there would be an end to legislation, if they were going to accept that principle as their guidance in the case of all Bills of importance. What measure, for instance, more closely affected the interests of the public, and also their pockets, than a Tariff Act, and he should like to know when the House was ever likely to pass such an Act, if, in the first place, the measure had to receive the approval of the outside public? Why, the result would be they would have no tariff at all, and no source

of revenue to carry on the government of the country. He had also heard it asked, "What is the Governor's opinion about this Bill?" He did not think that was a question at all for the members of that House to ask. If they considered the Bill a good and useful measure, and one calculated to advance the interests of the Colony, and of the colonists, they should endeavor to pass it, irrespective of the opinion of any Governor. He did not say this out of any disrespect towards His Excellency, at all, but he thought such a question should not form an element in the consideration of any measure discussed in that House, and he had been rather surprised to hear an hon. member (Mr. Stone) ask the other evening what position the Government intended taking up with reference to the Bill. He hoped that the amendments he was about to propose would at any rate recommend themselves to the majority of hon. members. He considered that these modifications would bear as lightly as they could possibly be made to bear on every one. He did not mean to say that there might be no individual cases of hardship, but they were not there to legislate for exceptional or individual cases, but for the general public, and he thought they had attempted to do so here, and if the Bill passed into law, as he had every confidence it would, he believed the measure would be found to be one conducive to the best interests of the settlers of this Colony. He now begged to move, That the Bill be recommitted, in order to introduce the amendments which he had sketched out, and which appeared on the Notice Paper.

MR. MARMION had no intention to oppose the recommitment of the Bill, but he thought it would be advisable that hon. members should have a further opportunity of considering the amendments proposed to be introduced. He would therefore move, as an amendment, That the Bill be recommitted on Wednesday, 7th September. The Bill was a very important one, and he dare say its promoters would receive the thanks of the community for introducing it; at the same time, he thought it was due to those hon. members who were not quite so enamoured of the Bill as others were, that they should have an opportunity of

fully considering the proposed modifications before they entered into a discussion upon their merits.

MR. STONE wished to make an explanation as to what had fallen from the hon. member for the Swan, as to his having asked the noble lord, the leader of the Government, the other evening, whether or no the Government were supporting this Bill. It was not at all an uncommon thing in Parliamentary proceedings, when a very important measure was brought in by a private member, for the Government of the day either to wholly abstain, as a party, from taking up any particular attitude with reference to such measure, or to leave each individual member of the Government to act and vote according to his own inclination. The Bill now under consideration had been brought in by a private member, and it certainly was a very important measure for the country at large, and one which he thought the House had a perfect right to know whether it received the support and approval of the Government, as a question of policy, or whether each official member was at liberty to support or oppose it as he might deem advisable. When he brought in his Administration of Estates Bill at an earlier period of the Session, hon. members would remember that one of the official members, his hon. and learned friend the Attorney General, spoke strongly against the main principle of the Bill, that relating to the doctrine of primogeniture, while, on the other hand, the noble lord, the leader of the Government, expressed himself in favor of the Bill,—clearly showing that, with reference to that measure, the members of the Government were free to follow their own individual inclinations with regard to the Bill; and it was only in order to ascertain what position the Government were taking up with respect to the present Bill that he had asked the noble lord the other evening whether or no the Bill was supported by the Government, and not with any view of influencing hon. members in any way whatever.

SIR T. COCKBURN - CAMPBELL moved, as an amendment upon Mr. MARMION'S amendment, That the Bill be re-committed on the following day (September 6).

MR. MARMION failed to see any necessity for hasty legislation in dealing with such an important measure. Some hon. members were anxious to have a little further time to consider the proposed amendments, and he thought the least the House could do was to afford them this opportunity.

The amendment on the amendment was then put, and carried.

DISTILLATION ACT, AMENDMENT BILL, 1881.

Read a third time and passed.

ESTIMATES—FURTHER CONSIDERATION OF.

The House went into Committee of Supply for the further consideration of the Estimates.

Roads and Bridges, Item £6,000:

Agreed to without discussion.

Miscellaneous, Item £13,288 14s. 8d.:

THE COLONIAL SECRETARY (Lord Gifford) moved the insertion of the item "Ocean Steam Service, £2,000," in pursuance of the resolution adopted by the House, in reply to His Excellency's Message relative to offering a subsidy towards inducing ocean steamers to call at Fremantle.

Agreed to.

MR. MARMION called the attention of the House to what he considered a promise, he might almost say a pledge, on the part of the Governor to the inhabitants of the town which he had the honor to represent,—a promise to render them assistance in the erection of a Town Hall, at Fremantle, for which, he believed, a sum of £3,000 was mentioned. A correspondence on the subject had passed between the Municipal Council and His Excellency the Governor, and, to the best of his belief, the Governor promised that he would use his influence to induce the Legislature to assist the people of Fremantle to that extent. The people of Fremantle, with that feeling of innate modesty which was characteristic of them, and in a spirit of true self-abnegation, did not ask that the House should vote this £3,000 in one lump sum; they were willing that the grant-in-aid should extend over three years, so that the charge upon the revenue would not be more than £1,000 a year. He

thought it was a pity that the promise alluded to had been overlooked, and that the hopes and expectations of the inhabitants of Fremantle, in this connection, had not been realised. There was an old saying which said that "God helped those who helped themselves," and he thought that Governments ought to do the same. The action of the Fremantle people in regard to this matter was, he thought, deserving of the favorable consideration of the House, and of the Government, for they had voluntarily expressed their readiness and willingness to tax themselves, in order that, with the assistance of the Legislature, they might be able to build a Town Hall worthy in every respect of the principal port of the Colony. Perth had its magnificent civic hall built entirely by Imperial labor out of Imperial funds, but Fremantle had not been so fortunate, and the people, sooner than that their town should any longer be without a public place of assembly which they could call their own, had resolved upon putting their hands in their pockets, and, heavily taxed as they already were, to still further increase the burden of taxation, in order to carry out this much-needed work. He hoped the House would encourage this public-spirited action, and help those who had shown themselves so ready to help themselves. If his appeal for assistance met with no response this Session, he earnestly hoped that when the House met again next year, a vote in aid of the building fund of the Fremantle Town Hall would receive the unanimous support of the Legislature, and that by their united efforts a building might be erected which would be a credit to the town, a credit to the Colony, a credit to the Government, and a credit to that Council.

MR. STEERE said that when he saw the correspondence alluded to by the hon. member for Fremantle, he could not help thinking that His Excellency had been very indiscreet indeed in leading the Fremantle people to think that the Legislature might be induced to grant them any assistance towards the erection of a Town Hall. On the other hand, it appeared to him that the Governor had shown a very wise discretion indeed in making no reference whatever to the matter, so far as the House was concerned,

for there could be no doubt that, in the present financial state of the Colony, hon. members would not feel in any way inclined to vote away thousands of pounds towards the erection of town halls. Nor did he think that the hon. member was likely to be more successful in his appeal to the House next Session. If the town of Fremantle, the most important and most flourishing seaport in the Colony, was going to have a vote out of public funds for this purpose, he should like to know where they were going to end with such appeals. They would next have the hon. member for Geraldton asking for a grant towards building a town hall at Geraldton; the hon. member for Wellington asking for a vote towards the erection of a town hall at Bunbury; the hon. member for Toodyay would be urging the claims of Newcastle to a share of the public funds for building a town hall in that part of the world, and he himself was certainly not going to allow Guildford to be passed over without asserting its claims to have a town hall of its own, paid for out of public funds. He thought they should set their faces against any such encroachment upon the revenue, for such purposes; for, in his opinion, the time had arrived when a prosperous town like Fremantle could well afford to raise funds for building its own town hall.

The matter then dropped.

MR. SHENTON, referring to the item "Proportion of Subsidy for Duplication of Sea Cable, £513 14s. 8d.," said he found that two of the other colonies had withdrawn from their agreement with reference to this subsidy, and, if it was competent for this Colony likewise to withdraw, he failed to see why they should go on voting this amount year after year, for he understood we derived but very little advantage from it, certainly nothing in proportion to our share of the subsidy; and, if there were any legitimate means by which we could get out of it, he thought we should do so.

THE COLONIAL SECRETARY (Lord Gifford) said he believed one of the other colonies withdrew from the arrangement before the agreement was signed, and another (New Zealand) withdrew while the compact was about to be ratified. He had been under the impression that we could, in like manner, withdraw from

the arrangement when we pleased, but, on reference to the correspondence which had taken place on the subject, it appeared the agreement was considered as binding upon us.

MR. SHENTON: Over what period of time does the contract extend? I think it should rest with this House to say how long it will continue to vote this subsidy.

THE COLONIAL SECRETARY (Lord Gifford) said no doubt it would be a matter for the Legislature to say how much longer it would continue to vote the money, but he did not see, at present, that the agreement could very well be terminated abruptly, or without a great deal of correspondence. The Colony, at any rate, derived some compensating advantages from the existing agreement.

MR. S. H. PARKER: Surely the Government have not pledged us, without our authority, consent, or approval, to continue this subsidy for an indefinite period?

THE COLONIAL SECRETARY (Lord Gifford) said the vote, in the first instance, was sanctioned by a resolution of the House, in reply to a Message from the Governor, and it would require a resolution of the House to rescind it.

MR. SHENTON said when the resolution sanctioning the payment of a cable subsidy was passed, nothing was said as to the length of time over which the agreement should extend, and there was nothing binding upon the House to continue the grant. He had no wish, however, to place the Government in a dilemma, by moving that the vote be struck out this Session, but it was his intention to move a resolution to the effect that we should withdraw from the agreement at the end of 1882.

MR. BURT said they were informed the other day that the salary of "the man on the Lacepede Islands" was paid out of the vote for "Incidental Expenses;" would the noble lord inform the House what was the amount of salary which this man received? For his own part, he failed to see the necessity of keeping a caretaker on the island at all, when there was no guano to take care of.

THE COLONIAL SECRETARY (Lord Gifford) said, on the contrary, there was a considerable quantity of guano to be taken care of, and a special constable was required for the purpose also of looking

after the plant. There was no intention, however, on the part of the Government to keep the man there longer than they could help. His salary was £5 a month.

MR. BURT moved to reduce the vote for "Incidental Expenses" by £60.

The motion was negatived, on the voices.

MR. BURT asked how it was that the vote for "Incidental Expenses" for next year was £700 in excess of the vote under the same head for the present year?

THE COLONIAL SECRETARY (Lord Gifford) said if the hon. member would only take the trouble to refer to the returns showing the estimated and actual expenditure under this head, in past years, he would find that the estimate had always been exceeded, and it was for this reason that the Government had increased the vote this year, in order, if possible, to avoid any further overdrafts. The vote was intended to meet any incidental expenses or claims which might be made upon the Government.

MR. BURT: Surely the Government do not anticipate any more "claims" being made upon them small or large. I beg to move, as an amendment, that the vote be reduced from £2,000 to £1,300, which is the amount voted for the current year.

MR. MARMION said they had been assured that the Estimates throughout had been framed on a liberal scale in order to avoid overdrafts, and it really did seem strange that, after all these assurances, they should be asked to vote £2,000 for incidental expenses.

THE COLONIAL SECRETARY (Lord Gifford) said, of course it was competent for the Committee to reduce the vote, and, in the event of an overdraft, confirm the expenditure hereafter. On the other hand, if the money should not all be required, he need hardly say it would not be expended. It was merely a contingent vote.

The amendment was then withdrawn.

THE COLONIAL SECRETARY (Lord Gifford) moved, That the item "Special Expenses, Government Resident, Albany, £100," be inserted. Hon. members were aware that the Government Resident (Mr. Loftie) had been put to considerable expense in entertaining the Royal Princes when the *Bacchante* put in at

Albany, and he believed the amount of the vote now asked for would barely cover those expenses.

The vote was agreed to *nem. con.*

THE COLONIAL SECRETARY (Lord Gifford) moved, That the following item be added: "Reprinting Statutes, Extra Labor, and Printing Type, £600." He had entered into some calculation as to what would be the probable expenditure in connection with this work, and from the estimate made he did not feel justified in asking less than £600 for the ensuing year. Extra labor would have to be employed in printing the statutes, which they found, upon inquiry, could be done cheaper here than if they were sent home to be printed, to say nothing of the delay which the latter course would involve. No doubt they would have to give some remuneration to those employed on the Commission, but the Government would endeavor to meet the views of the House, and do the work as cheaply as possible.

MR. SHENTON: Surely these statutes will have to be submitted to the House before they are printed off?

THE COLONIAL SECRETARY (Lord Gifford): They will have to be printed in the first place.

MR. BURT: All we want printed will be the revised edition, from which a large amount of matter will have been eliminated, and it strikes me it will be a very long time before the labors of the Commission will be concluded, and the statutes ready for printing, in a consolidated form. I notice that, in England, no discussion is allowed on measures brought up by the Revision Committee for repeal, the statutes which they hold to be obsolete being repealed as a matter of course. The reason for this is obvious, for, were it otherwise, it would lead to endless discussion, and the work of consolidation would have no end to it.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) hoped that neither the House nor the Government would place such a power in the hands of the Commission here as to authorise them to repeal any statutes which they might regard as obsolete, or superfluous, without the consent and approval of the Legislature.

MR. STONE believed the English Act referred to simply referred to the consolidation of statutes, and not their revision;

but here it was proposed to empower the Commission to revise as well as consolidate. Personally, he might say, he was very much opposed to the appointment of a Commission to revise the statutes; the labors of such a Commission would extend over five or six years, and he certainly and fervently hoped they did not calculate upon his services on the Commission.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): What I suggested the other night as to the best course to adopt with reference to these statutes, I do again, namely, that such statutes as are consolidated only should be passed through the House simply by reading the marginal notes, but in all cases where statutes have been revised, the revision should certainly be discussed in Committee of the whole House.

MR. STONE: It appears to me that all we want is to consolidate existing Acts, and to eliminate such as are obsolete.

MR. MARMION: Is it not the intention of the House to vote some honorarium to those gentlemen of the legal profession who may undertake the consolidation of these statutes, and, if such is the case, is the amount included in this £600?

THE ATTORNEY GENERAL (Hon. A. C. Onslow): It is.

The vote was then agreed to.

Question—That the total, as amended to £15,988 14s. 8d., be granted for *Miscellaneous Services*—put and passed.

Estimates reported.

The House adjourned at half-past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Tuesday, 6th September, 1881.

Timber Concessions to Mr. Leonard at Deep River—Sunday Telegrams—Concessions to Ballarat Timber Co.—Married Women's Property Act, Amendment Bill: first reading—Law and Parliamentary Library Act, Amendment Bill: third reading—Report of Select Committee on Message No. 7—Excess Bill, 1880: third reading—Reply to Message No. 23, re Barristers' Admission Bill—Fencing Bill, 1881: re-committed—Adjournment.

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

PRAYERS.