

LEGISLATIVE COUNCIL,

Monday, 15th August, 1881.

Convicts Prevention Act: Question as to abolition of—
Financial Statement—Reply to Message No. 10—
Appropriation Bill (Supplementary), 1881: further
considered in committee—Sandalwood Bill: second
reading—Adjourned debate on Message No. 6—
Adjournment.

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

PRAYERS.

ABOLITION OF CONVICTS PREVENTION ACT.

MR. CROWTHER, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether the Government 'have received any communication from 'the Governments of Victoria and South Australia, respecting the 'Introduction 'of Convicts Prevention Act,' specially 'relating to Western Australia; and, if 'so, whether the necessity for obtaining 'Certificates of Freedom at Albany and 'other ports of the Colony, before leaving 'for the Eastern Colonies, has been 'abolished?' The reason why he asked the question was, because he was informed, on good authority, that, the other day, a gentleman on leaving Fremantle for one of the other colonies had been obliged to shell out a shilling in payment for one of these relics of the old days of convictism, although it was generally understood that both Victoria and South Australia had recently repealed the Acts requiring the production of these certificates. When visiting the other colonies, a short time ago, he had interviewed the Chief Secretary at Melbourne and also at Adelaide, on the subject, and both had expressed the readiness of their respective Governments to abolish the system, and promised that they would communicate with this Government on the subject. What he wanted to know was, whether this promise had been fulfilled, and, if so, why it was that people on leaving the Colony are still subjected to the indignity of having to procure these certificates of freedom.

THE COLONIAL SECRETARY (Lord Gifford) replied that the Government had received a communication from the Chief Secretary of Victoria, dated 28th July, acknowledging the receipt of a

letter from this Government, respecting a modification of the regulation as to permits required from persons leaving Western Australia, and notifying that he was in communication with the two other colonies interested, and would communicate the result on receipt of their replies. The moment this Government received those replies, they would be prepared to act upon them.

FINANCIAL STATEMENT.

IN COMMITTEE.

THE COLONIAL SECRETARY (Lord Gifford) rose to make the customary financial statement of ways and means. The noble lord said it would be in the recollection of hon. members that, in the course of the Special Session held in March last, he had referred at considerable length to the financial condition of the Colony at that date, and reviewed our transactions throughout the previous year, as regards our imports and exports. He would therefore, on the present occasion, endeavour as far as possible to curtail his financial statement, by avoiding reference to the questions which he had dealt with last Session. Western Australia, he was happy to say, continued to progress—if slowly, yet surely—notwithstanding the many difficulties which beset her way; and although, according to the late census returns, it did not appear to some people that we had much to show, or to boast of, as regards the increase of population during the past decade, still, even in this respect, Western Australia had not been the least progressive of her neighbors. When they came to examine the details of the total population of each Colony, and the increase in number since the previous census was taken, they would find that, as regards the growth of population, we rank higher than the prosperous colonies of Victoria and Tasmania, the respective rates of increase being as follows:—

	Population in 1881.	Increase in No.	Increase per cent.
Tasmania	115,600	16,000	16
Victoria	855,000	124,000	17
Western Australia ...	31,000	6,000	19

It would thus be seen that—although we had not received such a surprising impulse as some other colonies of the group, which he had not mentioned—still, com-

pared with the premier colony, Victoria, and with the colony of Tasmania, the growth of our population had not been so unsatisfactory; and, taken into conjunction with other indications of prosperity, it afforded another proof of our national growth, and of the general well-being of our community. Among those other indications of prosperity, he might point to the steady increase shown in the revenue of the Colony, during the past few years. In 1875, the total revenue of the Colony from all sources amounted to £157,775, whereas last year—notwithstanding the gradual reduction of the Imperial grant—the revenue received amounted to £180,049. Undoubtedly, the great want of the Colony was an increase of population, for with that increase of population would come increase of settlement and increase of cultivation; and the adoption of an immigration policy calculated to bring about this result was a question which no doubt would receive the earnest consideration of the House. The nominated system at present in operation worked very satisfactorily, so far as it went—more satisfactorily than any system which they had previously attempted, and at much less expense to the Colony than the system pursued in former years, the only expense entailed under the nominating system being simply the passage money of the immigrants introduced. The exports of the Colony during the past year afforded another satisfactory proof of the advancement and prosperity of the Colony, the gross amount being but little short of half a million sterling,—the exact value being £499,183, showing a large increase on the exports of the preceding year. The imports did not show such a satisfactory increase, and the receipts from the Customs had not come up to their expectations. This, however, was undoubtedly attributable to the great decrease in the importation of goods which under the old tariff were admitted free, but which now carry an *ad valorem* duty, also to overtrading in 1879, which had caused a slight decrease under nearly all heads of import, and to the further fact that the tea ships for 1878 did not arrive until after the beginning of the following year, which swelled the imports under that head to such an extent as to cause

the imports of last year to compare unfavorably with the previous year. With regard to the staple resources of the Colony, he had already, in the course of his financial statement delivered in March last, furnished the House with some particulars, and he need not now travel over the same ground. The timber trade, he might say, was being largely developed in the Southern districts of the Colony, and he could only express a hope that, with the extension of the railway over the hills, the agricultural and pastoral resources of the Eastern districts would also receive a stimulus, as well as the timber trade. Wheat-growing did not show much increase during the past year, although, as compared with the acreage under cultivation in previous years, there was an increase of 7,400 acres. The development of our pastoral resources had been much more satisfactory, the number of cattle and sheep being largely on the increase. The opening up for settlement of the important and extensive districts in our Northern Territory would of course give a further stimulus to this industry, and at the same time contribute to swell the public revenue. The estimated revenue for next year, from all sources, was calculated at £199,365, showing an increase of £19,135 compared with the actual revenue received last year. The total estimated expenditure for the ensuing year, inclusive of the charges for which statutory provision had been made—such as the civil list, interest, and sinking fund on loans—amounted to £188,964, being £10,401 less than the estimated revenue. Possibly some hon. members might look upon this difference between the proposed expenditure and the estimated revenue as somewhat small, in view of the cry for retrenchment; but he would point out that the Estimates had been framed on a liberal and ample scale, so as to obviate the necessity of the Government having to bring in any more Excess Bills, of which they had heard so much of late years. It should also be borne in mind that our deficit on the 30th June, this year, had been reduced to £59,844, and when the £50,000 expended on the Eucla Telegraph was restored, it would be seen that the deficiency on current account would, by the

end of the year, be very small. He might also mention that the revenue for the first six months of this year had considerably exceeded the estimate, the receipts, in fact, being £10,804 more than they had anticipated, the greatest increase being under the head of land revenue, though other sources of revenue showed a very satisfactory increment. In calculating the revenue for the next year, the Government had not deemed it expedient to base their estimate upon the fact of the revenue for the first six months of this year having been in excess of their anticipations, but had taken, as the basis of their calculation, the average amount of revenue received during the past three years. It might be said that, in view of the increase which was shown year after year in the revenue, this was taking a rather low estimate of the probable receipts during the forthcoming year; but he would point out that, whereas last year was an exceptionally good year as regards trade, and the high prices realised for our staple product, wool, there had been a considerable reduction in the price of wool this year, which, of course, must operate prejudicially upon the revenue, inasmuch as our sheep farmers would necessarily curtail their expenses, and the imports would be correspondingly affected. Nor was the prospect, as regards the coming season, by any means a cheerful prospect, consequent upon the prevailing drought. The Government, taking all these things into consideration, had not deemed it wise to calculate the revenue for the ensuing year upon too high a basis, and were content with an estimated margin of £10,804. Some people, no doubt, would like to have seen a larger margin, so as to hasten the time when the financial equilibrium of the Colony shall be restored; indeed, there were those who went so far as to say that this Government would never get the Colony out of debt, but he for one could not subscribe to that statement. On the contrary, he looked forward to an early restoration of the financial equilibrium, and to the day when the deficit would be a nightmare of the past. There was every indication of this coming to pass, and of the finances of the Colony being placed on a sound basis. That the community, as a com-

munity, were making steady progress on the road to prosperity, was manifest, not only by the increase shown in the extent of our transactions with the outside world, but also by the returns periodically furnished by our banking houses. He would point out as another indication of our general well-being as a community, that the Government anticipated next year to receive a revenue of nearly £100,000 from Customs alone, which fact he thought afforded very conclusive evidence of general prosperity, when it was borne in mind that the whole population did not exceed 30,000. He did not believe there was a Colony in the world, possessing the same population, which could show such a satisfactory result. There were some items of revenue, however, which he did not think reflected very creditably upon us as a small community, though, no doubt, they afforded evidence that the earnings of people here were such as admitted of their indulging largely in articles which could not be altogether regarded as necessities of life. He alluded to the large revenue derived from the importation of spirits, the estimate under this head for next year being no less than £30,000, exclusive of wines and beer, which amounted to another £7,000. No doubt a great deal of this was re-shipped, still, for his own part, he would sooner see the same result produced from other sources. The revenue which the Government estimated to receive from land next year amounted to about £39,000, as compared with £35,752 received last year. The greater part of this estimated increase was in respect of rents from lands in the North District; and the Surveyor General estimated that, if the surveys which he contemplated and for which provision was made in the estimate now before the House, were sanctioned, the revenue under this head would exceed £40,000. There was also a considerable increase under the head of licenses, generally; the total receipts from which, last year, only amounted to £1,983, whereas, for next year, the Government relied upon receiving £3,500 from this source. They had already received this year about £3,000, and he thought they were safe in estimating the revenue under this head for next year at the amount named. A slight increase was

also anticipated under the head of postages and commission on money orders. The only other source of revenue to which he need now refer was that under the item of railway receipts, which the Government estimated at £10,000 for next year, as compared with £2,872 received last year. The highly satisfactory returns already yielded by the first section of the Eastern Railway justified the Government in expecting this large increase in the revenue under this head; he trusted, if anything, that the amount was under-estimated rather than over-estimated. There was one new source of income figuring in these Estimates, under the head of stamp revenue, which had been set down at £3,500. Of course it was a very difficult thing to arrive at any definite conclusion as to what a fresh tax like this would yield, but he thought the estimate here formed would be found pretty near the mark. Apart from this stamp duty being a fair and legitimate source of income, it would, in addition to that, have this satisfactory result—it would cause the Banks to introduce more specie, for people then, instead of drawing cheques for every petty claim, and having to pay duty of a penny on each cheque, would be more chary of doing so, and would draw cheques for larger amounts, and pay their accounts in hard cash. The result would be a larger amount of specie would be put in circulation. Turning now to the other side of the ledger, hon. members would observe that the total estimated expenditure for 1882 was £188,964. The actual expenditure for last year was £204,337, which was £24,056 in excess of the estimated expenditure. This sum included an item of £15,535 being the amount paid over and above the £17,000 provided by the loan (1878) for the completion of the Northern Railway; also a sum of £4,775, expenses paid in connection with the arbitration case relating to the same line. The other principal items of excess were in connection with the Medical Department (chiefly on account of the Lunatic Asylum at Fremantle), and Gaols, and the travelling expenses of the police, all of which would be found detailed in the Auditor General's remarks on the expenditure statement. Glancing at the various departments for which provision had to be

made for next year, it would be seen that a considerable reduction was made in the vote for his own department, in consequence of the transfer of the first clerk to another department, and some other minor changes. There was an increase of about £250 in the Treasury, owing to the appointment of a book-keeper for that department. There was little or no change proposed in the Auditor General's Office, but the vote for the Survey Department had been re-arranged, and there was an increase altogether of about £430 in connection with this department. A sum of £1,950 was set down for a special survey of the country between the Murchison and the Ashburton rivers, and £1,000 was asked for surveys proposed to be conducted to the South of the Murchison. Bearing in mind the immense extent of territory remaining to be surveyed, he thought hon. members would recognise that the amount here asked for was a very modest sum indeed. The necessity for surveying the new country in the North District was becoming more pressing every day, and the longer it was delayed the more confusion would arise, by reason of the disputes as to boundaries, which might involve the Government in litigation. There was a slight change in the Customs Department, as the vote for the salary of the officer entrusted to carry out the provisions of the Passenger Act had been included in this department. There was an increase of about £3000 contemplated in connection with the department of Works and Railways, chiefly in view of the working expenses increasing as the railway traffic became developed, and the line extended. Provision was also made for a goods clerk at a salary of £250—a highly necessary officer, in view of the development of the goods traffic. There were some slight changes in the Postal and Telegraph Department, but the total vote remained much the same as this year. In the Land Titles Department provision was made for the continuance of the services of the officer provisionally employed in completing the indices, which it was expected would be finished about the middle of next year. The Medical Department called for no special comment, nor the Harbor Master's. Coming to the Judicial Department, hon. members would rejoice to find that the

clerk to His Honor the Chief Justice still figured among the votes for this department. It would also be observed that a considerable saving had been effected by the amalgamation of the magisterial districts of Greenough and Geraldton, and of Bunbury and the Blackwood. With regard to the latter change, hon. members were aware that petitions had already been forwarded to the Government from the settlers of the Blackwood, remonstrating against the removal of the magistrate from that district, and it would be for the House to say whether or not the vote should be restored to the Estimates. The vote for the Police Department was about the same as for the current year, and as regards the Gaol Department there was a slight reduction on the whole, though, apparently, there was a new item, namely, a sum of £50 for a clerk; but, in reality, this vote had heretofore been included in the item of bedding. At Rottneest, provision had to be made for the salary of the officer in charge of the Reformatory (£120). The vote for the Printing Department was somewhat reduced, and the Government Printer was doubtful whether the amount would suffice to meet the expenses of the constantly-increasing amount of work cast upon the department. The Educational vote remained about the same, with the exception that the item "High School" had been removed, and placed under its proper heading as a charge provided for by statute, and consequently not requiring to be annually voted. It had been said that the Colony was paying very heavily for the education of the rising generation, but he thought that, compared with the other colonies, there was no ground for complaint on this score. The cost per head, as shown in the annual report of the Central Board for last year was £3 7s. 11½d. for each child attending the Government schools, and £1 11s. 7d. in respect of those attending Assisted schools. This not only included the salaries of the teaching staff but also of the Inspector and all other officers. In New Zealand the capitation grant for this year was £3 15s. per head instead of £3 10s. as here, and that amount did not cover the expenses of the teaching staff alone. In New Zealand the expenses of inspection, travelling allowances, etc., were

not charged to the capitation grant, as in this Colony, so that it would be seen, this Colony compared favorably with some of its neighbours in respect of the charges made upon the public revenue for educational purposes. Under the head of Poor Relief Department, a sum of £45 12s. 6d. was set down for the travelling expenses of the Superintendent—a vote which hitherto had been included in the item "Maintenance of Paupers." It now for the first time appeared under its proper head. The department of the Government storekeeper he had already referred to when dealing with the Supplementary Estimates. He next came to the item Works and Buildings. Under this head there was an increase of £1,000 in the vote for repairs and additions to public buildings, and minor works, as the sum placed on the Estimates for this year had proved inadequate to meet the demands made upon the Government in this direction. A sum of £100 was set down for building a strong room in connection with the Land Titles Office, where a large number of valuable documents had to be kept. £200 was asked for railway platforms at North Fremantle, East Fremantle, and Butler's Swamp—the residents of the latter neighbourhood having guaranteed £50 a year, in return for this accommodation; and £1,000 for a carriage shed at Fremantle, in connection with the railway. A vote of £1,000 was also asked for a hospital at Geraldton, where such accommodation was sadly needed. The present building was utterly unfit for the purpose to which it was devoted; being very ill-constructed and even worse ventilated. The whole place in fact was a wretched make-shift, and he thought, in view of the fact that, in the re-appropriation of the residue of the 1878 loan, none of that money had been voted for this district, hon. members would cheerfully recognise the claims of the people of Champion Bay to improved hospital accommodation, in fulfilment of an oft-reiterated pledge. A sum of £753 was set down for the purchase of the railway trucks formerly belonging to Mr. Robb, the contractor, as the Government found it would be cheaper to buy the trucks than to pay for their hire to date. The next item was the vote for Roads and Bridges, £6,000, which had been placed

on the Estimates in consideration of the determination of the Government to devote the residue of the Road Loan to the repair of bridges, in various parts of the Colony. Possibly the vote might appear small to some hon. members; but, bearing in mind that a large amount of money had lately been expended on our roads, and that they would be handed over to the District Boards in good condition, he thought it would be recognised that the vote was a very fair one, seeing also that none of it would be expended on bridges, as the repairs of these structures would be undertaken by the Government out of the remainder of the loan. The vote for Immigration remained the same as for this year (£3,000), but in view of the great importance of increasing the population and the great demand which existed for labour throughout the Colony, he thought, in the event of there being any surplus available for distribution, hon. members would agree with him that it could not be appropriated to a more useful object, than for immigration purposes. The Ecclesiastical Grant for next year remained unchanged, and there was a reduction of £200 in the vote for Volunteers, under the head of "money grant in lieu of land." There was also a reduction in the next item, "Literary, Scientific, and Agricultural Grant," as the Governor did not expect that the claim made upon it in respect of mechanics' institutes and working men's associations would be so heavy as in the past. A reduction of £25 had also been made in the vote for the Perth museum. There was an increase of £200 in the vote for the maintenance of the Revenue Cutter, as the Government thought it would probably be necessary to retain the services of the men for a longer period than usual. Coming to the item of "Miscellaneous," hon. members would observe an increase of £150 under the head of travelling expenses of officials, and he was afraid it would be necessary to still further increase this item, inasmuch as the Imperial Government would no longer contribute to the travelling expenses of the Governor, as they only agreed to do so while the convict system was in full swing, and convict depôts were established in various parts of the Colony, which the Governor had to visit.

There was also a slight increase under the head of "Incidental Expenses," in order to enable the Government to meet any unforeseen claims which might be made upon it. He had now glanced at the various changes proposed to be effected in the expenditure, and when the several items came on for discussion, he should be happy to furnish the House with any further information required. Before resuming his seat, however, he should like to say a few words upon the labours of the Departmental Commission, of which he had the honour of being chairman, and which, he had no hesitation in saying, had, on the whole, done its work well and thoroughly. There were critics—carping critics he would call them—who maintained that not only was the appointment of the Commission unnecessary, but that the recommendations which they had made were simply ridiculous. Ridiculous or not ridiculous, they had the satisfaction of knowing that their services had been duly appreciated by His Excellency the Governor, and that some of their recommendations had been acted upon. The Commission was appointed, he might say, as a board of advice, to inform the Governor as to whether any reductions could be made in the departmental expenditure, and, it was not to be supposed, because the Governor did not arrive at the same conclusions, in all cases, as the Commission, that their labours were fruitless. The reductions recommended to be made by the Commission had been made in the belief that the public service would not suffer thereby; and, if their finances had not shown up so well, and if the Colony had still been struggling with financial embarrassments, present and prospective, he had no doubt that the cry would have been in favour of further adopting the recommendations of the Commission, as regards reductions and retrenchment. He now begged to move the first item on the Estimates—"Governor's Aide-de-Camp, £50":

MR. STEERE moved, That Progress be reported, and leave given to sit again on Monday.

This was agreed to.

REPLY TO MESSAGE No. 10.

MR. STEERE, in accordance with notice, moved, That the following Address

be presented to His Excellency the Governor in reply to Message No. 10 (*Vide* p. 226, *ante*): "That the Council having considered Message No. 10 from Your Excellency, are desirous that the Papers therein alluded to should be forwarded to the House for the personal perusal of Members, on condition that they are not published, and that they are returned to the Private Secretary's Office before the close of the Session."

Agreed to.

APPROPRIATION BILL (SUPPLEMENTARY), 1881.

This Bill was passed through Committee without discussion or amendment.

SANDALWOOD BILL.

MR. STEERE moved the second reading of a Bill to prevent the destruction or export of immature sandalwood. The Bill, he might say, simply embodied in legal form the recommendations made by the Select Committee appointed to consider the subject, and who came to the conclusion that the best means to preserve the sandalwood tree, and to prevent its being cut at an immature age, was to limit the exportation to trees not less (after being cleaned) than 18 inches in circumference round the outer rings of annual growth at the butt, or at a distance of six inches from the starting of the first root of the trunk. It was not proposed to apply the provisions of the Bill to the Champion Bay district, or to any part of the Colony North of that district, as the wood growing there was of smaller dimensions than that growing in the Southern districts of the Colony. It was also proposed that the wood in future should be grubbed by the root, and not cut.

MR. BROWN said it was his intention to support the Bill, although he strongly objected to the lines on which it proceeded. Last year a similar Bill was introduced by the Government, but after a great deal of consideration on the part of the House and of a Select Committee, it fell through. What he objected to in the present Bill was that it endeavoured to regulate the sandalwood trade by providing that no wood beyond a certain diameter shall be cut, and it struck him that it would be utterly impossible to

carry that provision into effect. It had not yet been satisfactorily proved that there were any persons in the Colony who could distinguish the trunk of a tree from its branches, after the wood had been cleaned, and this one fact alone was, in his opinion, fatal to the Bill. Another objectionable portion of it was that which excluded the Northern portions of the Colony from its operation. It was considered in the district which he had the honor to represent, and also in the district still farther North, that it was highly desirable to protect the sandalwood trade in those districts, and to do so in a reasonable way. He could not see any other mode of doing it effectually than by prescribing the areas within which the wood shall be cut. He did not agree with the hon. member for the Swan that this would entail more expense than the proposal to limit the size of the wood to be exported; on the contrary, he thought it would be less expensive. If, however, the House decided to accept the principle laid down in this Bill, in preference to the principle of prescribed areas, it would be absolutely necessary that the provisions of the Bill should not apply to the Northern districts, for this reason: although in those districts there was a considerable quantity of wood beyond the minimum diameter proposed in the Bill, still the majority of the trees in those districts were very small, particularly in the vicinity of Sharks Bay. But though small, it was an exceedingly valuable wood, possessing as it did far more essential oil than the wood growing in any other portion of the Colony, and it realised a correspondingly high rate in the Eastern market. But if this Bill came into operation, and its provisions extended to that district, it would put an end to the sandalwood trade there. Another objection which he had to the Bill was this: it proposed that, in future, sandalwood should be grubbed by the roots, and not cut. This he thought would entail considerable hardship in some cases. It was not always possible to dispose of these roots at a profit. Again, he was very much mistaken if the law proposed to be enacted as regards the diameter of wood allowed to be cut was not already in existence, and, if so, what was the use of re-enacting it? He believed he was

right in saying that to cut a tree of less than six inches in diameter was an illegal act. For these and other reasons, he was opposed to many of the details of the present Bill, and though he did not intend to carry his opposition so far as to vote against the second reading, he hoped the hon. member in charge of the measure would not ask the House to go into Committee upon it that evening.

MR. S. H. PARKER said the hon. member for Geraldton was correct in stating that there is a law already in existence, which, if put in force, would render any one cutting sandalwood of less than six inches in diameter liable to be fined. He alluded to the Waste Lands Unlawful Occupation Act. But there were other useful provisions in the Bill. It not only precluded the cutting of immature wood, but also aimed at punishing a man having such wood in his possession. He thought himself, however, it would be more desirable to prescribe certain areas within which the wood shall be cut.

MR. MARMION said, though he intended to vote for the second reading of the Bill, it was his intention to support the proposal referred to by the hon. member for Geraldton and the hon. member for Perth, namely, that of proscribed areas. Beyond that, he should not be disposed to go, or to legislate outside that area. Without in any way wishing to offend the susceptibilities of the Select Committee who drew up the Bill, he felt bound to say that it was a somewhat crude measure. Any one who had anything to do with the sandalwood trade must be aware that there was a large quantity of wood in the bush, which had been cut for one, two, or three years past, and the owners of which had been most desirous that it should be brought to market, but in consequence of the absence of facilities for transport they had been unable to do so; and possibly a great deal of this wood now lying on Crown lands, or removed to private lands, might not reach Perth or Fremantle for a couple of years more, and it was more than probable that a considerable proportion of it is under the minimum diameter fixed by the present Bill. Therefore, if this measure became law, in its present form, they would be inflicting a penalty upon people who had

not broken the law,—a law which, if in existence at all, had been virtually considered a dead letter, and never been acted upon. Wood had been brought into Perth and exported which certainly was not nine inches in circumference, and which ought never to have been cut, so that if the law referred to by the hon. member for Perth and the hon. member for Geraldton was in existence, it had virtually been ignored, and it would be very hard indeed upon the owners of this wood if they were to be prevented now from realising upon it. But there was no provision in the present Bill exempting these people from its operation. The hon. member for Geraldton had hit upon another weak point in the Bill, when he referred to the difficulty—he might say the impracticability—of distinguishing between the trunk and the branches, when the wood was cleaned. This question of the protection of sandalwood had been under consideration at previous Sessions, and last year a Select Committee had been appointed to deal with it; but it was found that the question was surrounded with such difficulties that the Committee actually never sent in their report. The best suggestion made was one which emanated from the Commissioner of Crown Lands, to the effect that certain areas should be declared within which no wood should be allowed to be cut for a certain term of years; and certainly it appeared to him (Mr. Marmion) that this would be the most desirable principle to adopt. He would not prevent people carting away old wood from those areas.

The Bill was then read a second time.

MESSAGE (No. 6): EMPLOYMENT OF CROWN AGENTS.

ADJOURNED DEBATE.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said that since the adjournment of the debate on Friday he had satisfied himself that he was quite correct in the interpretation which he gave the other evening as to the reply which he made to the question asked by the hon. member for Perth during the Session of 1878, with regard to this Colony and the Crown Agents. He had no doubt in his own mind now—nor indeed had he then—that Governor

Ord intended that reply to convey to the House, officially, the information that it was not incumbent upon this Colony to employ the Crown Agents, but that it was optional on our part to do so. He could hardly conceive how any hon. member, in view of the fact that the Colony had for so many years been granted a representative constitution, could be under any other impression, or that the reply which he gave on the occasion referred to could have conveyed any other idea to hon. members' minds. He was still more astonished to think that it should have done so in the case of the hon. member for Plantagenet, seeing that, at the very time that reply was made, the hon. member had in his possession a copy of the very despatch which he read to the House the other evening. [Sir T. C. CAMPBELL: That is not so.] If the hon. baronet was not satisfied with the reply then given, if he had any doubt—or if the hon. member who put the question entertained any doubt—on the subject, surely it was competent for him to have made further inquiry. The view which His Excellency the present Governor took of the matter was, that the House *had* been officially informed, on the occasion referred to, that it was not incumbent upon the Colony to continue to employ the Crown Agents, and hence the amendment submitted by the Colonial Secretary the other evening. Had His Excellency not thought so, he (the Commissioner) must have admitted, upon that supposition, that His Excellency had been wanting in candour towards that House, in sending the extract which he did from Lord Kimberley's despatch, instead of sending the despatch in full. But this was not the case, the impression on His Excellency's mind being that the House had already been officially informed on the subject, and that there was no necessity to forward any portion of the despatch beyond that directly bearing upon the question asked. Under these circumstances, he failed to see anything objectionable in the amendment submitted by his noble friend on the left, on the part of the Government.

MR. STONE regretted that indisposition had prevented his remaining in the House when the debate on this question took place the other evening. He was

therefore placed in a somewhat awkward position as regards taking part in this adjourned debate, not knowing exactly what line of argument had been adopted in support of the amendment, or what were the objections which had been raised to it. But he understood that, after certain explanations had been offered, the hon. baronet, the member for Albany, wished to withdraw his resolution, but that an objection was taken to that course being adopted. He regretted that such an objection should have been raised, for, if he had been rightly informed, he thought the hon. baronet had adopted a very proper course, under the circumstances, in offering to withdraw his motion, and, if that had been allowed, there would have been an end to the question. But as that course was objected to, the House had now before it the amendment submitted by the noble lord, the leader of the Government, and objection was taken to that amendment, he understood, because it affirmed that the House had already been officially informed by the Government that it was not incumbent upon the Colony to continue to employ the Crown Agents. For his own part, he entirely agreed with the amendment, as to the House having been already officially informed of that fact. He had before him the question put by the hon. member for Perth in 1878, and the answer furnished by the Commissioner of Crown Lands. This reply was certainly not so clear as one would like to have had it, and he could quite understand that there should be a division of opinion as to what it meant to convey. But the construction which he put upon it was this: "It is the practice in colonies having a different constitution to our own to employ the Crown Agents to send out supplies for the public service, but His Excellency the Governor is not aware of any order making it incumbent upon this Colony to employ them." If that was the correct interpretation to be put upon this answer—and it appeared to him a very proper interpretation—then it could not be said for a moment that the House had never been officially informed on the subject. He could not conceive that the reply was intended by His Excellency Governor Ord to convey any other meaning than that it was the practice in colonies

possessing a different constitution to ours to employ the Crown Agents, but that he was not aware of any order rendering it incumbent upon a colony possessing a constitution like our own to employ them. He had a distinct recollection that, up to that time, the general impression was that we were bound to use the Crown Agents, and he well remembered the surprise which the reply of the Commissioner caused. A portion of the Press, at any rate, had evidently put that construction upon the Commissioner's answer. Although in *Hansard* the exact words of the official reply were reported, those papers who had not the advantage of a shorthand reporter had given the reply in the form of the impression which it conveyed to the minds of their reporters, and he found it thus given in one paper: "The Government 'have been in the habit of employing 'the Crown Agents, but the Governor is 'not aware of any order from the Secretary of State making it incumbent 'upon the Government to employ the 'Crown Agents.'" That was the impression which the reply created upon the minds of he might say two of the reporters, and, although in *Hansard* they had the precise words used by the Commissioner, still it was very likely that the impression created upon the other reporters' minds was that which the reply had created upon the minds of the public generally; and he maintained it was a natural impression, and that which it was intended to convey.

MR. S. H. PARKER was sorry he could not accept the interpretation placed upon the Commissioner's reply, as expounded by the hon. gentleman himself, or by the hon. member Mr. Stone. He need hardly remind hon. members of the fact that in Governor Ord's time, no great desire was evinced on the part of the occupants of the Government benches to afford any information to hon. members on this side of the House. The general wish in those days seemed to be to burke every question put by an elected member, the Administration regarding it as a gross impertinence on the part of hon. members to interrogate the Government, and it was only lately that the House had begun to feel itself at liberty to exercise its rights and its privileges in this respect. As to any impression

which the reply may have conveyed to the minds of the reporters, the House had nothing to do with that; the Government was bound by the official answer given by its mouthpiece in the House, and by that answer alone. So far from the version given in the paper quoted by Mr. Stone being favorable to the view taken of the matter by that hon. member, he thought it was altogether the other way, and pointed clearly to the fact that the impression in the reporters' gallery was the same as the impression in his (Mr. Parker's) mind. After all, this was a mere side issue: the question was whether, as stated in the amendment, that House had ever been officially informed by the Government that it is not incumbent upon the Colony to employ the Crown Agents. He maintained that they had not, and yet they were asked to affirm what was absolutely false. The Commissioner never stated that it was not incumbent upon the Colony to do so, but merely that the Governor did not know of any order making it incumbent upon *him* to employ them,—and to employ them for what? To send out supplies for the public service. It might not be incumbent upon us to employ them for that particular purpose, and that was all which the House had been informed of. The question which he had put was, whether it was incumbent upon the Local Government of this Colony to employ the Crown Agents to conduct all business in England relating to this Colony? Why was that not replied to? Why was it that the House was merely told that it was not incumbent upon the Governor to employ the Crown Agents "to send out supplies for the public service?" Why was it—if such was the opinion held by the Government—that the House was not informed it was not incumbent upon us to employ the Crown Agents at all?

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): So you were.

MR. PARKER: I deny it. Although we may have been perfectly well aware of the fact, I am sure we were never officially informed of it, and I hope hon. members are not going to stultify themselves by voting for an amendment which affirms that we were, and which to that extent is absolutely false. I challenge the hon. gentlemen opposite to

show that we were so informed. If they can do so, I shall be ready at once to support their amendment. I beg to move the adjournment of the debate.

MR. BURGESS: I would ask the hon. gentleman who has just sat down, this question—if Governor Ord considered this was a Crown Colony, why should he require any order at all from the Secretary of State to make it incumbent upon him to employ the Crown Agents?

MR. BURT said he was sorry to prolong the debate, but statements had been made which were altogether unsupportable, and which if not contradicted might influence the votes of hon. members. The whole issue simply resolved itself into whether we were a Crown Colony or not, and he flatly charged the Government themselves with not knowing whether we were or not until the hon. member for Plantagenet unearthed the despatch read to the House the other day. He had already alluded to the impression with regard to this subject which existed on the minds of the two highest functionaries in the Colony—His Honor the Chief Justice and His Excellency the Governor, as disclosed in the correspondence relating to the proceedings at the Intercolonial Conference, in which the Colony is designated over and over again as a Crown Colony; and even in the despatch from His Excellency to Lord Kimberley himself, forwarding copies of this correspondence, the Colony was so characterised. He therefore thought he might be excused if he produced no further evidence to show that the Governor himself did not know but that we were a Crown Colony at that time. He did not mean to say for a moment that there was any magic in those words, but the question was—are we such a Crown Colony as makes it incumbent upon us to employ the Crown Agents to transact our business? The despatch produced and read by the hon. member for Albany settled that question; and, when that hon. member, satisfied with the result of the debate, had offered to withdraw his resolution, he thought the least the Government might have done was to have accepted the offer, and there would have been an end of the matter. The burden of the argument put forward by the other side of the House was that we have already been

cumbent upon us to employ the Crown Agents. If that was the case, if this contention was right, what necessity was there for asking the House to re-affirm that statement? All they wanted was that the Government should not employ the Crown Agents, but have resort to some other agency more advantageous to the Colony. If they would only do that, the House would be perfectly satisfied. He therefore failed to see what on earth was to be gained by pressing this amendment. He thought, after the handsome manner in which the hon. member for Albany had offered to withdraw his motion, the Government might have acted handsomely once in a way, and withdrawn the amendment. He thought they might have done this, not only as an act of courtesy towards the hon. baronet himself, but also in deference to the wishes of hon. members on this side of the House.

MR. STONE regretted to hear the expressions “this side of the House,” and “that side of the House” introduced so often into their debates. It appeared to him they were altogether out of place under the present constitution. Ours was not a party Government, yet hon. members talked of this side of the House and of their side the House, as if they were parties in opposition. If hon. members wanted to introduce the tactics of party Government into their proceedings, let them come boldly forward with a motion in favor of ministerial Government, instead of playing with it, and talking of “their side of the House,” and of “this side of the House.” He thought the opinions of one side of the House were as much entitled to respect as the opinions of the other side.

MR. MARMION would have been glad if the Government had consented to withdraw their amendment. What he chiefly objected to in it was the expression referring to certain information as merely “purporting” to be contained in the despatch read to the House by the hon. member for Albany. No one had denied that this despatch was a true copy of a despatch received by the Government from Lord Kimberley; why, therefore, should it be referred to as only “purporting” to convey the information alluded to. The expression was one capable of being interpreted as offensive

to an hon. member of that House, yet no one had attempted to deny that the despatch was a correct copy of the original. He therefore saw no necessity for importing such a word into the amendment, unless it was in order to get a slap at the hon. member for Albany.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): The dispute that exists between these benches and those opposite seems to me an illustration of the difficulties that sometimes exist between two people, engaged in conversation, one of whom, in talking to the other, takes it for granted that a certain knowledge is in the mind of his interlocutor, but which, as a matter of fact, is not the case. The other night I had the privilege of making some remarks to show that, in reality, His Excellency the Governor in answering an address asking for the production of certain information on this subject gave a full answer to the question asked. I endeavoured—and, as I thought, successfully—to prove that he did so, by showing that His Excellency had naturally taken it for granted that certain knowledge was already in the minds of the hon. members who desired that information, and, that being the case, His Excellency did not go so far as he might otherwise have done, had he thought for a moment that hon. members did not know as much as he did on the subject. I had hoped that the remarks which I then made would have been sufficient, but it appears not, for we find ourselves again involved in a discussion, which threatens to be interminable, upon the momentous question—what is a Crown Colony? The difficulty experienced in settling this point appears to me to be this: we all know what it means in a certain sense, and we also know what it means in another sense. It has, really, two distinct significations, and all this dispute has arisen from that very fact. It cannot be denied that we are a Crown Colony in one sense, nor can it be disputed that we are not a Crown Colony in another sense; and the hon. member for Murray and Williams, in referring to the correspondence between the Governor and the Chief Justice, relating to the position which this Colony should occupy at the Intercolonial Conference, has taken advantage of this fact in order to throw dust in the eyes of

hon. members, by shirking the distinction which, in point of fact, exists between this being a Crown Colony in a certain sense, and not in another. Were we not a Crown Colony, in one sense of the term, I should not have the pleasure of addressing hon. members from the seat which I have the honor of occupying in this House; on the other hand, there can be no doubt that, in the sense of the Colonial Office regulations, we are not a Crown Colony. And I take it that, when His Excellency was asked as to whether it was incumbent upon us to employ the Crown Agents, and he replied in the terms of his Message, the most natural inference is that His Excellency regarded the Colony in the sense of the Colonial Office regulations. He had in his mind the definition of Crown colonies which bears upon the question asked, and he naturally thought that this was what was on the minds of hon. members themselves. But when His Excellency is dealing with questions of Imperial concern, such as were under discussion at the Intercolonial Conference, he bears in recollection that, in another light, we are a Crown Colony, and talking of us in that connection, he naturally refers to us as such a Colony. Nor indeed can there be any doubt, that, so far as concerns the questions discussed at Sydney, we are a Crown Colony; but so far as regards the necessity of employing the Crown Agents we are not a Crown Colony. [MR. BURT: Very well put.] It is my duty, sir, to support the amendment, and to support it in its entirety, and to resist the striking out of the words proposed to be struck out by the hon. member for the Swan.

The motion for the adjournment of the debate was then put and negatived.

The amendment moved by Mr. Steere, —to strike out the latter portion of the amendment submitted by the Colonial Secretary, was then put to the House, and a division being called upon, there appeared—

Ayes	8
Noes	11
			—
Majority against	...		3

AYES.
 Mr. Brown
 Mr. Burt
 Sir T. C. Campbell
 Mr. Crowther
 Mr. Higham
 Mr. Marmion
 Mr. S. H. Parker
 Mr. Steere (*Teller.*)

NOES.
 Lord Gifford
 The Hon. M. Fraser
 Mr. Burges
 Mr. Grant
 Mr. Hamersley
 Mr. S. S. Parker
 Mr. Randell
 Mr. Shenton
 Mr. Stone
 Mr. Venn
 The Hon. A. C. Onslow
 (*Teller.*)

The motion submitted by the Colonial Secretary was then agreed to.

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

LEGISLATIVE COUNCIL,

Tuesday, 16th August, 1881.

Return: Gascoyne District—Guano on Lacedpede Islands: Report by Deputy Surveyor General—Stamp Act: As to carrying out provisions of—Road Loan: Altered arrangement as to disposal—Municipal Institutions Act, Amendment Bill: first reading—Consideration of Message No. 11 re Steam Coastal Service—Messages Nos. 14, 15, and 16—Excess Bill, 1879: second reading—Consideration of Message No. 8 re Smelting Works—Adjournment.

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

PRAYERS.

RETURN: GASCOYNE DISTRICT.

In reply to Mr. GRANT,
 THE COLONIAL SECRETARY (Lord Gifford) laid on the Table a return showing the amount contributed to the public revenue by the Gascoyne district during the following years:—1878, (£214); 1879, (£1133); 1880, (£2193); 1881, (£2224).

GUANO UPON THE LACEPEDE ISLANDS.

MR. S. H. PARKER, in accordance with notice, asked the Honorable the Colonial Secretary, "To lay upon the Table of the House a copy of the Deputy Surveyor General's Report, giving

"an estimate of the quantity of Guano upon the Lacedpede Islands at the time of his visit, in the year 1878."

THE COLONIAL SECRETARY (Lord Gifford) replied:—"It is not considered desirable to lay on the Table the report asked for, at the present time."

MR. S. H. PARKER moved the adjournment of the House. It seemed to be the wish of the Government, from the very first, to keep the Legislature entirely in the dark with regard to these guano islands. A few Sessions ago, they were told that it was not considered desirable by the Government that the House should be placed in possession of the particulars of the contract with Messrs. McDonald and Mockford, and now, when they merely asked to be furnished with a copy of a report, giving an estimate of the quantity of guano on the islands, the House was coolly informed that the Government did not consider it desirable that the report should be furnished. He found it stated in the papers relating to the Beaver claims (recently laid on the Table), that the Deputy Surveyor, on the occasion of his visit to the islands, reported that he estimated the quantity of guano at so many thousand tons; and what possible objection there could be to the production of the report itself, he failed to see,—unless it was supposed by the Government that it would prejudice the claims of Messrs. McDonald & Co. (THE ATTORNEY GENERAL: Not in the least.) Then he failed to see what possible excuse there was for the non-production of the report. It was made by an officer in the colonial service, whose expenses on the occasion of his visiting the islands were paid out of public funds, and surely that House had a right to have it produced, especially in view of the admission just made that it would in no way prejudice the Government. No reason whatever had been vouchsafed for its non-production, and it appeared to him that the gist of the reply amounted to this: "The House may ask for this and that information, but we shall only give it what we like; you, the representatives of the people, may move for as many returns as you choose, but I, the Governor of the Colony, will only give you just what I think fit." That really was the gist of the reply furnished to the question he had asked.