

Births, Deaths, and Marriages, Amendment Bill.

The House adjourned at twenty minutes past three o'clock.

## LEGISLATIVE COUNCIL,

*Wednesday, 3rd September, 1879.*

Memorial Adverse to Responsible Government: Where printed—Interest on Loans of £161,000: Whether provided for in Return A—Arrest of Mr. John Bishop—Importation of Foreign Stock: Report of Select Committee—Branding Consolidation Ordinance, 1864, Amendment Bill, 1879: first reading—Messages from His Excellency the Governor: No. 8, Volunteers: No. 9, Colonial Museum; No. 10, Assent to Bills; No. 11, Timber Concessions to Mr. M. C. Davies; No. 12, Bridge over the Swan at West Guildford; No. 13, Transport of Inland Mails by the Police—Confirmation of Expenditure Bill: Select Committee—Auctioneers Act, Amendment Bill, 1879; third reading—Adjournment.

THE SPEAKER took the Chair at seven p.m.

PRAYERS.

### MEMORIAL RE RESPONSIBLE GOVERNMENT—WHERE PRINTED.

MR. BROCKMAN, in accordance with notice, asked the Colonial Secretary, if the Government had allowed copies of a memorial, adverse to Responsible Government, to be printed at the Government printing office?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied: I have no idea what memorial the hon. member refers to. If he will favor me with a sight of it, I shall no doubt be able to tell him whether it was printed at the Government printing office or not.

### THE FINANCIAL RETURNS.

MR. CAREY, pursuant to notice, asked the Colonial Secretary if the interest due for the half year ending 31st December, 1878, on the loans raised up to that date, had been provided for in the returns

recently laid on the Table of the House, showing the exact financial condition of the Colony on the 1st day of January last. Among those returns was one giving particulars of the outstanding loans, framed so as to show the total indebtedness of the Colony on the 31st December, 1878, from which it appeared that the total amount of the outstanding loans at that date was £161,000. The interest on this debt was payable half-yearly—on the 3rd January and the 3rd July—so that one half year's interest might be said to have been due at the date to which the returns referred to. He would therefore like to know whether the amount required to pay that half-year's interest had been provided for in the return purporting to show the exact financial condition of the Colony at the time.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied it had not.

### CORRESPONDENCE.

On the motion of MR. CAREY,

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) laid on the Table of the House the correspondence that had taken place with the Government on the subject of Police Constable Wansborough's conduct in arresting Mr. John Bishop, at Bunbury, on the 28th June last.

### IMPORTATION OF FOREIGN STOCK.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved the adoption of the following report of the Select Committee appointed to consider and report upon the papers laid before it on the state of the law regarding the importation of foreign stock:

"Your Committee, in reporting to your Honorable House, submit as follows:—

"They have read and carefully considered the memo. of the Hon. the Attorney General, (Mr. Hocking), dated 19th February last, regarding the importation of foreign stock; the 30th section of the Victorian Act 'To amend the law relating to or affecting the Public Health'; an Order in Council made thereunder, dated 7th July, in the present year; and the Imperial 'Contagious Diseases Animals Act, 1879.'

"Your Committee are of opinion that the rules and regulations relating to the importation of foreign stock should, as far as possible, be assimilated to those in force in the neighbouring Colonies, your Committee considering that the fact of the regulations adopted in Western Australia being far more lax in their application, might prove, to a great extent, disadvantageous to this Colony, and prejudicial to the harmony of mutual relations which it is desirable should subsist between this Colony and its neighbors.

"For this purpose your Committee report that in their opinion it is advisable that, as in the neighboring Colonies, an Act should be passed, empowering His Excellency the Governor from time to time to frame and proclaim such rules and regulations as may be required to effect this purpose.

"August 25th, 1879."

The report of the Select Committee was adopted without discussion.

#### BRANDING CONSOLIDATION ORDINANCE, 1864, AMENDMENT BILL.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved the first reading of a Bill to extend the facilities for hunting for and collecting stray stock.

Motion agreed to.

#### MESSAGE (NO. 8) : VOLUNTEERS.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor :

"The Governor has the honor to acknowledge the receipt of the Address of Your Honorable House, of the 25th August, 1879, additional to your Address No. 10, of the 20th August, 1879, and also that of the 27th August, 1879, No. 15, on the subject of Volunteers.

"2. In compliance with the wish of your Honorable Body, His Excellency has directed the disbandment of the Fremantle Artillery Naval Volunteers, and of the York Rifle Volunteers, and will place on the Estimates for the support of the remainder of the Volunteer Force the sum of £1,335 (Maintenance £1,185, Arms £150, £1,335),

"which is shown to be required for this purpose in the estimate accompanying His Excellency's Message No. 5, of the 22nd August, and for which His Excellency understands it to be your desire that provision should be made.

"3. The Governor has also the honor to lay before your Honorable Body a letter (1st September, 1879) which has been addressed to him by Lieutenant Colonel Harvest, late Inspector of Volunteers, in consequence of the passing of the Resolution embodied in the Address, additional to No. 10, before alluded to. His Excellency is satisfied that in passing this Resolution the Council was not aware that it conveyed the erroneous impression regarding Lieutenant Colonel Harvest, to which he calls attention, and will adopt such steps as may be necessary to remove it.

"4. His Excellency avails himself of this opportunity of explaining what does not appear to have been understood in his former Message. That the inspection of Volunteers can only be usefully undertaken by a military officer of considerable experience. That since Colonel Harvest's resignation of the office, it has remained unfilled, there not being in the Colony any one competent to the duties. That if at any future time there should be in the Colony an officer qualified for the post, it is unreasonable to suppose that he would accept it without remuneration, and that it was for this purpose that the Governor suggested the sum of £100 should be placed on the Estimates. In addition to the duties of inspection, some person has to undertake the management of the interior economy of the force, and conduct its correspondence under the Governor's orders. This has been performed since Colonel Harvest's resignation by His Excellency's Aide-de-Camp, gratuitously, but with the assistance of a paid clerk. It will now be transferred to the Colonial Secretary's Department, which will of course equally require additional paid clerical assistance to conduct it.

"5. The letter of the Commandant raises further considerations in regard to the Volunteers, and the Governor thinks it is right that these should be

"brought under the notice of your Honorable House, at a time when arrangements are being decided on with respect to the Volunteers, which may have a more important effect upon their future than appears to be recognised at this moment.

"6. His Excellency desires to point out that Volunteers are, or should be, embodied with a view to one or more of the following objects:—

"1st. The protection of the Colony from external aggression.

"2nd. The maintenance of internal tranquillity.

"3rd. The promotion of habits of order, discipline, and obedience, and the useful physical training of a proportion of the young men of the Colony.

"7. It seems to be taken for granted that the Volunteers of the Colony would render no useful service in the first case; but this is a serious misconception. In the event of a war, the first efforts of an enemy would be directed to the capture or destruction of the shipping in our harbors and roadsteads, and of the stores and warehouses which contain the goods they transport. It is unlikely that any large force would be detached for this purpose, but serious and lasting injury might be effected by the agency of a single ship (similar to the "Alabama" for instance), on the Port of Fremantle, if we were not prepared to offer any resistance to it, and yet such resistance could in His Excellency's opinion be most successfully offered by the forces which are at present available for the purpose, viz.:—The Pensioners, Volunteer Horse Artillery, Rifle Volunteers of Guildford, Perth, and Fremantle, the Pinjarrah Horse if they could be brought up in time, and the Naval Artillery Volunteers of Fremantle; and of these the most useful by far in resisting such an attack would be the Fremantle Naval Artillery Volunteers.

"8. For the purpose of maintaining internal tranquillity, if the necessity for so doing should ever arise, it is clear that the Volunteers supply the only reliable aid. The police number but 115 all told, and they are scattered all over the country, so that it would be impossible in many places to bring

"together in an emergency half a dozen of them. What efficient services may in such circumstances be afforded by a few Volunteers has been recently shown in a neighboring Colony, which they appear to have been able to save from very disastrous consequences. Of the advantage which military training brings with it, it is unnecessary here to speak, the only question which these considerations suggest is, whether the acknowledged advantages afforded by the maintenance of a force are compensated by the cost which it entails.

"9. This is a question which it rests entirely with your Honorable Body to decide, the Governor has only to lay before you such facts as may serve to guide your judgment in the matter, and to carry out faithfully whatever conclusions you may arrive at thereon.

"10. Since the foregoing was written, His Excellency has ascertained that Captain Phillips, the senior Captain of Volunteers in Perth, is willing to undertake the duties of Staff Officer of Volunteers, for the amount set apart for clerical assistance, viz., £50. It will not therefore be necessary to transfer these duties to the Colonial Secretary's Department.

"Government House, Perth, 3rd September, 1879."

Commandant's Office,

Perth, 1st September, 1879.

"Sir,  
"In reading over the proceedings of the Legislative Council, I observe a Resolution, passed on the 20th August, which is calculated to convey an erroneous impression regarding myself; and I therefore crave Your Excellency's kind assistance to set me right before the public.

"2. I can quite understand the Legislative Council desiring to give or withhold their thanks, nay, even to censure me for 'having so long gratuitously discharged the onerous duties of Inspector,' and, at the same time, as an old officer, with thorough experience of the work, I must say, that I fully concur with Your Excellency that a Military Officer of experience is indispensably necessary at the head of the Volunteer Force, to ensure their efficiency and well-being; and further, that such officer can hardly be expected to be found to undertake the charge without emolument, but I cannot conceive why the whole matter has been so worded together, as it has, in a Resolution casting the imputation, as it does, that remuneration has been sought for my services.

"3. I know of no grounds for such imputation; I have not asked, neither have I

"authorised any one to ask for payment of my services. I have been rewarded by seeing the fruits of my labors, and by the ready, cheerful, cordial co-operation always afforded me by the Volunteer Force. A more satisfactory Body to deal with than the Volunteer Force of Western Australia cannot be found—therefore, I regretted extremely that, for the reasons specified in my letter of the 12th November last, which I asked Your Excellency to be so good as to lay before the House, I was compelled to resign the position I held for upwards of six years.

"4. On my arrival in the Colony, in 1872, at the request of Governor Weld, I took charge of the Volunteer Force, then numbering 130 all told, and, at my own request, the title of 'Inspector of Volunteers' was given to me, but the work I then understood and carried on was not that of mere 'inspection,' (see Resolution 20th August), which I still gladly perform, it was the entire management of the interior economy of the Force in all its details. The work was insignificant at first, but owing to my having used every exertion to develop the Force, and having succeeded in raising the numbers to 600, conceiving such to be the wish of the Government and of the Colony, the work became very different, and necessarily occupied several hours every day.

"I submit that no Volunteer Officer can afford the necessary time, even if it be considered desirable to place a Volunteer Officer in charge of the Force.

"5. I can only add that I am really very sorry that I no longer have the time to devote to the Volunteers, whom I think deserving of every support that can be given them.

I have, &c.,  
EDWD. D. HARVEST,  
Lieut. Colonel.

"His Excellency Major-General Sir H. St. G. Ord, K.C.M.G., C.B., &c., &c., &c."

MR. BROWN moved, that the consideration of the Message be made an Order of the Day for Monday, 8th September.

Agreed to.

#### MESSAGE (NO. 9): COLONIAL MUSEUM.

MR. SPEAKER also announced the receipt of the following Message from His Excellency:

"The Governor has the honor to submit, for the consideration of your Honorable Body, a correspondence referring to the establishment of a Colonial Museum, on the site of the National Opera House, on the Victoria Embankment, London. It will be seen that, at the pressing instance of the

"Committee, which has been formed with this object, His Excellency has agreed to submit for the consideration of the Legislative Council, the propriety of voting a sum of £2,000 for the purpose; and the Governor will be glad to be informed whether it is your wish that this sum shall be placed on the Estimates for the ensuing year.

"Government House, Perth, 3rd September, 1879."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, that the consideration of the Message be made an Order of the Day for Friday, 5th September.

Agreed to. [Vide Debates p. 156].

#### MESSAGE (NO. 10): ASSENT TO BILLS.

MR. SPEAKER further notified the receipt of the following Message from His Excellency:

"The Governor informs Your Honorable House that he has assented, in Her Majesty's name, to the undermentioned Bills passed by the Legislative Council during the present Session:—

"8. *An Act to declare the law relating to the Acceptance of Bills of Exchange.*"

"9. *An Act to amend the Ordinance to regulate Divorce and Matrimonial Causes.*"

"10. *An Act to amend 'The Railways Act, 1878.'*"

"11. *An Act to declare the application of the Acts relating to the Administration of the Estates of Deceased Persons.*"

"12. *An Act to amend the Law with reference to Bankers' Books Evidence, and to limit the liability of Banks on Drafts or Orders payable to order.*"

"13. *An Act to regulate the Forfeiture of Recognisances to keep the Peace, and to obtain the Attendance of Prisoners as Witnesses in any Cause or Matter.*"

"14. *An Act to regulate the sale of Poisons.*"

"15. *An Act to amend 'The Registration Ordinance,' 19th Victoria, No. 12.*"

"16. *An Act to amend and consolidate the Laws for preventing and exterminating the Scab in Sheep.*"

"17. *An Act further to amend 'The Transfer of Land Act, 1874.'*"

"Government House, Perth, 3rd September, 1879."

MESSAGE (NO. 11): CONCESSIONS TO  
MR. M. C. DAVIES.

MR. SPEAKER also announced the receipt of the following vice-regal Message:

"The Governor has the honor to submit, for the consideration of Your Honorable House, a memorandum from the Surveyor General relative to an application made by Mr. M. C. Davies for a license to cut timber on an area of 30,000 acres, adjacent to his saw mills, on Wellington Location, No. 332.

"His Excellency is not indisposed to grant Mr. Davies a concession for this purpose, and in the locality specified; but it appears that this will enlarge Mr. Davies' operations considerably, and that the result will be, as stated in the memorandum, to necessitate on the part of the Government an expenditure of from £3,000 to £4,000 in the making up of a road (several miles of which are, however, already a high road), and of an annual expenditure for its upkeep considerably beyond that which would be required were it not to be used for timber traffic.

"The Governor submits the case for the consideration of Your Honorable House, and will be glad to hear whether it is prepared to sanction the necessary expenditure by a special vote, in consideration of the great advantages which the District may be expected to derive from the extension of Mr. Davies' works, on a concession being granted him.

"Government House, Perth, 3rd September, 1879."

MR. BROWN moved, that the consideration of the Message be made an Order of the Day for Monday, 8th September.

Agreed to.

MESSAGE (NO. 12): BRIDGE OVER THE  
SWAN.

MR. SPEAKER further announced the receipt of the following Message from His Excellency:

"The Governor desires to bring to the notice of your Honorable House, that the Legislative Council, by Resolution on the 29th December, 1875, authorised the expenditure by the Governor of the sum of £400, for the erection of a

"bridge over the Swan River at West Guildford.

"The work was not, however, carried out, and the Government eventually decided that, as on the construction of the railway to Guildford it was intended that the bridges, including that over the Swan, were to be made for a double line of rails, it would be available for road traffic until it became necessary to lay the second line.

"When the question of the construction of the railway was under consideration, it was suggested that, as for a long time a single line of rails would be sufficient to carry all the traffic there would be, it would be well to save the large expense which would be entailed by double bridges, and to spend it on steel rails of a heavier pattern. This suggestion appeared so sound that it was adopted and acted upon, overlooking altogether the question of the accommodation that was to have been provided for West Guildford, and the Government is now in the position of having broken faith with the people of the district, and of being unable to remedy its default. A road bridge will probably cost about £1,000. The saving on the abandonment of the double railway bridge is several times this amount.

"Government House, Perth, 3rd September, 1879."

MR. BROWN moved, that the consideration of the Message be made an Order of the Day for Monday, 8th September.

Agreed to.

MESSAGE (NO. 13): TRANSPORT OF IN-  
LAND MAILS BY POLICE.

MR. SPEAKER reported the receipt of the following Message:

"The Governor has the honor to submit for the consideration of Your Honorable House:—

"1. A report by the Superintendent of Police on the transport of Mails, overland, between Perth and Albany, on the introduction of the bi-monthly Mail Service with Europe in 1880.

"2. A proposal to carry the Mails, with the assistance of the Police, between Perth and York, Northam and Newcastle, on the termination of the

"present contract for this service at the end of the year.

"3. A similar proposal with regard to the Mails between Perth, Bunbury, and the Vasse.

"Government House, Perth, 3rd September, 1879."

On the motion of Mr. BROWN, the consideration of the Message was made an Order of the Day for Wednesday, 10th September.

#### AUCTIONEERS ACT, AMENDMENT BILL.

Read a third time and passed.

#### CONFIRMATION OF EXPENDITURE.

MR. BROWN (the Chairman of the Select Committee to which the Bill to confirm the over-expenditure was referred) said the date fixed for reporting their proceedings to the House, and for bringing up their report, was that evening; but he regretted to say the Committee had been unable as yet to prepare their report. He had therefore to move that the time previously granted for reporting to the House be extended until Monday next. He might state that in fixing that date, it was a mere formal motion, for he was afraid there was no probability of the Committee being in a position to bring up their report then, nor for a considerable time afterwards.

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

#### LEGISLATIVE COUNCIL,

Friday, 5th September, 1879.

Branding Consolidation Ordinance, 1864, Amendment Bill: second reading—Adjournment.

THE SPEAKER took the Chair at 7 p.m.

PRAYERS.

#### BRANDING CONSOLIDATION ORDINANCE, 1864, AMENDMENT BILL.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved the second reading of a Bill to extend the facilities for searching for stray stock. The hon. gentleman said the Bill was probably as short a Bill as would be brought before the House during the Session. It simply repealed two words in the existing Ordinance. Short, however, as the Bill might be, it involved a matter of some importance. Difficulty had been experienced by settlers in search for stray stock, consequent upon their being unable to enter upon the enclosed portions of land belonging to their neighbors. Although a man's stray stock might be within these enclosures, if the owner of the land was so churlish as to refuse him leave to enter upon the enclosed land to search for his stock, the stock might remain there for an hour and a day. The object of the present Bill was to afford the same facilities to search for stray stock on enclosed land as upon land that was unenclosed. Every precaution, however, was taken, on the one hand, against any wanton infraction upon the privacy of a man's property, and, on the other hand, against any needless allegation of a right to enter upon the land.

Motion for second reading agreed to, without discussion.

#### IN COMMITTEE.

The Bill was agreed to in Committee, *sub silentio*.

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