

## DUTIES OF THE SUPERINTENDENT OF ROADS.

In reply to Mr. Hardey, THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said it was not the duty of Mr. Higman (the Superintendent of Roads) to exercise a general superintendence over all the roads throughout the Colony, nor were the Roads Boards to take instructions from him as to the making and repairing of roads, within their respective districts.

## ADMINISTRATION OF WILD CATTLE NUISANCE ACT.

MR. CAREY asked the Colonial Secretary to lay on the Table a copy of the circular issued to Resident Magistrates relative to the administration of the Wild Cattle Nuisance Act, as promised by the Government last year, and reported in *Hansard*, vol. 3, p. 60.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he had quite overlooked the promise, but the omission should be rectified as soon as possible.

## FACILITIES IN LOOKING FOR STRAYED STOCK.

MR. CAREY, in accordance with notice, asked the Colonial Secretary to lay on the Table a copy of the circular issued to Resident Magistrates (in accordance with a resolution of the House last year), with reference to affording increased facilities in looking for strayed stock. If the hon. gentleman was not prepared to comply with the request at present, he (Mr. Carey) would postpone the motion until next week.

Postponed accordingly.

## CUSTOMS ORDINANCE, AMENDMENT BILL.

The House then went into Committee for the further consideration of this Bill, with regard to which Progress was reported on Wednesday in order to enable the Acting Attorney General to give his attention to certain suggestions offered by the hon. member for Toodyay.

After a pause of some minutes,

THE CHAIRMAN OF COMMITTEES—addressing the Acting Attorney General—asked if the hon. gentleman was prepared to go on with the Bill?

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I am perfectly prepared to proceed with the Bill, if the hon. member is prepared with his amendments.

MR. SHENTON said he was not aware it was expected of him that he should submit any amendments. He understood that the suggestions he had thrown out on Wednesday would have received the attention of the Government, and that the Attorney General would have been prepared to embody them in a new clause. As this had not been done, he begged to move that Progress be reported, and that the further consideration of the Bill in Committee be taken on Monday evening.

This was agreed to.

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

## LEGISLATIVE COUNCIL,

Monday, 11th August, 1879.

Message (No. 4) from His Excellency the Governor, re Distribution of Roads Loan—Postal Facilities, Dandaragan and Yatheroo District—Elementary Education Act, 1871, Amendment Bill, 1879: first reading—Central Road Board—Timber Licenses—Public Park at Fremantle—Railways Act, 1878, Amendment Bill, 1879—Consideration of portion of Message No. 1—Consideration of Message No. 3 (Volunteers)—Adjournment.

THE SPEAKER took the Chair at 7 p.m.

## PRAYERS.

MESSAGE (NO. 4) FROM HIS EXCELLENCY THE GOVERNOR—APPROPRIATION OF ROADS LOAN.

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

"After a long but necessary delay, in which the Governor has been engaged in obtaining information as to the condition of the principal main roads of

"the Colony, His Excellency has been at length able to authorise the commencement of expenditure under the resolution of your Honorable House, of 26th June, 1878, and he avails himself of the opportunity of informing your Honorable Body of the action that has been taken on it.

"It will be within the recollection of the Council, that the proposal for raising, by loan, a sum of £50,000 for expenditure on roads was made by the Governor to the Secretary of State in a Despatch, No. 140 of the 27th December, 1877, and that His Excellency suggested that its expenditure should be controlled under the following arrangements:—

"Should my proposal be fortunate enough to commend itself to your Lordship, I would suggest the following arrangement for controlling its expenditure. A Central Road Board should be created, with the Governor as its President, the Colonial Secretary, Surveyor General, Director of Public Works, and a few members of the Legislative Council; a surveyor to be employed under their orders to examine and report upon the condition of such routes as the Central Board should select, and to furnish estimates of the cost of putting them in order. The Board would then draw up a scheme for carrying out these works, appropriating to each its portion of the grant, and fixing the time (within the next three years) when it should be completed. I am of opinion that there are too many Road Boards, and that a re-organization of the system, by which they should be reduced to five, corresponding with the five centres of population of the Colony, would be an improvement on the present arrangement. To these five Boards should be committed, with such professional assistance as they might require, the duty of seeing to the due execution by contract or otherwise, as might seem to them best, of the work approved by the Central Board." "To this your Honorable Body was pleased to reply in the terms of the following resolution:—

"That this House cordially approves of the proposal submitted by His Excellency the Governor to Her

"Majesty's Secretary of State for the Colonies, in his Despatch No. 140, of the 27th December last, to raise by loan the sum of £50,000 for expenditure upon roads, in the manner indicated in the said Despatches; and resolves that an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to take such steps as may be necessary to give effect to the above proposal."

"It was, and is still, His Excellency's opinion, that the arrangement he proposed by which there should be legally constituted a Central Road Board to decide upon the appropriation of the Loan, and five instead of the twenty-three Road Boards to superintend its expenditure, would have effected these objects in a very satisfactory manner. But as the Legislative Council in its resolution did not directly approve of His Excellency's proposals, and it appeared from the Debates that the majority of the members were opposed to them—in deed it is recorded, that in adopting the resolution, it was to be understood that members did not pledge themselves to the details of the scheme as put forward by the Governor, but merely affirmed the principle of the desirability of borrowing a sum of money for the purpose specified,—it only remained for the Governor to acknowledge the confidence the House had placed in him by accepting the personal responsibility of dealing with the vote.

"On this understanding His Excellency decided to associate with himself the Colonial Secretary, the Surveyor General, and the Director of Public Works, and with their assistance to consider and determine on all questions as to the disposal of the Road Loan. A Road Surveyor has been appointed, with a salary of £350 per annum, and during the six months he has been in the Colony he has minutely inspected, reported on the condition, and submitted estimates for the putting in thorough repair of a large number of main roads. The result of this inspection has been to show that the cost of reconstructing the main roads would involve an expenditure far beyond the amount available. The District Road

"Boards having been referred to, state that in their opinion no less a sum than £176,047 17s. would be necessary to effect this object properly. After a careful review of the whole question, the conclusion has been arrived at, that the sums given in the accompanying 'Return A' [*Vide* 'Votes and Proceedings,' page 36], may be approximately fixed as representing the amount necessary to place in fair repair, so as to render the traffic over them comparatively easy, the main roads to which they refer.

"The Return B [*Vide* 'Votes and Proceedings,' page 37], shows the amount which it has been already decided to appropriate to the repair of the road which has been first taken in hand, viz., that from Perth to Albany, for the greater part of which it will be seen contracts have been already accepted.

"The next road upon which work will be commenced is that between Fremantle and York, and the surveyor is engaged in dividing the work to be done into sections, contracts for which will be at once entered into.

"Repairs on the other main roads will be carried out as their importance and condition may render necessary.

"Government House, Perth, 11th August, 1879."

MR. SHENTON moved that the consideration of the Message be made an Order of the Day for Monday, August 18th.

Agreed to.

#### POSTAL FACILITIES—DANDARAGAN AND YATHEROO.

In reply to Mr. Shenton, THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said there was at present a monthly postal communication between Gingin and Yatheroo by way of Dandaragan. There was no established Post Office, but letters were delivered by the carrier at the homesteads of the settlers. A second monthly communication could be established for £20.

#### ELEMENTARY EDUCATION ACT, 1871, AMENDMENT BILL, 1879.

MR. CAREY obtained leave to bring in a Bill to amend "The Elementary Education Act, 1871."

Bill read a first time and ordered to be printed.

#### CENTRAL ROAD BOARD.

MR. BROWN—referring to the subject of the appointment of the Central Road Board, to which he had called attention at the last sitting of the House [*Vide* p. 46]—said: When I gave notice of my intention to direct the attention of the Colonial Secretary to His Excellency the Governor's despatch to the Secretary of State, dated 27th December, 1877, relating to the subject of a loan for roads, and of my intention to ask whether the Central Road Board therein referred to had been appointed, and if so, when, and of whom it consists—when I gave notice that I would ask for this information, I was under the impression that an arrangement had been entered into between the Government and the Legislative Council that such a Board should be appointed. That impression, I may say, was shared in by everyone whom I spoke to on the subject. But since giving notice of my intention to ask the Government whether the Board had been appointed, and of whom it consisted, and since referring to the subject on Friday last, when at the request of the Colonial Secretary the matter was postponed until this evening, I took the opportunity of referring to *Hansard*, with a view, as I thought, of fortifying my position by references to the debate that took place when the subject was under discussion last year; but, to my surprise, I found that the impression which existed in my mind was not borne out by what took place in the House on the occasion referred to. Of course, if a distinct understanding or arrangement had been arrived at between the Government and the House as to the appointment of this Board, it would have been the bounden duty of the Government to have appointed it; but it appeared that no such arrangement or agreement was ever made. The resolution adopted by the House on the occasion referred to was as follows:—  
"That this Council cordially approves of the proposal submitted by His Excellency the Governor to Her Majesty's Secretary of State for the Colonies, in his Despatch of the 27th December last, to raise by loan the sum of £50,000,

"for expenditure upon roads in the manner indicated in the said Despatch; and resolves that an humble address be presented to His Excellency the Governor, praying that he will be pleased to take such steps as may be necessary to give effect to the above proposal." Now, if that resolution committed us to any part of the scheme sketched out in the ninth paragraph of His Excellency's despatch, it committed us to the whole of it. In that paragraph the Governor, it was true, suggested the appointment of a Central Board; but His Excellency also recommended, as part of the scheme, that the number of existing Roads Boards should be reduced to five, corresponding with the five centres of population, which His Excellency conceived would be an improvement on the present arrangement. On reference to *Hansard* I find there was an almost unanimous expression of opinion adverse to any such proposal, and that nearly every member who spoke on the subject was opposed to the suggestion that the number of the District Roads Boards should be reduced—which was part of the Governor's scheme. Seeing this, it was but natural that His Excellency should come to the conclusion that the House did not approve of the details of the scheme which he proposed for controlling the expenditure of the loan, namely, the appointment of a Central Board and a reduction in the number of the District Boards. Finding that the majority of hon. members were opposed to these proposals, it only remained for the Governor, as stated in his Message to the House to-night, to acknowledge the confidence the House had placed in him by accepting the personal responsibility of dealing with the vote, which it appears he has done by associating with himself the Colonial Secretary, the Surveyor General, and the Director of Public Works. Under these circumstances, and my query being answered in the Message which His Excellency has just sent to the House, I beg to withdraw the question standing in my name.

#### TIMBER LICENSES.

Mr. CAREY drew the attention of the Commissioner of Crown Lands to a resolution moved by him (Mr. Carey) on

the 19th June, 1878, relating to the desirability of abolishing the separate fee charged for removing timber, and the Commissioner's reply thereto, as reported in *Hansard* vol. iii, p. 73. In that reply it was distinctly stated by the hon. gentleman that in the amended Land Regulations, which were then on the eve of being promulgated, no separate license fee for the removal of timber, in respect of cutting or felling which a fee had already been paid, would be required. When, however, these amended Land Regulations were published, he found no alteration whatever had been made in them with regard to this matter, the wording of the new regulations being almost identical with the wording of the old ones; and when he found this was the case, he wrote to the Colonial Secretary drawing his attention to the subject. Nothing, however, seemed to have been done in the matter. When the old regulations first came into force this separate fee was never charged, and it was not until the W. A. Timber Company started operations that it was enforced. The enforcement of this fee had caused a great deal of dissatisfaction throughout the Southern Districts, and it appeared to him it was a most unfair impost.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said that when His Excellency the Governor visited the Southern Districts some time ago, he thoroughly investigated this matter, and heard all the complaints of those persons who conceived themselves aggrieved by the existing regulations, and the result of the enquiries then instituted was that the Government were not at present prepared to accept the modification referred to.

Mr. CAREY: That being the case, I beg to move the resolution standing in my name, namely, "That the resolution adopted by this Council, on the 19th June, 1878, on the subject of a separate fee for carting timber, in addition to the fee for cutting, etc., be carried out."

SIR T. COCKBURN-CAMPBELL said he was a member of a Select Committee appointed at a previous Session to report on the Land Regulations, and he remembered distinctly that this question of a separate fee was taken into consideration by that Committee, who recom-

mended that no separate fee should be charged; and he had always been under the impression that this recommendation had been embodied in the amended regulations. It appeared to him perfectly absurd that such a fee should be charged—that, in the first instance, a man should have to pay a fee for cutting the timber, and then pay a separate fee for carting it away. The Select Committee referred to were perfectly unanimous in the opinion that such a fee should be no longer charged, and, as he had already said, he was surprised to learn that the recommendations of the Committee had been ignored when the Land Regulations were amended.

MR. SHENTON thought, bearing in mind that the subject had on more than one occasion been brought under the notice of the Government, and that the House had adopted a resolution in favour of abolishing this fee, that it was time the Government did so. There could be no doubt that in some parts of the Colony the fee was felt very severely, and operated very harshly on those who could ill afford to pay for a separate carting license, in addition to that paid for cutting the timber. If the Government objected to the timber companies obtaining this concession, surely some provision might have been made to exclude them from the remission of the fee, while at the same time the settlers might have benefited by the fee being abolished, so far as private individuals were concerned.

MR. MONGER concurred with what had fallen from the hon. member for Toodyay that the fee pressed very heavily upon private settlers, and a petition, numerous signed, had been sent to the Government from the York District, asking them to abolish the fee, which was regarded as a most arbitrary one.

MR. CAREY said the resolution asked for nothing but what was right and fair, and he hoped the Government, having heard what the opinion of hon. members on the subject was, would agree to the resolution.

MR. S. H. PARKER moved the adjournment of the debate until Monday, 18th August.

Agreed to.

## PUBLIC PARK AT FREMANTLE.

### IN COMMITTEE.

MR. MARMION moved, "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place upon the Estimates for 1880, the sum of £500, as a grant to the Fremantle Municipal Council, to be expended in improvements to a public park." The hon. member said he need not dilate upon the motion, which had already been under consideration. He did not anticipate any opposition to the resolution, which could only be regarded as an act of simple justice to the inhabitants of a town that had been deprived of a very useful and necessary recreation ground.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the Government would offer no opposition to the motion, if it was the wish of the House that the amount named should be placed on the Estimates.

Motion agreed to.

## RAILWAYS ACT, 1878, AMENDMENT BILL, 1879.

On the motion of the ACTING ATTORNEY GENERAL (Hon. G. W. Leake) the House then went into Committee on this Bill.

Clauses 1 to 8 were agreed to, with some verbal amendments, without discussion, when

Progress was reported, and leave obtained to sit again on Tuesday, 12th August.

## MESSAGE NO. 1—FINANCIAL RETURNS.

MR. SHENTON moved the following resolution: "That—having considered that portion of His Excellency the Governor's Message No. 1, relating to Return A asked for by this Council, and to an analysis of the accounts which will be necessary to afford the information required, and which Message concludes by asking whether, in the opinion of this Honorable House, it would not be more satisfactory to the public if the investigation suggested by His Excellency were conducted by a Select Committee of its Honorable Body"—this Council, in reply, in its capacity as representing the public, sees no present reason for the appointment of a Select

"Committee, and begs respectfully to express the opinion that this investigation should be undertaken by the Government." The hon. member thought that after the open and candid manner in which His Excellency had met the House with reference to the public finances, and bearing in mind the careful analysis which an examination of accounts extending over several years would entail, it would be far better for the present to leave this work to the Governor rather than in the hands of a Select Committee. By referring the matter to a Select Committee the House would to a certain degree be throwing a doubt upon the Government, which he thought was at present hardly called for. When the accounts were laid on the Table, as they would be in due course, the House would then be in a position to go into them carefully, and, if deemed desirable, refer them to a Select Committee. At present it seemed to him premature and uncalled-for to appoint such Committee, until the accounts were prepared and analysed.

MR. HARPER seconded the resolution.

MR. S. H. PARKER said it afforded great pleasure to him, as the mover of the resolution calling for the returns in question, to support the motion now before the Committee. He congratulated the hon. member for Toodyay on the careful wording of the resolution, which he regarded as an improvement upon the wording of the Governor's Message, showing as it did that the House in its representative capacity had no right to go beyond the public. It was also a matter for congratulation that we possessed, in His Excellency, a Governor who was anxious to be in accord with public opinion, and to remove any feeling of doubt or distrust that might exist in the public mind with reference to the finances of the Colony. Although supporting the resolution before the Committee as to the inexpediency of at present appointing a Select Committee, he did not mean to say that when the accounts were furnished to the House by the Government it might not be hereafter necessary to appoint such Committee, who would have the returns as the ground-work for conducting their labors. With regard to one portion of His Excellency's Message

he was surprised to find the Governor stating that "although under ordinary circumstances it would have been the duty of the Government to have undertaken such an investigation, without delay, as would enable them to arrive at an exact statement of the financial position of the Colony at fixed periods, yet before doing so"—before doing what was their obvious duty to have done, in the face of the notice he had given them months ago of his intention to move for these returns—His Excellency now came forward and said he considered it his duty to enquire whether in the opinion of the House it would not be more satisfactory to the public that the duty cast upon the Government should be carried out by a Select Committee of the House. Until he had heard His Excellency's Message read, he had labored under the impression that the returns, asked for months ago, were in course of preparation, whereas it now appeared that the Government had taken no steps whatever in the matter. He regretted extremely to find such an admission made in the Governor's Message, in the face of the notice he had given last Session, and of a promise made by the Government that the returns would be produced as soon as the House met in July.

MR. MARMION said it was his intention to support the resolution, and for this reason—that it would tend to satisfy the public mind on a question which had agitated it to a considerable extent since the announcement of the deficit was made in the Governor's opening speech. In conjunction with other members he had supported the motion brought forward by the hon. member for Perth, calling for these returns, and he must say it was a matter of regret to him to find the Government evincing any hesitation in affording the public that information which they desired, and had a right to obtain, with regard to the financial condition of the Colony. Nothing could have a more damaging tendency, or be calculated to increase the feeling of doubt which existed in the public mind, than this hesitation on the part of the Government to furnish the information asked for. He trusted the analysis of the public accounts would be carried out without delay by the Government, and presented to the House, which would

then be able to judge whether it was desirable or necessary to appoint a Select Committee, or not.

MR. BROWN said that had the Governor's Message not contained the words referred to by the hon. member for Perth—"whether in the opinion of the House" "it would not be more satisfactory to the public that the investigation should be carried out by a Select Committee of the House, than by the Government"—had it not been for these words in the Message, the resolution before the Committee would not have had his support. The Council represented the public, and if the public had no confidence in their members, the sooner they sent others to represent them in the House, the better. They were not there as mere delegates, but as the representatives of the people, and he was glad to find that His Excellency regarded them in that light, and had submitted to them the propriety of an investigation of the public accounts being undertaken by the representatives of the people. Believing, however, as he did, that the best course to pursue was for the Government to undertake the preparation of the analysis of the public accounts, and submit the same to the House—which would then be in a position to determine whether further investigation by a Select Committee was necessary—he would support the resolution. If the returns, when furnished by the Government were satisfactory, if they unmistakeably disclosed the fact that a searching and thorough investigation of the public accounts had been made, and that his mind was satisfied on that point, he would oppose the appointment of a Select Committee. If the analysis which the Government were asked to prepare were such as to satisfy the minds of hon. members, he thought the public ought to be satisfied. If, however, the returns were not entirely satisfactory, he would be in favour of the appointment of a Select Committee to report upon them.

The resolution was then put and passed.

#### MESSAGE NO. 3—GRANTS TO VOLUNTEERS.

##### IN COMMITTEE.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) expressed a

hope that the Message of His Excellency would elicit the opinions held by all hon. members on the subject to which it referred, namely the substitution of a money grant in lieu of land certificates to the members of the Volunteer force who had qualified themselves for this concession. The Message itself so fully and explicitly explained the views of the Government on the subject, and treated it so exhaustively that he need not detain the House by traversing it in detail. As pointed out by His Excellency, and as was well known to hon. members who had occupied seats in the House when the land regulations were framed, the original object of the Government was to place the Volunteers on the same footing as the Enrolled Pensioners as regarded grants of land for their services to the country. The former, however, seemed to think that, unlike the Pensioners, they had a right to the free selection of any rural land open for sale in any part of the Colony, and demurred to being called upon to take country land, suggesting even that they should be given town land of equal value in lieu. The Government were not prepared to grant this concession, but were perfectly ready to meet the Volunteers fairly, and on referring to the officers commanding the various corps, it was ascertained that the majority of the men would probably be willing to accept a money payment in lieu of land, which to many of them—he might say to most of them—would be of little or no use, unless indeed it were for the purpose of trafficking with it. The result of this would be, that the land market would be flooded with hundreds of rights to select plots of fifty acres each—for it was absurd to think that the members of the Perth and Fremantle Volunteers would leave these towns for the purpose of settling down on country land, simply because a fifty-acre plot was given to them for their services. The Government, as he had already said, were desirous of dealing fairly and honestly with the men, and were prepared, subject to the consent of the House, to substitute a money payment in lieu of land. The matter had been carefully considered by the Executive, and the results of their deliberations were embodied in His Excellency's Message, which he now commended to the con-

sideration of the House. In order to facilitate matters, he would suggest that the Committee should deal with the various proposals recommended in the Message *seriatim*. He would therefore formally move—

“1st.—That it would be desirable that “the Government should be placed in a “position to offer to every Volunteer “willing to accept it, a sum of £12 10s. “in lieu of the 50 acres of land, which “the Government had agreed to give “him after 5 years’ service:”

MR. SHENTON understood that about 150 Volunteers had already applied for this money grant, so that a sum of over £1800 would be required at once to satisfy these claims. He would like to know how many more men were likely to become entitled to the grant.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said there were six hundred and fifty on the force.

MR. SHENTON: Presuming that all these qualify themselves to receive the grant, the sum required would not be less than £8,000, and the question is, where is the money to come from?

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the question for the Committee to decide was, not whether the Volunteers were to have what they were entitled to, but whether they were to have their grants in accordance with the provisions of the land regulations—which would result in lowering the value of land and flood the Treasury with remission certificates—or whether it would not be more desirable to pay them in hard cash.

MR. CAREY was in the House when the land regulations, under the provisions of which the Volunteers became entitled to grants of land, were discussed, and it was clearly the intention of the House that the men were to have the right of free selection. At that time free selection was the rule, and no exception was intended to be made in the case of the Volunteers. He therefore thought the Government and the House had a right to keep faith with them in this respect, and not seek to put them off with a money payment, which, although it would in the aggregate represent a very large sum of money, could not be regarded as equivalent to a grant of 50 acres of land with the right of free selection. The

strongest argument he thought against giving these money grants was the simple fact that we hadn’t got the money to give. We had the land, but not the money.

MR. BURGESS thought it would be better to redeem the claims of the Volunteers as proposed by the Government, rather than the land revenue should suffer as it would by the issue of so large a number of remission certificates as would be required to satisfy the claims of the whole force.

MR. BROCKMAN understood the men were willing to forego their claims to the land, provided they received £12 10s. each. He thought it would be much better to pay them the money and be done with it.

MR. MARMION rose to move an amendment upon the motion before the Committee. The original intention undoubtedly was to allow the men the right of free selection, and he thought it was the duty of the House to carry out that intention, or at any rate to give the men the option of accepting the money or to select the land. Possibly many of them would prefer the latter course, and the result would be that a large quantity of land would be taken up, thus tending to the settlement of the country. Providing all the men chose to accept land grants in lieu of money, no less than 32,500 acres would be taken up, which, at 10s. an acre, would be worth £16,250. Whether the Volunteers sold their grants or not, whoever purchased the land would have to expend £25 in improvements, and this amount would, in the aggregate, represent a very large sum of money spent in improvements. He thought, at any rate, the men should have the right of choice, as to whether they accepted payment in land or money, and he would therefore move as an amendment upon the resolution before the Committee—  
“That it would be desirable that the “Government should be placed in a “position to offer to every Volunteer the “option of selecting 50 acres of land in “any part of the Colony, subject to the “conditions specified with regard to “transfer and improvements; or, in lieu “thereof, a money payment of £12 10s., “in consideration of the five years’ service for which the aforesaid grants of “land were originally given.”



THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the Government had raised no objection to selection, but to indiscriminate selection, in any part of the Colony.

MR. MARMION thought it was only a matter of justice that the House should carry out what appeared to have been its original intention, as regarded the right of selection. No doubt many of the men would prefer a grant of land to money payment, while others, and possibly the majority, would be content with the money. But he did not think the House should force this alternative upon them.

MR. SHENTON moved, as an amendment upon the amendment of the hon. member for Fremantle,—“That it would be desirable that the Government should be placed in a position to offer to every Volunteer entitled to it, the right of selecting fifty acres of land in any part of the Colony, subject to the conditions specified with regard to transfer and improvement.”

SIR L. S. LEAKE said he would support the original resolution, as embodied in the Governor's Message. If they could depend upon each Volunteer settling down and cultivating these grants of country land, the result no doubt would be the establishment of a very valuable band of yeomanry; but, instead of that, the probability was that not half a dozen of the men would do so, and the result would be the rest would dispose of their certificates to the highest bidder, and the market would be flooded with them, and the revenue would suffer accordingly. He understood that the Volunteers themselves were to a man prepared to accept the proposed money payment, and so long as the men themselves were satisfied, he failed to see why the House should be called upon to do more than to authorise the Government to pay them.

MR. BROWN thought the subject was one of too great importance to be decided that evening. Every member in the House was desirous of doing full justice to the Volunteers, but the question was—what is best to be done in order to give effect to that desire. Some hon. members were under the impression that the original intention of the House was to give the Volunteers the right of free

selection. He did not think so, and the regulations which were promulgated soon after the question was decided in the Council supported his view of the matter. He believed the original intention was to restrict the Volunteers in their selection to certain areas, and the question now resolved itself into this—whether it would be better to carry out the original intention of the Legislature, or compromise the matter by giving the men £12 10s., which it appeared they were prepared to accept in lieu of all claims upon the Government in respect of land grants.

MR. PEARSE said he was in the House when the subject was originally discussed, and he was distinctly under the impression that the Volunteers were to have the right of free selection, which he thought they were fairly entitled to, or otherwise that the Government should pay them the sum named. He thought the Volunteers themselves should have the option of selecting land or accepting the money grant, and for that reason he would support the amendment of his hon. colleague.

SIR L. S. LEAKE said he also was in the House when the question was originally brought forward by the then member for Perth (Mr. Carr): but he did not think anything was said at the time about the right of free selection. In order to give a spur to the Volunteer movement it was decided to give those who joined it grants of land, under certain conditions, and this resolution of the House was approved by the Secretary of State. The Volunteers now found that the conditions imposed rendered the land comparatively valueless to them, and the Government, desirous of dealing fairly with them, came forward with an offer to pay them a lump sum, in lieu of the land. As the men were quite prepared to accept this offer, he thought the House would do well to ratify the proposal made by the Government. He certainly did not think the Volunteers were entitled to the right of selection in any part of the Colony.

MR. BROWN moved, That Progress be reported.

MR. BROCKMAN: It appears to me that we report Progress so often that the end of it will be we shall make no progress at all. We have heard so much

of the subject both inside the House and outside the House that I think every member must have made up his mind how he will vote, and I see nothing to be gained by reporting Progress.

MR. MARMION also thought it would be simply wasting the time of the House to report Progress at this stage. He failed to see what further light could be thrown on the subject by postponing its consideration. He would like to get it settled one way or the other, at once, and thus get rid of one of the stock questions of the day. Hon. members who were in favour of money payment, in lieu of land, seemed to forget that there were other Volunteer Corps besides those of Perth and Fremantle—such as York, the centre of a rich agricultural District,—and he would not be at all surprised to learn that the members of these country corps would prefer fifty acres of land to a sum of £12 10s. Unless the land was worth more than that, it was of very little value indeed; and it was in order to afford these men a choice of land or money that he had submitted his amendment.

MR. HAMERSLEY said he was a Volunteer at one time; and looked forward to receiving his fifty acres of land when he qualified himself for it. He certainly had been under the impression that the Volunteers were to have the right of free selection. If that was not a correct impression, and the Volunteers were not to have the right of selecting their fifty acres wherever they chose to take it up, he would certainly support the amendment of the hon. member for Fremantle, and give them the option of accepting money payment, or land on the same terms as the Pensioners.

MR. HARDEY said he also would support the amendment of the hon. member for Fremantle. He considered that if the Volunteers were at first offered the right of free selection, that right should not be denied them; but if they liked to accept a money payment in lieu thereof, let them do so by all manner of means.

MR. MONGER concurred. He knew that many young men at York had joined the movement under the impression that at the end of five years' service they would be entitled to select fifty acres of land.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said they could only deal with the men in accordance with the Land Regulations, and those regulations did not give them the right of free selection in any part of the Colony, where they chose.

MR. MARMION asked the hon. gentleman if the Land Regulations existing when the agreement was entered into with the Volunteers were the same as the present regulations.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the resolutions in favor of granting land to Volunteers were passed in 1872: the new Land Regulations were promulgated in May, 1873, and the resolutions of the House were embodied in them almost verbatim. The only alteration made was relating to some conditions as to drill, which were introduced in consequence of some misunderstanding between the men and the Commandant.

MR. SHENTON said he would withdraw his amendment in favor of that submitted by the hon. member for Fremantle.

Amendment withdrawn accordingly.

MR. GLYDE said he was in accord with the amendment of the member for Fremantle. He had always understood that the Volunteers were to have their fifty acres of land wherever they chose to select it, and he thought the proposal to substitute a money payment of £12 10s. on condition that the men expressed themselves ready to forego any claim they might have for land, should be optional and not compulsory.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) again pointed out that as it was contrary to the Land Regulations in force to grant the Volunteers the right of free selection, it was not competent for the Government to give them that right.

MR. BROCKMAN thought the Volunteers might well cry "Save us from our friends," in this case. It appeared from what fell from the Commissioner of Crown Lands that it was quite out of the question to give the men the right of free selection, and he (Mr. Brockman) thought that in placing any hindrance in the way of what appeared to be an equitable solution of the difficulty, namely the payment of £12 10s. to each

man entitled to it, the friends of the Volunteers were doing them more harm than good.

**MR. MARMION:** The fact remains that an impression prevailed on the minds of the Volunteers, and on the minds of many hon. members of this House, that the original intention was to give them the right of free selection; and if the Commissioner of Crown Lands can show me, by the Land Regulations, that such an impression was an erroneous one, I shall be quite prepared to withdraw my amendment.

**MR. BROWN** failed to see why the House should do more than the Volunteers themselves asked for.

**THE COLONIAL SECRETARY** (Hon. R. T. Goldsworthy) said the proposals embodied in His Excellency's Message had only been arrived at after very careful consideration on the part of the Executive Council, and he thought the House might fairly be asked to accept them as a very fair compromise between the Government and the Volunteers. It was proposed by some hon. members, on what ground he failed to see, to give the Volunteers a right which did not belong to them in virtue of any agreement existing between them and the Government—the right to free selection, on the same grounds as the grants made to immigrants, whereas it was evident from the Land Regulations that it was never intended that the rights of the Volunteers as to selection should be the same as the rights of immigrants, the conditions in the case of the Volunteers being in fact analogous to those that applied to the Enrolled Force.

**MR. MARMION:** I have before me the resolutions adopted by the House when it was first proposed to make grants of land to the Volunteers, and I would ask the Commissioner of Crown Lands to point out where they show that it was intended that the selection should be circumscribed within certain areas.

**THE COMMISSIONER OF CROWN LANDS** (Hon. M. Fraser): I never said they were.

**MR. MARMION:** I understood the hon. gentleman to say that free selection was contrary to the spirit of the Land Regulations applying to Volunteers, and that those regulations and the resolutions of the House were worded almost

verbatim alike. The regulations simply provide that the lots shall be assigned by occupation certificates after two years continuous service, which certificates may be exchanged, at the expiration of five years' continuous service, for grants in fee simple, on satisfactory proof being made that improvements have been made on the land applied for to the value of £25. I see nothing in the regulations opposed to their having the right of free selection.

**THE COMMISSIONER OF CROWN LANDS** (Hon. M. Fraser): That such right was never contemplated is evident from the whole tenour of the regulations. Where such right exists it is distinctly specified; but in the case of the Volunteers and the Pensioners no such provision is made. There is the right on the part of the Government to allocate to them certain grants of land, to be assigned by occupation certificates, leaving the right of selection with the Government.

The Committee then divided, when there appeared a majority of two in favour of the original motion, the numbers being:

Ayes	...	...	10
Noes	...	...	8
Majority for			2

AYES.	NOES.
The Hon. R. T. Goldsworthy	Mr. Carey
The Hon. G. W. Leake	Mr. Glyde
The Hon. M. Fraser	Mr. Hamersley
Mr. Brockman	Mr. Hardy
Mr. Burges	Mr. Monger
Mr. Harper	Mr. Pearce
Sir L. S. Leake	Mr. Shenton
Mr. S. H. Parker	Mr. Marmion (Teller.)
Mr. S. S. Parker	
Mr. Brown (Teller.)	

The motion was therefore agreed to.

**THE COMMISSIONER OF CROWN LANDS** (Hon. M. Fraser) then moved—

"2nd—That in future no Volunteer enlisting should have any claim for a grant of land in return for his services."

**MR. BROWN** regarded this as an exceedingly wise provision. If these grants of land had proved of any use, or been of any value beyond the mere market value—beyond the mere market value of the grants;—if, for instance, they had led to settlement and the establishment in our midst of a yeomanry class, it might have been desirable to

continue such grants to the Volunteers. He quite approved of the Volunteer movement, but not to the extent that every man who joined it should become entitled to a free grant of land in any part of the Colony, at the expense of the Revenue.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he would support the resolution before the Committee very cheerfully, because in reality in offering these men grants of land we were offering them no boon. He observed by the next resolution on the paper that it was proposed to offer them other inducements to enlist, by increasing the capitation grant, by allowing them an adequate sum to cover the cost of their uniform, and otherwise offering encouragement to the men to join the movement, and to render the force more efficient. He regarded the Volunteer movement a wholesome and admirable one, tending as it did to divert our young men from mischief, and in the case of any outbreak, providing the Colony with a trained band of defenders. In Tasmania, within the past few weeks, the local Volunteers had proved themselves of real service in suppressing disorder, caused by the public action of some wretched fanatic, and necessitating Mr. Weld, the Governor, to call out the Volunteers at Hobart Town to preserve order among the community.

The resolution was then agreed to.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) then moved—  
 “3rd.—That with the view of offering to Volunteers an adequate inducement to enlist, and the present capitation grant being found insufficient to meet the expenses to which they are now subjected, the capitation grant shall be raised from £1 to £1 10s. for men who have served for 2 years, and to £2 for those who have served 4 years and over. Also that the Government be empowered to pay to each Volunteer a sum of money (not exceeding £4) sufficient to cover the cost of his uniform. And further that the Government be empowered to give annually a sum of money not exceeding £100 to be spent in prizes for the purpose of encouraging shooting.”

MR. SHENTON asked how often it was proposed to pay £4, to cover the cost of their uniform?

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) presumed the intention was only to do so on the first occasion of the men joining.

Progress was then reported, and the Committee agreed to sit again for the further consideration of the Message on Wednesday.

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

## LEGISLATIVE COUNCIL,

*Tuesday, 12th August, 1879.*

Gun License Bill: motion for second reading.—District Roads Boards Audit Bill, 1879: second reading; in committee.—Seab-In-Sheep Bill, 1879: second reading; in committee.—Railways Act Amendment Bill, 1879: in committee.—Customs Ordinance, 1860, Amendment Bill, 1879: in committee.—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

### GUN LICENSE BILL.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved the second reading of a Bill to enact that no person shall use or carry a gun unless duly licensed in that behalf. The Bill, he might say, was brought forward by the Government on the representation made by some members of the House that it would be desirable to substitute a measure of this character for the present Game Laws. On the one hand it was regarded desirable to prevent the wanton and wholesale destruction of game, and on the other hand to place some check on the unguarded use of firearms, more especially by youths, who, if the Bill became law, would not be able to indulge in their sporting proclivities unless they could muster enough spare coin to pay for a license to carry a gun. He might also