LEGISLATIVE COUNCIL,

Friday, 7th June, 1878.

Trespass Act, 1872, Amendment Bill, 1878: in committee—Boat Licensing Bill, 1878: second reading; in committee—Vaccination Bill, 1878: second reading; in committee—Wild Cattle Nuisance Act, 1871, Amendment Bill, 1878: second reading; in committee—Waste Lands Occupation Act, 1878, Amendment Bill, 1878: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at 7 o'clock, p.m.

PRAYERS.

TRESPASS ACT, 1872, AMENDMENT BILL, 1878.

On the motion of the COLONIAL SECRETARY (Hon. R. T. Goldsworthy), the House went into Committee on this Bill.

Clause 1.—"Short title:"

Agreed to.

Clause 2.—"Section 17 of 'The Trespass Act, 1872,' shall be, and the same is hereby repealed:"

MR. S. H. PARKER moved that this clause be struck out, and the following clause introduced in lieu thereof: "The whole of section 17 of 'The Trespass Act, 1872,' shall be and the same is hereby repealed, and section 21 of the same Act shall be and the same is hereby amended by the omission of the words 'by any single Justice of the Peace.'" The object of the amendment was simply to give every aggrieved person power of appeal. The twenty-first section of the present Act provided only for appeal in cases where an order or conviction was made by "any single Justice," thus taking away the right of appealing to the Supreme Court by any aggrieved person whose case may have been heard before more than one magistrate. He saw no reason why a man should not have the same right of appeal whether his case had been heard by one or more justices, and this was his only object in moving the amendment.

The amendment was agreed to without discussion.

Clause 3.—"Party using boundary fence of another to pay half of its value to the lessee or licensee of the land whereon dividing fence availed of is erected:"

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, as an amendment upon this clause, the insertion of the words "other than pastoral licensee." He did this with a view to render the section consistent with the land regulations, under which pastoral licensees were not entitled to compensation for improvements.

MR. BROWN opposed the amendment. He had imagined that pastoral lessees and licensees were at any rate among the principal class of persons whose interests the Government had in view when bringing forward the Bill before the House, for there was no doubt that class of landholders had constructed more fencing than any other class in the Colony. It was the pastoral occupant of the land who year after year incurred heavy expenditure in the erection of fences, whether such land was held under a lease or under license from the Crown, and he thought it a very equitable provision that the privileges which the Bill conferred upon the lessee should also be extended to the licensee. He might instance a case in point, as illustrating the necessity of such a provision as that contemplated in the clause under consideration. At the present moment a gentleman contemplated erecting about ten miles of fencing on the northern boundary of his (Mr. Brown's) runs, and he had asked him to join him in the cost of its construction. The subject was still under consideration between them. Now what would be the result, if the amendment proposed by the hon. gentleman opposite were adopted. If he (Mr. Brown) refused to comply with the request of the person who was desirous of erecting the fence, and allowed him to construct it entirely at his own expense, he (Mr. Brown) would only have to erect about a quarter of a mile of fencing in one direction on his run to enable him to avail himself of the full benefit of his neighbor's fence, and his neighbor would have no redress. This could hardly be regarded as fair, or equitable, or reasonable; yet such would be the law of the land if the amendment proposed by the hon. gentleman were introduced into the bill. He would oppose such an amendment.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the hon.

member was laboring under a misapprehension. The sole object of the amendment was to render the clause consistent with the spirit of the land regulations as affecting pastoral licensees, the end in view being to induce people to take up the land on lease rather than under a license, or in other words to handicap the licensee, who could not in any way be regarded as so desirable an occupant of the land as the leaseholder. It was not proposed to exclude the pastoral lessee from the operation of the clause. If the clause were adopted as it now stood, it would be antagonistic to the spirit of the existing land regulations.

MR. BROWN, having heard the explanation of the Commissioner of Crown Lands, admitted that he had somewhat misapprehended the purport of the amendment. He had understood it to apply to the pastoral lease-holder as well as the pastoral license-holder, and, when instancing the case of his neighbor, he had done so laboring under that impression. Still there were many cases in which the amendment might act very unfairly towards licensees of pastoral land, who frequently effected valuable improvements in the way of fencing. Although licenses were only granted on an annual tenure, still, practically speaking, they were as secure as leases, and were renewed from year to year, and, in many instances, from generation to generation. He hoped the Committee would pause before it deprived this class of persons from the right of compensation proposed to be extended to pastoral lessees with regard to fencing.

MR. S. H. PARKER concurred with the views expressed by the hon. member for Geraldton. He failed to see why a pastoral licensee who went to the expense of erecting a dividing fence should not, in the event of his neighbor availing himself of that fence, be as much entitled to a moiety of the value of the fence as the pastoral leaseholder.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said, if there was a desire on the part of the House that the proposed amendment should not be introduced, he did not suppose the Attorney General would press it. The only object the Government had in view was to assimilate the provisions of the Bill with the spirit of the land regulations now in operation.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), with leave, withdrew the amendment, and the clause as originally introduced was agreed to.

MR. CAREY, pursuant to notice, moved the insertion of the following additional clause: "No person seizing any live stock found trespassing on his land shall remove the same more than ten miles from the scene of such trespass." The object of the additional clause was to remove a source of a great deal of injustice perpetrated under the law as it now stood. The section of the existing Act which he was more particularly desirous of amending was the second section, under which cattle might be driven any distance to a pound or place of security unless there should happen to be a public pound within three miles of the scene of trespass. This in some cases might be ruinous to a poor man, who had taken up a piece of land on a big man's run, say 100 or 150 miles from a pound. The latter, out of ill feeling, might, by driving the small farmer's stock found trespassing all that distance to be impounded, be the cause of endless expense to him.

MR. BROWN regretted exceedingly having to oppose the introduction of the proposed clause, being aware that it was intended to remedy what in many cases was an undoubted hardship, and one that had received a great deal of consideration at the hands of the settlers throughout the Colony. The matter was surrounded with difficulties, and he did not think the clause proposed by the hon. member for Vasse would remove those difficulties. He was sorry the hon. member had revived the old cry of "squatter against farmer," and "farmer against squatter," for he believed that any ill feeling that formerly may have existed between the one and the other was now dying out, and that the two classes referred to were on an uncommonly good understanding, and knew very well how to "give and take." The hon. member had illustrated a case of hardship which might arise by reason of a revengeful squatter who, finding his run trespassed on by the stock of the small farmer, might, in order to ruin him, drive the stock a hundred miles or

more to a pound. He (Mr. Brown) himself had never heard of such a case in the Colony. And he doubted if such a thing was likely to happen as a "small man" taking up a portion of a squatter's run 150 miles out of town, with the expectation of making a living out of it. As a rule, wherever there was a public market there was a public pound, and the settler who would be 150 miles from the one would be the same distance from the other. Nevertheless, he (Mr. Brown) did think the existing law of trespass required amending. For instance, the second section of the existing Act (36 Vict. No. 9) enacted that any person may seize any live stock of whatever description found trespassing on his homestead, and secure the same in *any* public pound, or if there were no public pound within three miles of the scene of the trespass, then, in *any* private pound or place of security. The word "any" left the landowner at liberty to drive the stock as great a distance as he chose, and a spiteful man—and, unfortunately, there were spiteful men—who wished to be revenged on another might drive stock found trespassing on his land to any pound in the Colony. He had known of a case in which stock had actually been driven out of the Geraldton district (where there was a public pound) to the pound at Geraldton, and he thought the law ought to provide against a thing like that. He did not suppose that, when the existing Act was framed, such a practice as he referred to was ever contemplated by the framers; but, as the law admitted of such an abuse being practised, he thought it would be well to amend it, by omitting the word "any" and inserting the words "nearest pound to the scene of the trespass." Reverting to the new clause proposed to be introduced into the Bill now before the Committee, it appeared to him that, practically, it would deprive any man residing more than ten miles from a public pound from having any redress in case of trespass, unless he happened to be in the fortunate position of being able to provide a "place of security" for the stock trespassing—perhaps fifty or sixty head of cattle; and, not only a "place of security," but also the means of (to use the words of the Act) "treating the animals impounded with reasonable care, to supply the same with good and proper food for their sustenance, and to protect them from ill usage." Unless he could do that, he would be bound to put up with the trespass, whether the trespassing was wilful or not. A man might drive a flock of sheep on such land, and let them feed thereon with impunity. The clause, in fact, appeared to him to have a tendency to encourage rather than to discourage trespassing. Another thing that should be borne in mind was this: in the event of there not being a sufficient number of public pounds in any district to meet the requirements of the settlers, it was competent for them to have additional pounds erected, and he believed the Government allowed £10 towards that purpose in each case. He hoped the House would not agree to the proposed additional clause, which, though no doubt intended to remedy what in some cases might be a hardship, would, he was sure, if adopted, act very detrimentally to the interests of the landowners.

Mr. SHENTON said the matter under consideration was a very important one, and, with a view to enable hon. members to think over it carefully, he would move that progress be reported, and that leave be given to the Committee to sit again at an early date.

Mr. CAREY was quite prepared to adopt that course. The suggestion of the hon. member for Geraldton to strike out the words "any pound" and substitute the words "nearest pound" would not meet the difficulty, so far as it affected the Southern districts, for there were only two public pounds in the whole of that part of the Colony.

The COLONIAL SECRETARY (Hon. R. T. Goldsworthy) was not at all inclined to agree with the hon. member for Geraldton that because no remedy had been found in the past for the grievance complained of they might not find a remedy in the future. He felt disposed to concur with the hon. member for Toodyay that it would be better to report progress, so as to afford hon. members an opportunity of further considering the matter.

Mr. BROWN was exceedingly pleased to observe a desire on the part of the Government and of the House to consider subjects brought before the Council in all their bearings before arriving at any

definite decision with reference to them. The House had become notorious for passing Acts one Session simply to be amended or repealed at the next Session. He had never pretended that the suggestion he had thrown out would altogether meet the case.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) suggested that the question might be met by amending the twenty-second clause of the existing "Trespass Act" (36 Vict. No. 9), so as to give greater latitude and discretionary power to Justices of the Peace to settle the fees to be paid and allowed in proceedings under the Act, so that in cases where a person wilfully and deliberately drove stock past a pound for the sake of claiming a larger mileage allowance, Justices might be empowered to deal with such cases in a manner that would tend to discourage if not check the abuses complained of.

Progress was then reported, and leave obtained to sit again.

THE BOAT LICENSING ACT, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved the second reading of a Bill to repeal certain Ordinances now in force respecting the licensing of boats and boatmen, and to make other provisions in lieu thereof. Under the present law, it was not necessary for any vessel registered as a British ship to take out a license under our local Acts, and, accordingly, one or two steamers were now plying on the river considered to be in an unsafe state, and which no licensing board here had any power to deal with, inasmuch as the steamers in question were registered as British ships. Again: under the existing enactments, persons who made no pretensions to a professional knowledge of the subject were called upon to pass judgment on steam boilers and steam engines employed on board these vessels; and it was now proposed to remove this anomaly by appointing qualified surveyors to act as a licensing board, or under the directions of such board. The original intention of the Government had been to amend the existing Ordinances in regard to this and other defects, but it was afterwards found that the better plan would be to repeal these Acts and incorporate in the present Bill such of their provisions as it was deemed expedient to retain. The old Acts were principally intended to deal with boats navigated and managed by their owners, but in the Bill now before the House it was proposed to deal with every description of vessel that plied for hire in our waters, be they flats, barges, "puffing billies," or ordinary steamers. What the Bill was intended to provide was the securing of properly fitted vessels managed by duly qualified navigators. The Bill provided for two classes of licenses—one for the boat-owners who navigated their own vessels, and another for a person who wanted to become a skipper, and who would be simply called upon to prove his ability to manage the class of boat he wished to take charge of. There were three classes of vessels dealt with in the Bill, and designated, respectively, "boat," "vessel," and "steamer." The term "boat" applied to any description of boat of a tonnage not exceeding two tons; the term "vessel" applied to any description of boat, flat, barge, or vessel, other than a steamer, and of a tonnage exceeding two tons; the term "steamer" had reference to any description of vessel propelled wholly or partially by steam power. It was proposed to grant licenses to coxswains, masters, and engineers. A coxswain, within the meaning of the Bill before the House, was the person taking charge of any boat; the term master was intended to apply to the person taking charge of any vessel or steamer; and the term engineer was interpreted as applying to the person taking charge of the engines of any steamer. Beyond extending the provisions of the existing Ordinances to steamers, and to vessels registered as British ships, there was very little that was new in the Bill before the House, it being, in a great measure, simply a re-enactment of the existing clauses. He might add that one of the Acts which it was proposed to repeal was a Customs Ordinance, to provide for which a supplementary Bill would be introduced at a later period of the Session.

The Bill was read a second time without discussion.

IN COMMITTEE.

Clause 1.—"Short Title:"

Agreed to.

Clause 2.—"Repeal:"

Agreed to.

Clause 3.—"Interpretation clause:"

MR. SHENTON asked whether the Bill was intended to apply to boats not plying for hire?

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said none of its provisions dealt with such boats, but there was a clause rendering it penal for the owner of any unlicensed boat, vessel, or steamer to employ the same in conveying goods or passengers for reward.

MR. PARKER suggested the expediency of progress being reported, so that the persons who were principally interested in the Bill might, through the medium of the Press, have an opportunity of becoming acquainted with its provisions by reading the Attorney General's very lucid explanation of the scope of the Bill. There were numbers of persons whom the Bill would affect who were in utter ignorance of its provisions, and if the House passed the Bill that evening they might find it necessary to repeal or amend it at the very next Session, whereas if further time were given for considering the details of the Bill, and for obtaining an expression of opinion from persons outside who were mainly interested in such a measure, the House might frame an Act that would need no amendment for years to come.

MR. SHENTON supported the proposition to report progress, more especially because the hon. member for Fremantle (Mr. Marmion) who took a great interest in the Bill was absent from the House in consequence of indisposition.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said there was no objection whatever on the part of the Government to afford hon. members every opportunity of considering and discussing the details of every measure presented to the House, so long as there was no unnecessary delay in proceeding with the business of the Session. He need not point out that he had other duties to attend to besides those appertaining to his position in that House—though of course his legislative duties were at the present time paramount to all others—and, while deprecating all unnecessary delays, he was prepared to submit to the wishes of the House in these matters. He had no objection whatever, therefore, to the course proposed by the hon. member for Perth being adopted.

Progress was then reported, and leave obtained to sit again.

THE VACCINATION ACT, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved the second reading of a Bill to extend and make compulsory the practice of vaccination. The hon. gentleman said it would be in the recollection of the House that during last Session the question was asked by the hon. member for Wellington whether it was the intention of the Government, in the course of that Session, to propose any fresh legislation to endeavor to ensure a more frequent compliance with the provisions of the existing Vaccination Act? The hon. member had been induced to ask the question in consequence of a paragraph in the Colonial Surgeon's report which stated that the law with regard to vaccination might be considered a dead letter. The Government were not at that time prepared to deal with the question, which, hon. members would agree with him, was one surrounded with many difficulties. In the face, however, of the statement contained in the report of the Colonial Surgeon, and which expressed not only the opinion held then by that gentleman, but an opinion that he had entertained for some time, His Excellency thought it was incumbent upon the Government to endeavor to grapple with those difficulties. The greatest obstacle in the way of carrying out a compulsory system of vaccination in a Colony like this was the scattered nature of the population, spread over such an extensive area of country. No great difficulty was experienced under the present Act with regard to towns and the centres of population; the perplexity arose when they sought to extend its provisions to persons residing say a hundred miles from a public vaccinator. He thought every hon. member would agree with him that it was a most important matter that we should make the fullest use we can of the very simple means by which medical science had enabled us to render comparatively harmless a most loathsome

and terrible disease. He need not tell hon. members that, as compared with smallpox, the measles was decidedly harmless. It was regarded in England as a very mild type of disease,—as incidental to childhood as teething itself; but it would be in the recollection of the House what dreadful ravages even the measles made among the population of Fiji when that epidemic raged some time ago in that Colony. Regard being had to the fatal effects which the more loathsome disease of smallpox was the source of, and the preservative efficacy of vaccination, it would not be denied that it was the duty of the State to endeavor, by every possible means available, to secure the careful vaccination of the whole population. He did not think they should be content with locking the stable door after the steed was stolen. What the present Bill principally aimed at doing was, in the first place, to make some effort to atone for our past remissness in this respect, and not only to adopt the necessary precautions in the case of children born hereafter, but also to adopt a preventive policy as regarded those already amongst us who either have not been vaccinated at all, or in whose case vaccination had not been performed with success. No uniform system of legislation on such a subject could possibly be enforced in a country like this; and, for the purposes of the Bill before the House, it was therefore proposed to divide the Colony into "urban," "suburban," and "rural" districts. Those localities which were within a radius of five miles from the place of residence of a public vaccinator would be regarded as "urban" districts; and such districts as were within a radius of twenty miles, as "suburban;" all other parts of the Colony not included in any urban or suburban circuit to be deemed a "rural" district. The Bill provided that all children of the age of seven years and under, not being already vaccinated, and residing within an urban district shall, within three months after the Bill became law, be vaccinated. In the case of children residing in suburban districts, the prescribed period within which they must be brought under the operation of the Act was six months. With reference to children living outside urban or suburban districts, it was proposed to empower the Governor from time to time to appoint some person to travel through the rural districts as a public vaccinator, and such public vaccinator would be compelled to give due notice of his intended visit, and to require parents to bring their children for vaccination to a place to be named in such notice—not being more than seven miles distant from the place of the parents' residence. Provision was also made to ascertain, in the following week, whether the vaccination had been successful, and, if not, to repeat the operation, until it had the desired effect, or until it were found that a child was insusceptible of successful vaccination. In that case, the public vaccinator would have to give a certificate to that effect. With a view to provide for the carrying into execution of the various provisions of the Bill, it was proposed to appoint a Superintendent of Vaccination, one of whose duties would be to take measures for the regular supply of vaccine virus to the several public vaccinators, and to superintend the distribution of the same. Heretofore the Colony had been indebted to a number of gentlemen constituting a Board of Vaccination to carry out the provisions of the existing enactment, and the public owed a debt of gratitude to those gentlemen for many useful and valuable suggestions adopted in the framing of the present Bill. In appointing a Superintendent of Vaccination, and hereafter dispensing with the services of the Board referred to, there was not the remotest intention of casting any reflection whatever upon the manner in which the members of the Board had discharged their duties; on the contrary, as he had already said, the Colony was greatly indebted to them. It was, however, felt that in order to strictly enforce the provisions of the present Bill, which were much more elaborate than the existing machinery, it was necessary to have some responsible person who should be entrusted with generally superintending the carrying into execution the provisions of the Bill, throughout the whole country. With these observations relative to the scope of the measure, he would now move, in accordance with notice, that it be read a second time.

MR. BROWN said the Bill had received from himself and other members

very careful consideration, and he thought the Government were to be complimented upon having so effectually met the difficulties to be dealt with in dealing with the question. He was sure the Bill would meet with the support of a majority of the members of the House. He regarded it as a very important measure indeed. Although the European population had hitherto escaped it, there was no doubt that, some years ago, smallpox did break out among the aboriginal natives on the North Coast of the Colony, and that it created terrible ravages among these poor blacks, hundreds upon hundreds of whom fell a prey to it. Subsequently another epidemic of the same disease broke out amongst the natives a few miles eastward of the settled portion of the Upper Irwin. And though the white population had, so far, escaped its ravages, there was no knowing when it might be introduced. Once it were, it was terrible to imagine what the consequences would be, with so large a number of the population unvaccinated. The Bill would have his cordial support.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2 adopted *sub silentio*.

Clause 3.—"Governor to appoint a Superintendent of Vaccination and such public vaccinators as may be required for performing the duties prescribed by the Act:"

MR. BROWN considered it an unquestionably wise provision to appoint a Superintendent of Vaccination, but he would like to know whether it was proposed to make this a separate department, or whether there were officers already in the public service competent to undertake the duties contemplated in the Bill? If it was proposed to create a separate department, he apprehended the expense would be very considerable.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) thought this was a matter that might safely be left to the judgment of the Governor. No doubt the Bill would entail some additional expense, for the machinery it provided was of a more elaborate character than that now provided, and which was admittedly inoperative. The Government—the House might rest assured—would limit the expenditure as much as possible, and he hoped hon. members would be content to leave the matter entirely to the care and judgment of the Governor.

MR. BROWN did not anticipate there would be the slightest objection to the clause under consideration being passed as it stood, for it would be borne in mind that the question of expense would still be in the hands of the House when the necessary vote came to be discussed in the Estimates. Personally, he was altogether in favor of the appointment of a Superintendent, but he in no way pledged himself to vote any large amount of expenditure under this head, or a salary sufficient for a duly qualified gentleman to live upon it independent of other duties.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said, as the clause was originally drafted, he had inserted words to the effect that the Colonial Surgeon for the time being should be the Superintendent of Vaccination; but His Excellency pointed that, however well pleased he might be to select the present holder of the office for that appointment, still it might happen that the office of Colonial Surgeon might be held by some one whom the Governor for the time being would not most willingly select to perform the duties of Superintendent of Vaccination. He had not communicated with His Excellency on the subject, but he thought the House might rest assured it was not intended to create a separate department.

Clause agreed to.

Clause 4.—"Duty of Superintendent of Vaccination:"

Agreed to.

Clause 5.—"Governor to declare urban, suburban, and rural districts:"

Agreed to.

Clause 6.—"Interpretation of the phrase 'prescribed period':"

Agreed to.

Clause 7.—"All children within urban or suburban districts to be brought within the prescribed period to a public vaccinator for vaccination:"

MR. HAMERSLEY said he found, from this clause, that parents were bound to take their children to the public vaccinator, but he failed to see any provision made for the public vaccinator to meet them. Parents might go to the trouble of complying with the provisions

of the clause, and take a child within the prescribed period to the place appointed by the public vaccinator and find no public vaccinator there, thereby entailing another journey at some future time. He thought some provision ought to be made to ensure the attendance of the public vaccinator at the place and time specified for the purpose of vaccination.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he quite recognized the difficulty pointed out by the hon. member for the Murray, but thought it would be met by the provisions of the third clause of the Bill, which empowered the Governor to make such rules and orders as he may see fit for the proper performance of the duties of the several officers appointed to carry out the provisions of the Bill. The public vaccinators might be called upon to appoint a certain day and a certain hour in their respective districts for vaccinating children brought to them, and of course it would be their duty to be at their post at the time specified. If they should be unavoidably absent, and a parent had duly attended with a child to be vaccinated, and had to return without having the operation performed, no one would think of prosecuting the parents, under the circumstances, for not complying with the provisions of the Act.

Clause agreed to.

Clauses 9 to 22—agreed to, *sub silentio*.

Clause 23.—"Shortening Ordinance:"

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved that progress be reported, and leave obtained to sit again.

Ordered.

THE WILD CATTLE NUISANCE ACT, 1871, AMENDMENT BILL, 1878.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser), in moving the second reading of a Bill to amend "The Wild Cattle Nuisance Act, 1871," said that the principles appertaining to our statutory enactments might be divided into four divisions. Firstly, there were the statutes which applied to measures in which it was the province of the Administration of the Colony to propose amendments to meet existing circumstances. Secondly, legal measures with regard to which the Government might well be guided by the opinion of the Crown law officers and the members of the Legislature. Thirdly, political measures which dealt with colonial matters, rightly brought forward by the Government, and with respect to which they trusted always to receive the support and the co-operation of the Council, or at any rate to meet with that consideration which the measures deserved. Lastly, there were measures which dealt with matters of social concern, and it was the second reading of one of these Bills that he now asked the House to agree to. He did not ask hon. members at present to pledge themselves to the details of the Bill; he merely asked them to affirm the principle. The Government brought the measure forward a mere skeleton, as it were,—the simple foundation of a superstructure to be reared upon it by the House. He himself, when in Committee on the Bill, would have one or two slight alterations to suggest. The Bill was brought forward in the interests of the settlers, and with a view to afford greater protection for their stock. Under this Bill, no unlicensed person would be allowed to kill wild cattle at all, and no person so licensed would be allowed to kill such cattle upon any lands except those over which he might be licensed to do so. The penalty for a breach of this enactment was a fine of any sum not exceeding £100. It was also proposed that, for the purposes of any prosecution under this Bill, the onus of proof that the stock killed was not branded should rest with the slayer.

Bill read a second time.

IN COMMITTEE.

Clause 1.—"Short title:"

Agreed to.

Clause 2.—"No unlicensed person to kill wild cattle:"

MR. BROWN: A number of members met together this morning to consider the provisions of this somewhat complicated measure, and, after a great deal of discussion, and several members having amendments to propose, it was decided it would be as well to hear the reasons which had actuated the Government in bringing forward the Bill, and the object of it, before proceeding any further with the matter.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said the Government

had been induced to bring forward the Bill in consequence of a recent prosecution for cattle stealing, in the course of which the defects of the existing Act were rendered apparent. *Prima facie*, everyone had a right to kill wild cattle, subject, of course, to the law of trespass; but the provisions of the existing Act, and the penalties inflicted under it, applied only to licensed persons, and it was deemed expedient to render its provisions applicable to unlicensed persons, —a condition which, he understood, was regarded by the settlers in the South as one of great importance.

MR. CAREY said the general feeling in the South was in favor of repealing the Act altogether. One source of complaint against it was that sufficient publicity was not given to the names of persons applying for licenses under the Act. These licenses were granted to almost anybody who chose to apply for them, and the result was that for every wild animal destroyed he had no hesitation in saying that half a dozen branded cattle were killed. He thought if the existing Act were abolished altogether, it would meet the case. All unbranded animals were the property of the Crown, who could prosecute in the event of a breach of the law, and of course any one found guilty of wilfully destroying a branded animal could always be prosecuted by the owner. He therefore failed to see the necessity for the existing Act, and if the Government had not brought the present Bill forward, it was his intention to have introduced a Bill having for its object the repeal of the Act now in force.

MR. S. H. PARKER thought the Act in question was a mere dead letter.

MR. CAREY: But still licenses are granted under it.

MR. BROWN understood that a great proportion of the provisions of the Act were never complied with. There seemed to be an impression prevailing among magistrates that they had no right to refuse to grant licenses under the Act unless objection or complaint were made against the persons applying for such licenses, whereas it was clear from the Act that magistrates had full power to grant or refuse a license as they thought fit. They had a discretionary power in the matter. These licenses were not granted to an applicant as a matter of right, nor were they, necessarily, renewable. He was afraid that those entrusted to administer the Act—the police and the magistracy—had paid very little attention to its provisions.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said it appeared from what had fallen from hon. members that the Bill in its present form did not altogether meet with the requirements of the case. That was admitted by the Attorney General himself. Possibly the better course to adopt would be to report progress, and ask leave to sit again, so that hon. members and the Government might have an opportunity of conferring on the subject.

Progress was then reported, and leave given to sit again.

WASTE LANDS UNLAWFUL OCCUPATION ACT, 1872, AMENDMENT BILL, 1878.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) in moving the second reading of this Bill, said its object was to remedy a defect in the existing enactment, which rendered it unlawful for persons in unauthorised occupation of Waste Lands of the Crown to cut, saw, fell, or remove timber and other trees thereon "except sandalwood." There was no reason why an exception should be made in favor of sandalwood, and the present Bill proposed to omit those words, and to render any person sawing or splitting, or removing any wood from off the Waste Lands of the Crown, without lawful authority to do so, liable to a penalty.

Bill read a second time, without discussion.

IN COMMITTEE.

Clauses 1 and 2 agreed to, *sub silentio*.
Preamble and title agreed to.
Bill reported.

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