

was often called to assess damages in equity.

Progress was reported at this stage, and leave given to the Committee to sit again on Wednesday.

**CUSTOMS ORDINANCE, 1860, AMENDMENT BILL, 1879.**

**IN COMMITTEE.**

MR. SHENTON said, when the House was in Committee on this Bill the other day, Progress was reported in order to afford the Attorney General an opportunity of introducing a clause, reducing the time within which a bonding entry could be passed at the Custom House after a ship's arrival. The hon. gentleman not having done so, he (Mr. Shenton) would now move a new clause to that effect. Under the old Customs Ordinance, a bonding entry could not be passed until seventy-two hours after a ship had been entered at the Custom House: it was now proposed to reduce that period to twenty-four hours. The new clause which he proposed to introduce was as follows: "That the time mentioned in the second sub-section of the 33rd Victoria, No. 10, for the delivery of the goods therein referred to, be reduced from 72 to 24 hours."

Question—put and passed.

Preamble agreed to.

Title agreed to.

Bill reported.

The House adjourned at ten minutes past four o'clock, p.m.

**LEGISLATIVE COUNCIL,**

*Wednesday, 13th August, 1879.*

Cost of Survey, Eastern Districts—Withholding of Grants to Roads Boards for 1879—Sale of Poisonous Drugs—New Bills—Correspondence with Justices of the Peace as to performance of duties—Removal of Guano from Laccpedes by Lessees or Licensees—Third Readings—Scab in Sheep Bill: further considered in committee—Adjournment.

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

PRAYERS.

**COST OF SURVEY, EASTERN DISTRICTS RAILWAY.**

MR. MONGER, in moving for a return showing the total cost of the railway survey now in progress from Guildford to York, with the names and duties of all those employed on the survey, said his object in doing so was to ascertain the expenditure already incurred in connection with this work, and to discover whether there was any necessity for employing so many surveyors. Some time ago he offered his services to the Government, to render what assistance he could—and he believed he was as conversant with the country to be traversed as any man in the Colony, having been over it scores of times, and knowing every yard of the country; he had, some time ago, in the belief that he would be able to save the Government a great deal of time, trouble, and expense, offered his services as a guide to the survey party, and had the Government condescended to accept those services, he believed they would have had no reason to regret it, and was sure they would have lost nothing by it. But his offer was treated with silent contempt. On a subsequent occasion, when the survey party came to York he offered to meet them at the Seventeen Mile Gully, and guide them across the country in that locality; but this offer was likewise treated with the same contempt as the previous one.

The returns asked for by the hon. member were laid on the Table.

**WITHHOLDING OF GRANTS TO ROADS BOARDS.**

MR. BROCKMAN, in accordance with notice, moved "That the House do now resolve itself into a Committee of the whole, to consider the motion standing in his name."  
Agreed to.

**IN COMMITTEE.**

MR. BROCKMAN, in moving a resolution to the effect that in the opinion of the House the district Roads Boards had been needlessly prevented by the Government from performing the necessary repairs to the roads of the Colony during the past portion of the year, said: I do not purpose to trespass at any great length upon the patience of the House, but I would like to refer to the action

taken by the Government in connection with this matter. It will be in the recollection of hon. members that a sum of £11,000 was placed on the Estimates and voted by the House for expenditure upon roads and bridges during the current year. Heretofore it has been customary for the Government towards the close of the year to intimate to the various Roads Boards the amount of money that will be placed at their disposal during the next ensuing year, in order that they may regulate their operations and their expenditure accordingly. By this time the Boards ought to be receiving their third instalment of the annual grant, and have been in a position to make arrangements for completing their work, so far as repairing the roads is concerned—for it is only during certain portions of the year that this work can be properly and satisfactorily performed. This year, however, the Roads Boards received neither information nor money from the Government in time to be of any practical use. On application to the Colonial Secretary in February, we—I am alluding to the Swan Roads Board, and I presume other Boards were treated in like manner—received a circular (a facsimile of which I now hold in my hand) from the Government, and, on our replying to it, we received a further communication from the Colonial Secretary's Office, dated 10th March, stating that until the information asked for in the circular addressed to the various Roads Boards on the 23rd December last had been received, and the question of the roads loan considered, the amount which would be placed at the disposal of the Boards out of public funds could not be stated. It was not until the 16th April that we received the first instalment of the grant for this year, and I suppose other Boards were treated in the same way. It was then, as hon. members who know anything about road construction are aware, too late in the year for raising the material necessary for the repair of the roads, which ought to have been raised months before, and which would have been raised had the Boards not been deprived by the Government of their usual grants, at the proper season of the year. I consider that in this matter the Roads Boards were needlessly prevented by the Government from performing the

necessary repairs, and no valid excuse that I am aware of has been offered for such treatment. If the Government have the power to withhold money voted by this House for a specific purpose and divert it to other and unauthorised works, I think the present Constitution may well be regarded as a farce, and the sooner it is played out the better. We are told by the Governor that we—the representatives of the public in this House—hold the public purse-strings of the Colony; but I think we have a very loose hold of them, judging by the way in which we are treated by the Government. I consider, as I have already said, that in this matter the various Roads Boards have been very much slighted and unfairly treated by the Government—treated as mere ciphers, in fact; and I don't think we ought to submit to such treatment without expressing our resentment. I therefore hope the House will be prepared to agree to the resolution which I have placed before it: I do not wish to enlarge on the subject or to make any further comments, being content to leave the matter in the hands of hon. members capable of doing it more justice than I am.

**THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser):** The practice hitherto adopted by the Government, since the Roads Boards Act came into force, has been to have the amount of the annual grant voted by the Legislature equitably apportioned between the various Boards, and this I believe has been done in such a manner as to have given general satisfaction—at any rate, I have heard no complaint on that score. Circumstances, however, have arisen this year which rendered it expedient that the Government should in some measure depart from the practice heretofore obtaining. Hon. members are of course aware, and it is needless for me to allude to it, that we have raised a large sum of money this year for expenditure on the main lines of road throughout the Colony. And it will be in the recollection of hon. members that some years ago it was resolved, by the House, on the motion of the hon. member for Wellington, that three-fourths (I think) of the annual grant allocated out of the public funds for road purposes should be expended on the main roads of the Colony, and this principle has been followed out—as is very clearly

shown in the schedule to His Excellency's message—in the appropriation of the £50,000 loan, placed at the disposal of the Government this year. In view of this contemplated large expenditure of money on the principal roads of the Colony, I think it will be readily admitted by hon. members that it would have been impolitic on the part of the Government, before deciding how the loan should be apportioned between the various districts, to have entrusted the local Boards with large sums of money (in addition to this contemplated expenditure) out of the public funds. The intention of the Government was to provisionally enable the various Roads Boards to undertake such ordinary repairs as from time to time became necessary, and to this end the first and the second quarters of the annual grant—a moiety, in fact, of the whole vote—have been paid to the District Boards, pending the expenditure of each district's share of the loan, with regard to which expenditure the House is now in possession of the intention of the Government, as stated in His Excellency's message; and I cannot help thinking it would have been better if this discussion had been postponed until that message had been considered by the House.

**MR. BROCKMAN:** The hon. gentleman says the first quarter's allowance to which the boards were entitled was paid, and also the second; but *when* were they paid? The first instalment, which heretofore has generally been paid early in the year, was not paid until the 16th April, when in reality the second instalment was due. As to the second quarter's allowance, which ought to have been paid months ago, I believe that since I first gave notice of my intention to bring this subject before the House, the Swan Roads Board has been informed that they will be able to draw another portion of the grant. But as I have already said, it is now too late in the year to undertake the necessary repairs. Why should the Roads Boards have been left in total ignorance of the intentions of the Government with regard to the expenditure on roads, and kept entirely in the dark, until now, as they have been, and thus needlessly prevented from performing the necessary repairs to the roads in their respective districts?

**MR. S. H. PARKER** did not suppose the hon. member who had brought forward the resolution had any strong desire to press it to a division; but he (Mr. Parker) could not help thinking there was a great deal in what the hon. member had stated. The Commissioner of Crown Lands, in replying on the part of the Government, although he had said a great deal, had certainly not said much that was to the point. The question before the House was, whether the Government had needlessly prevented the Roads Boards from performing the necessary repairs to the roads of the Colony? Now, everybody who had had anything to do with road repair here, must be aware that it was absolutely necessary that the material for that purpose should be provided in the summer months, ready for use on the approach of the wet weather; but if the Roads Boards did not receive their first instalment of the money due to them from the Government until the middle of April, the money would prove very little use to them, unless they took upon themselves the responsibility of borrowing money, in the expectation of being able to refund it on payment of the Government grant. The City Council, which received an annual grant of £250 out of the public funds for the purposes of the main line of road between the Causeway and Crawley, had, owing to the non-payment of the money by the Government this year at the usual time, found it necessary to resort to borrowing; and as the corporation deservedly enjoyed very good credit, they were able to obtain an advance from one of the local Banks, otherwise they would have found themselves in the same predicament as the Roads Boards. Owing to the timely assistance received from the Bank, the Council had been able to procure and to use the necessary material for repairing the road in question, in proper time, whereas had they been left to the tender mercies of the Government the road would now be impassable. While on the subject of roads, he had noticed in that day's paper that the Superintendent invited tenders for performing certain work on the York road, but hardly any time was allowed within which to send in these tenders, bearing in mind that the majority of those who

were likely to do so would not see the notice for some days after its publication. He thought whoever was entrusted with the expenditure of public money on roads should take care that ample time and opportunity were afforded intending contractors to send in their tenders. The shortness of the notice given in the instance referred to was absurd, as the paper in which it was advertised would hardly reach the localities in question until the time for sending in the tenders had expired. He thought at least a fortnight's notice should be given beforehand,—more especially in country districts—and that every possible publicity should be given to such notices, not only by advertisement but also by placards. He hoped this subject would receive the attention of the Government, and also the fact that the proper time for repairing roads in this Colony was not during the summer season. Money spent in repairing roads in summer, would prove to be money thrown away. He thought it would be much better if the Superintendent of Roads were to inspect the various roads now, and leave the work of repair until another winter season was upon us. So far as he (Mr. Parker) knew, the Superintendent was a perfectly competent man for the work, and he could not but think it was against his will that the repairs of roads were now undertaken.

MR. HARDEY: I have very great pleasure in supporting the resolution before the House. As the chairman of the Perth District Roads Board I consider that, in common with all the other Boards throughout the Colony, we have been very badly treated indeed by the Government in this matter. I know that our Board received no grant at all out of public funds until about the middle of April, and then we only received one quarter's allowance. The consequence was, the Board found itself unable to carry out its engagements. Anticipating that we would get the grant, as usual, at the beginning of the year, and being disappointed, the result was we had to allow work necessary to be undertaken, to stand over, as we had no funds on hand with which to carry it out. The Board actually accepted a tender from a person to supply them with stone for the roads, expecting of course that

the grant would be paid by the Government as usual; but as the money was not forthcoming, and there was no immediate prospect of it that we could see, the contract had to be rescinded, or at any rate delayed until we got the Government grant, when it was found that the contractor could not get the stone, nor has he got it to this day. The result will be that the roads under the jurisdiction of the Board will be in a most scandalous state before next winter. There are only about four months in the year during which we can effectually repair our roads: it is perfectly useless, and sheer waste of time and money, to attempt it in summer time; and if the Boards have not the money placed at their disposal in time to effect the repairs during the proper season, how can they be expected to keep the roads in good condition? The various Roads Boards cannot in any way be blamed for the present state of the roads—in fact, there's no one to blame but the Government in the matter. With regard to the Loan raised for roads purposes, if hon. members will turn to *Hansard* for 1878, page 120, they will see that when the Loan was under discussion the question was mooted, whether in the event of the £50,000 being borrowed it was the intention of the Government to retain the present annual grant for roads (£11,000) on the Estimates in addition to the £50,000. The Colonial Secretary replied that it was; so that there is no excuse for the Government in withholding the usual allowance from the Roads Boards simply because of the proposed expenditure of the Loan money. If the District Boards are not going to receive their annual grants as heretofore, in addition to the Loan expenditure, the roads to my mind will be as bad as if we had no Loan at all. I say again, I consider the Roads Boards have been badly dealt with by the Government in this matter, and I shall have great pleasure in supporting the resolution of the hon. member for Swan.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): It must I think be obvious to hon. members that if the borrowed sum of money which has been devoted by the Government for the repair of roads is fairly and legitimately

employed, under skilled supervision, a great and a desirable work will be done, and the increased expenditure in that direction contemplated by the Government out of the loan placed at their disposal, must obviously reduce the necessity of what I may call the ordinary funds of the Colony being expended as heretofore upon the roads. Of course there is no wish whatever to deprive the Roads Boards of what is admitted to be their just due, nor on the other hand is there, that I am aware of, any object in deferring the payment of their allowances, beyond a desire to economise the expenditure of the public funds. And when operations of such magnitude as involve the expenditure for road purposes of £50,000 are taken in hand by the Government, I think it might well have been anticipated that the minor sum devoted for the same purposes out of the current Revenue should be withheld, or at any rate that only the minor class of repairs should be left to be effected out of it. So far as regards the few complimentary observations that have fallen from the hon. member for Swan, with reference to holding the public purse-strings, the hon. member simply enunciated a truism when he said that this House enjoys the enviable position of being the guardian of the public purse. We all admit that—the Governor certainly admits it—and as one of the Governor's echoes I fully endorse the sentiment that this House *does* hold the public purse-strings, and the question now is whether hon. members will continue to hold them with a tight hand, or whether they will relax them. It is entirely for the House to deal with the resolution before it as it deems proper; at the same time, I must say I was glad to listen to the consolatory observations of my hon. friend the member for Perth in his character of a peace-maker, and to see him holding forth the olive branch. As already said, a portion of the money voted out of the public funds for roads purposes has been given to the various Boards entitled to it, for distribution; and, bearing in mind the large sum of borrowed money which is about to be expended on these roads, it is a question for the consideration of the Council whether they will adopt the resolution, or trim their lamps with the oil thrown

upon the troubled waters by my hon. friend, the member for Perth.

MR. CAREY was not aware whether it was the intention of the hon. member for Swan to press his motion upon the acceptance of the House, or merely to elicit an expression of opinion with reference to the question involved. The resolution itself, at all events, was plain enough, and it appeared to him that the remarks which had fallen from the Commissioner of Crown Lands and from the Attorney General did not meet the case at all. So far as the annual vote of £11,000 for roads and bridges was concerned, that vote had nothing whatever to do with the roads loan. The former amount was voted last year quite independently of the loan, and it appeared to him it ought to have been expended on the roads as contemplated by the House when voting it, and, as he presumed, was still the desire of the House. He could state on the part of the Bunbury Roads Board, that, in consequence of the Government withholding the usual allowance, necessary repairs had been delayed and works actually requiring to be performed had to stand over. The Board, labouring under the impression that the money would be forthcoming as usual—nothing having to the contrary been communicated to them by the Government—made their arrangements accordingly; but it was at least three months later than usual before they received their first quarter's allowance, and the result was that the cheques of the Board, drawn under the belief that the money had been paid to their credit as usual, were sold at a discount, and in some instances the Board had actually to pay interest upon them.

MR. BROWN: It appears to me the Government decidedly have erred in this matter, but their chief mistake, I think, was in not informing the Roads Boards of the position of affairs and of their intention. I do not think it would be reasonable to expect the Government to give precisely the same amount to each district for roads purposes this year as had been apportioned in other years, regardless of the large amount they are going to expend on the roads out of the loan raised for that purpose. It will be remembered that at the time this Council voted the £11,000 for roads and bridges

last year, there was no certainty that the Secretary of State would allow us to borrow the £50,000: indeed the Press of the Colony declared he never would do so, under the circumstances. In the face of this uncertainty, I think it was wise on the part of the Legislature to make the usual provision for roads and bridges. Subsequent events however disclosed the fact that our apprehensions as to the loan were unfounded, and that the sum of £50,000 would be available for expenditure on the main roads of the Colony. Then came the question—and a very important question, requiring careful consideration—how that money was to be expended. I think it was impossible for the Government to have apportioned it fairly until they had ascertained the requirements of each district, and this was not to be discovered in a day, or without instituting a searching inquiry. At the same time, I do think there has been needless reticence on the part of the Government in dealing with the Roads Boards, and that it would have been well if they had communicated with these bodies, and informed them that in consequence of the steps they contemplated taking they were not in a position just then to apportion the annual grant as usual, but that a sum would be placed at their disposal for carrying out works of immediate necessity. The Government, however, did not do this, and I think the discussion that has taken place on the motion before the Committee will have done no harm. I do not suppose there is any probability of the motion being pressed, although it embodies an allegation which I think the Government themselves will acknowledge to be true.

MR. S. S. PARKER said that so far as concerning the Roads Boards of which he was chairman—the York District Board—they did not suffer in any way because the Government grant was not forthcoming as soon as in former years. They commenced operations as usual and made the necessary preparations for carrying on the work, fully relying upon the grant, and also having an eye to a fair share of the £50,000 which he was glad to find they were likely to secure, and with it an excellent road from Perth to York. Under the circumstances he could not support the motion before the House.

MR. MONGER said he had had no intention of saying anything on the subject, but for what had just fallen from the hon. member who had last spoken, and he merely rose now to contradict the hon. member's statement that in the York District they had not suffered in any way by the Government withholding the road grant longer than usual. It was only as recent as last Saturday week the Board had to discontinue the services of the Supervisor, and to knock off one team and six of the laborers employed, because the members came to the conclusion they had not enough money to retain them until the end of the month. The York Municipality was in the same predicament as the District Roads Board, and owing to the same cause, for instead of receiving the grant of £100 as usual they had as yet only received £25. What the result would be, so far as the roads were concerned, he need hardly point out.

MR. S. S. PARKER was afraid the hon. member was not well up in the accounts of the Roads Boards, or he would not have spoken as he did.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) thought it was needless for him to add to what had fallen from his hon. colleagues, the Commissioner of Crown Lands and the Attorney General, and also from the hon. member for Geraldton. It had already been pointed out that the Government was very differently situated this year as regarded grants for roads, to what it had been in previous years, when the annual votes were not supplemented as was the case this year by a large sum of borrowed money, the appropriation of which had occupied a great deal of the careful attention of the Government, as he thought would be admitted on reference to His Excellency's message. Before apportioning the Loan it was necessary to ascertain, by inquiry and by personal inspection, the condition of the roads throughout the various Districts of the Colony, and a grave responsibility was thus cast upon His Excellency, with whom entirely rested the apportionment of the money. He did not think it could fairly be contended that in view of the large expenditure which was contemplated out of the Loan raised for the

roads, the Government could be also expected to make the same allowances as usual out of the ordinary Revenue. For instance, hon. members would observe on reference to the schedule appended to the Governor's message that a sum of no less than £10,000 was proposed to be appropriated on the road from Perth to Albany, and that about £5000 of this had already been appropriated: did the House consider that the ordinary grant for this road should in the face of this heavy expenditure, be the same as in previous years? An hon. member had called the attention of the House to what he (the Colonial Secretary) had said last year, when the question of the roads loan was under discussion: but he really could not see that the Government had failed to carry out its promise in this respect, for up to the present time a moiety of the annual grant for roads had been apportioned, and had the Government spent more the result would have been it would have had to pay more interest on the overdraft at the banks. The question remained, whether it was deemed desirable that the Government should expend the remaining moiety of the vote and apportion the whole of the £11,000. He would be very glad to have this point discussed, so as to elicit the opinions of hon. members on the subject.

MR. BROCKMAN said it seemed to be the desire of the House that he should not press his resolution to a division, for no doubt it was, in effect, a vote of censure upon the Government. Under the circumstances, he would not press it, but he thought the whole matter showed how little the Government of the country cared for public bodies such as the Roads Boards and Municipal Councils. The Governor, who ruled the roast and whose power was absolute and beyond the control of that House or of public opinion, considered that the people of this Colony had been so long in a state of pupillage and of thralldom that all energy and public spirit had been crushed out of them. As it appeared to be the wish of the House that the resolution should not be pressed, he would, under the circumstances, and having said what he had said, withdraw it.

Resolution, by leave, withdrawn.

#### SALE OF POISONOUS DRUGS.

MR. HARPER, in accordance with notice, moved the following resolution—  
 "That in the opinion of the House it is  
 "desirable that the sale of poisonous  
 "drugs should be regulated by an Act  
 "of this Council, and that an humble  
 "address be presented to His Excel-  
 "lency the Governor praying that he  
 "will be pleased to take the necessary  
 "steps for introducing a Bill for the  
 "same." The hon. member said that he had before him a letter from a medical officer in the service of the Government, who stated as his own experience that he had during his official career in this Colony been engaged on inquiries into no less than four cases of poisoning by strychnine, all of which were more or less attributable to the facilities afforded for obtaining that deadly drug. He thought every hon. member would agree with him that there should be some more restrictive regulation enforced than at present existed with regard to the sale and purchase of these poisons. In England and elsewhere they were only disposed of under the most stringent regulations, but at the present time in this Colony there was no restriction whatever regulating the sale of poisonous drugs. Any body could sell them, and any body—without any inquiry as to the motive of the purchaser—could buy them. In the belief that this state of things should be remedied, he had brought forward the resolution now before the House.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I shall be very glad indeed to place my services at the disposal of the hon. member, in preparing such a Bill as he refers to, if he thinks it necessary to press his motion. I may however state that the law on the subject is to be found in an Act of the Imperial Parliament (31st and 32nd Vict. cap. 121, secs. 1, 2, and 17). I happen, from my professional and official position, to have heard of several cases of poisoning by strychnine in this Colony, and some years ago I was successful in procuring the conviction of one person accused of the offence. It is however a curious circumstance, and one which I commend to the consideration of the House, that in none of the cases that have come under my cognizance has the

strychnine been obtained by the prisoner from the dealer. He happens to have had it in his possession "permiscuously," as my old friend Mrs. Malaprop would say, and, having so had it, to have used it; and, for myself, I fail to see that if we had more stringent restrictions regulating the sale of this or other poisons cases of poisoning would become rarer. At the present moment a person is under committal, charged with having administered strychnine to his fellow servant with intent to murder him, but, as in every other case of the kind that has come under my notice, the poison was not obtained by the person accused in a shop or from a dealer, but from his master's wardrobe to which he had unrestricted access. It is all very well introducing prohibitive legislation to deal with this subject, but the question is, is it at all likely that by doing so we would be interposing any great difficulty in the way of preventing any enterprising gentleman, on poisonous thoughts intent, from administering a dose to his friends? If the hon. member thinks it would, I shall be very glad to do my best to assist him in framing such legislation.

MR. SHENTON thought that in a Colony like this, where strychnine was so generally used by the settlers and by their shepherds for the purpose of destroying native dogs and other legitimate purposes, the provision of the existing Imperial Act would answer all our present requirements. He believed it would be impossible in a Colony like ours to carry out the provisions of any prohibitory Act dealing with this subject, without at the same time occasioning a great deal of inconvenience to country settlers.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), pointed out that in England the poisons which the law was principally directed to regulate the sale of were narcotics, such as laudanum, which was used so largely by the poorer classes in soothing their children.

The resolution was then put to the House and affirmed.

#### FIRST READINGS.

MR. S. H. PARKER moved for leave to introduce the following new Bills: A Bill to declare the law relating to the

acceptance of Bills of Exchange; a Bill to amend the law with reference to Bankers' Books Evidence; a Bill to consolidate and amend the law for preventing frauds upon creditors by Secret Bills of Sale of personal chattels; and a Bill to amend the Divorce and Matrimonial Causes Ordinance.

Leave given, and Bills read a first time.

#### CORRESPONDENCE WITH JUSTICES OF THE PEACE AS TO PERFORMANCE OF THEIR DUTIES.

MR. S. H. PARKER, in accordance with notice, asked the Colonial Secretary to lay on the Table of the House, a copy of the Circular issued to Justices of the Peace about twelve months since, relative to the performance of their duties; and a copy of the correspondence arising thereupon between the Colonial Secretary and Mr. Henry Brockman.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said there was no objection to furnish the circular, but the Government were not willing to furnish the other information asked for, as they considered it inexpedient to publish the correspondence that had passed on the subject.

MR. S. H. PARKER said he did not ask for the correspondence generally, but only that which had passed between the Colonial Secretary and Mr. Brockman.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) remarked that if the correspondence were asked for in one case it might be asked for in all cases, and as he had already said, the Government did not deem it expedient to furnish it.

#### REMOVAL OF GUANO FROM LACEPEDES BY LESSEES AND LICENSEES.

MR. S. H. PARKER, in accordance with notice, asked the Colonial Secretary to lay upon the Table of the House, the contract or agreement entered into by the Government with Messrs. McDonald & Co. (or other the Lessees or Licensees) relative to the removal of guano from the Lacepedes. The hon. member said a great deal of interest attached to this contract, and he believed the information asked for would be gratefully received by the House. A great deal had been



said about the agreement outside, but no definite intelligence on the subject had been made known.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said he would have great pleasure in laying the document on the Table, affording the information asked for.

### THIRD READINGS.

The District Road Boards Audit Bill, and the Customs Ordinance, 1860, Amendment Bill, were read a third time and passed.

### SCAB IN SHEEP BILL.

#### IN COMMITTEE.

Clause 9:

MR. BROWN said that when the House was in Committee on this Bill on the previous day he moved, as an amendment, that certain words be struck out of this clause [*Vide* p. 66 *ante*.] Progress was then reported, and leave obtained to sit again to day. He would therefore now repeat his motion.

Amendment agreed to, and the clause, as amended, ordered to stand part of the Bill.

Clause 10.—“Suspected sheep shall, on the written order of an inspector delivered to the owner, be kept by such owner isolated and free from contact with other sheep. And every owner not complying with the terms of such order shall be guilty of an offence.”

MR. BROWN thought it would be advisable to limit the period during which the sheep should be kept isolated. He would therefore move the insertion of the words “for a period not exceeding thirty days,” which he thought was a reasonable time.

Agreed to, and clause amended accordingly.

Clause 11.—“In any proceedings under this Act, proof that any sheep in a flock is infected with the said disease shall be sufficient to cause all the sheep in such flock to be suspected:”

MR. BROWN moved that this clause be struck out. Hon. members would observe that, in the event of his motion for striking out the clause not being carried, he had given notice of his intention to move a new clause in lieu of the present one. He thought, however, it

would be better to leave out the clause altogether, as it would only tend to complicate the Bill.

Clause struck out.

Clause 12.—“Penalty on unlicensed owners of infected sheep:”

Agreed to.

Clause 13:

MR. BROWN moved that this clause be struck out and a new one substituted in lieu thereof. (*Vide* “Votes and Proceedings,” p. 53.):

Agreed to.

Clause 14.—“Inspector may employ anyone to assist him:”

Agreed to.

Clause 15.—“Every owner of infected sheep, not depasturing within secure enclosures, shall cause the same to be followed and kept in sight when depasturing throughout the day and to be kept within secure enclosures throughout the night; And any owner who shall neglect so to do shall incur a penalty, not exceeding Twenty-five pounds for every day or night he shall so neglect:”

MR. BROWN said this clause would render it necessary that all infected sheep, without exception, should be kept within secure enclosures every night. He thought this might operate very harshly in some cases, and he had an amendment to propose, empowering the inspector to decide when sheep should be so kept.

MR. HAMERSLEY: Before the hon. member puts his amendment, I have one to propose in a previous part of the clause. I beg to move that the words “and kept in sight” be struck out. It will be a very difficult thing indeed for a shepherd to keep his sheep always within sight, while following them.

MR. BROWN would oppose these words being struck out. The same expression was in force in the existing enactments, and had been so ever since the introduction of the Scab Act. Unless some such provision as this were made, a lazy and careless shepherd would not care whether he kept his infected sheep in sight or not, and they might wander about wherever they chose to roam, at their own sweet will. No doubt there were portions of the Colony where it would be impossible to keep a whole flock of sheep in sight; but if they

struck these words out, there would be no means of punishing a shepherd who carelessly allowed his infected sheep to wander out of his sight.

**THE COLONIAL SECRETARY** (Hon. R. T. Goldsworthy): I may say, at once, on behalf of the Government, that we shall oppose the striking out of the words.

**MR. HAMERSLEY** said it was an absurdity to expect shepherds, in all cases, to keep a whole flock of sheep in sight. They might be able to keep their eye on a portion of their flock, but he defied them, in some localities, to do so with regard to the whole of them. As to shepherds being too lazy or careless to see where their sheep went to, the clause provided that when infected sheep were not within a secure enclosure they were to be "followed." But keeping them in sight was a very different thing.

**MR. BURGESS** said it was absurd to think that a shepherd was expected to keep every sheep in his flock within his sight. What was meant was that he should keep the flock, generally, within the scope of his vision.

The motion to strike out the words referred to was then put and negatived.

**MR. BROWN** then proposed his amendment, the object of which, he said, was to enable an inspector to decide when infected sheep should be kept within secure enclosures at night. The amendment was as follows: "That after 'the word 'and,' and before the word 'to,' in the sixth line, the following words be inserted:—'If an inspector, 'by writing under his hand, delivered 'to such owner, shall so order.'"

Question put and passed.

Clause, as amended, agreed to.

Clause 16—"Every inspector on being satisfied that any sheep are infected shall, by writing under his hand delivered to the owner of such sheep, declare the run, or any portion thereof to be defined in such writing, as and to be the boundary within which the whole of such infected sheep shall be kept in quarantine, until clean, and within such boundary no other sheep shall be admitted until such run shall be clean."

**MR. BROWN** said he had an addition to propose to this clause, empowering an inspector to remove

infected sheep from one quarantine boundary to another, and to exercise his own discretion in that respect. It had been found in many parts of the Colony that sheep had suffered greatly owing to the inspectors not being vested with this power. His (Mr. Brown's) own experience went to prove that there was no danger whatever attendant upon removing sheep from one quarantine ground to another the moment after they were dipped. The amendment he had to propose was, that the following words be added to the clause: "Provided nevertheless, that an inspector may, subject to such conditions as he may deem necessary, permit 'infected sheep' to be removed from one quarantine boundary to another, and for such purpose shall in granting such permission deliver to the owner an instrument in writing under his hand defining the route over and the conditions under which such sheep shall be taken or driven during such removal. Provided, however, that nothing herein contained shall empower an inspector to permit such sheep to be driven across lands or runs other than those belonging to or in the occupation of the owner of such sheep, nor over nor upon public roads intersecting or bounding lands other than those of the said owner, except with the consent of the owner or owners of such other lands, and except over waste lands of the Crown not held under lease or license; and any owner wilfully infringing the terms of such instrument shall be guilty of an offence."

**MR. BURGESS** thought some provision ought to be made so that sheep should not be removed from one quarantine boundary to another unless they were first dipped.

**MR. BROWN** thought that might be left to the discretion of the inspector. It was not at all likely he would allow them to be removed, if he thought their removal would increase his work. Some latitude should be left in the hands of the inspector, otherwise great hardships might occur. Very heavy penalties were provided if an inspector exceeded his power, or on the other hand was remiss in discharging his duties.

**MR. BROCKMAN** thought some provision ought to be made to obviate the

inconvenience which might be felt when sheep had to be driven to the butchers or to market across a public road intersecting quarantine grounds. Supposing portions of the two sides of the road leading from Guildford to Perth were quarantine grounds, how could sheep be sent to the city for the butchers.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) asked if that was not met by the provisions of the 38th clause, which empowered the Governor to make any special arrangements necessary to prevent the occurrence of any public inconvenience by reason of the establishment of any quarantine boundary or otherwise?

MR. BROCKMAN said the clause referred to did to a certain extent meet the difficulty, provided complaint were made to His Excellency on the subject; but he thought it would be well that some general rule should be framed.

MR. BROWN thought there was a great deal in what had fallen from the hon. member for Swan, were it possible to carry it out without the risk of causing any great injury to flockowners generally; but he failed to see how this could be obviated. It appeared to him that the provisions of the clause referred to by the Colonial Secretary would meet the difficulty as far as it could be met.

Clause 16 was then agreed to as amended.

Clause 17—"Penalties for infringing quarantine:"

Agreed to *sub silentio*.

Clause 18—"Whosoever shall wilfully make any false report, or sign any false certificate respecting any sheep, shall be deemed guilty of an offence:"

MR. BROWN moved as an amendment, "That between the words 'certificate' and 'respecting,' the words 'or return' be inserted." Unless they did this, it appeared to him that no provision would be made to deal with parties making a false "return." The clause as it stood only referred to false "reports" and false "certificates."

Clause as amended agreed to.

Clauses 19 to 30 agreed to, without discussion.

Clause 31—"Yearly contribution on sheep for defraying the cost and expense of carrying out the Act:"

MR. SHENTON said the present amount of contribution levied was 30s. for every thousand sheep; but he noticed that in this clause it was proposed to increase the contribution to £2 per thousand. He supposed that when the present Bill came into force the money received as contributions from flockowners would be set apart as a separate fund, in the same manner as it was done at present, and not paid into the General Revenue.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he was not prepared to answer the hon. member's question at the present moment.

MR. S. S. PARKER said that when the Scab Act was first introduced, this contribution was merely levied to bear the expense of inspection, when scab was very prevalent among the flocks in some districts; but as the disease was not nearly so prevalent now, and the inspectors had much less to do, he thought there was no necessity to increase the contribution from 30s.—which had sufficed hereto to meet the expenses—to £2.

MR. BROWN thought it would be found that the Government had no intention of diverting any of the funds received as contributions from sheepowners under the Bill, into the General Revenue. This was one of the few cases in which the principle of direct taxation was practically applied in this Colony. The sheepowners provided all the money required to carry out the provisions of the Act, and all that was necessary in this connection was that the funds contributed should suffice to meet the expenses, which of course varied year after year. The contribution started with £2 per thousand, but when it was found that this amount realised a sum exceeding the cost of carrying out the Act, the Government reduced it to 30s. Now, however, as it was proposed to extend the powers and consequently increase the duties as well as the number of the inspectors, it was deemed necessary to raise the contribution again to £2.

MR. SHENTON said his reason in asking the question was not that the contribution should be reduced, but that, in the event of its realising more than was actually required to carry out the

provisions of the Act, the balance should be devoted as a premium for the destruction of native dogs, as was the case in former years.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he was not prepared to say what was contemplated to be done with the surplus, should there be any; but he would bear the hon. member's suggestion in mind.

Clause 31 was then agreed to.

Clauses 32 to 42—agreed to, without discussion.

MR. BROWN, in accordance with notice, moved, That the following additional clause be inserted as clause 10, and that the numbers of the remaining clauses follow consecutively:—"If upon the expiration of any continued (or second) compulsory license, the sheep specified in such license shall not be 'clean,' the 'owner' of the sheep specified in such license, not being the shepherd or mere servant in charge of such sheep, shall be guilty of an offence, and an inspector shall thereupon make complaint of the same to any justice; and any two or more justices, upon proof of the offence shall, in addition to the penalty prescribed in this Act, order an inspector to enter upon the run of the owner of such sheep and seize, take possession of, hold, and take such steps as he may think proper to endeavor to clean the said sheep, and for that purpose an inspector may seize, take possession of, and use all tanks, implements, and medicines on the 'run'; Provided, nevertheless, that the said justices may, in lieu of such order, adjudge the sheep specified in such license to be forfeited, and thereupon such justices shall order them to be destroyed by an inspector, without compensation to the owner thereof, or any person having interest therein; and the expense incident to such destruction shall be borne by such owner; and on such destruction of the said sheep the owner shall not be liable to pay any penalty then due in respect thereof."

Clause agreed to.

Preamble: "Whereas it is expedient to amend and consolidate the laws for preventing the extension of scab in sheep, and to make other provisions

"in reference thereto: Be it enacted, etc.:"

MR. BURGESS moved, as an amendment, that the words "the extension of" be struck out, and the words "and exterminating" inserted in lieu thereof, which he thought would be more consonant with the object and the scope of the Bill.

Amendment agreed to, and the title amended accordingly.

Bill reported.

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

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## LEGISLATIVE COUNCIL,

*Thursday, 14th August, 1879.*

All the Notices of Motion and Orders of the Day were postponed until the next sitting of the House.

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## LEGISLATIVE COUNCIL,

*Monday, 18th August, 1879.*

Leave of absence for member for Greenough—Railways Act, 1878, Amendment Bill, 1879: further considered in committee—Bill reported.

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

PRAYERS.

LEAVE OF ABSENCE FOR MEMBER FOR GREENOUGH.

On the motion of SIR T. COCKBURN-CAMPBELL, leave of absence was granted to the hon. member for Greenough (Mr. Crowther), for fourteen days.