

this division of responsibility and of control would place in the way of ascertaining the actual cost of the service. He was opposed to the scheme in the next place, because the day is not far distant when the Colony would have to reduce the expenditure in connection with the police force, and the fact of the mails being conveyed by the police would furnish an argument against any reduction in that direction. He believed that a very efficient mail service could be secured under the present system, at a cost of very little increased expenditure.

MR. SHENTON: I asked just now if the Superintendent of Police was to receive any extra pay, in connection with this service, and the Colonial Secretary's reply was that there was no intention to place any extra sum on the Estimates for the Superintendent's salary. I should like to know if there are to be any extra allowances, in consideration of this proposed mail service.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): I have no intention that there should be any extra allowances, unless the House wishes it.

MR. SHENTON: With regard to the stables at Perth, is it proposed to employ natives or white prisoners there?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): The hon. member is asking too many questions to be answered at a moment's notice. When the Estimates are before the House he will be able to make these enquiries with a greater likelihood of being answered.

MR. SHENTON: As the hon. gentleman is unable to furnish the information asked for now, I think the best course to follow would be to postpone the adoption of the report, until the Estimates are before us, and the hon. gentleman will be in a position to give us the required information.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): The House is now merely asked to affirm the principle of the scheme referred to in the report. Hon. members cannot expect me to go into every petty detail, at a moment's notice.

The report of the Select Committee was then adopted.

### THIRD READING.

The Absconding Debtors Act, Amendment Bill was read a third time and passed.

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

## LEGISLATIVE COUNCIL,

Thursday, 25th September, 1879.

Message (No. 17): Volunteers—Game Act, Repeal Bill: first reading—Eastern Districts Railway—Free Grants of Land to Emigrants—Government Printing Office—Importation of Diseased Stock Bill: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

### MESSAGE (NO. 17): VOLUNTEERS.

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

"The Governor observes, in the Minutes of Proceedings of Your Honorable Body of the 15th September, 1879, that when the House had under consideration His Excellency's Message of the 3rd September, relative to the Volunteer Force, it was ruled by His Honor the Speaker, that inasmuch as His Excellency's Message did not invite a reconsideration of the question, the Honorable Member who had moved a Resolution on the Message was out of order in doing so, since the Resolution was substantially the same as one upon which the House had already expressed judgment.

"It is right that the Governor should inform Your Honorable Body, that in addressing to you His Message No. 8, it was his desire to invite your reconsideration of the resolutions arrived at on the 27th August.

“Your Honorable House will perceive from the second paragraph of this Message, that although His Excellency, as an evidence of his intention to carry out the wishes of the House, if insisted on, had given notice that the corps alluded to would be disbanded, they had not and have not yet been, it being the Governor’s desire, and which His Excellency thought had been sufficiently expressed in the concluding part of the 7th and in the 8th paragraph of his Message, that Your Honorable House should reconsider whether, in view of the further facts brought to your notice, it was desired that he should proceed to the proposed disbandment.

“On this ground alone the Governor feels he may, without impropriety, invite Your Honorable Body to a reconsideration of the question, and he has the less hesitation in doing this, since he has now received two numerous signed memorials from Fremantle and York, praying that His Excellency will take steps to procure a reconsideration by the Legislative Council of the decision arrived at on the 27th August, 1879, which will otherwise necessitate the disbandment of the Fremantle Artillery Volunteers, and the York Rifle Volunteers.

“His Excellency has only to add, that in his Message No. 8 of the 3rd of September are set forth the reasons which appear to him to justify the retention of the Volunteer Force at its present strength; and it is now further urged, in support of this view, that much time and trouble have been devoted by these Volunteers to the duties of drill and instruction, and expenses have been cheerfully incurred on the supposition that the Colony desired, and was willing to encourage, such sacrifices—no intimation having ever been made to the force that its establishment was not to be considered permanent.

“The Governor cannot but feel that there is much force in this argument, and is satisfied that it will have due weight with your Honorable House when reviewing the case.

“Government House, Perth, 25th September, 1879.”

The consideration of the Message was made an Order of the Day for Monday.

#### GAME ACTS, REPEAL BILL.

MR. HARDEY moved the first reading of a Bill to repeal “The Game Acts, of 1874 and 1876.”

Motion agreed to, and Bill ordered to be printed.

#### EASTERN DISTRICTS RAILWAY.

MR. MONGER, in accordance with notice, asked the Colonial Secretary when the Eastern Districts Railway Survey is likely to be completed, and if it is yet known what route is likely to be followed.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied as follows:—I have not come prepared with an answer to the hon. member’s question, as I think it has been irregularly put, being followed as it is by a statement that he would move a resolution thereon. It is customary in the House of Commons simply to ask a question and not to follow it up by a resolution; but at any rate in this case no explicit resolution is before the House. I must therefore decline to answer the question.

#### FREE GRANTS OF LAND TO IMMIGRANTS.

The House resolved itself into a Committee of the whole to discuss the report of the Select Committee appointed to consider the following memorandum submitted by the Surveyor General to His Excellency the Governor:—

“To induce an addition to their population, all the British Colonies, other than some few which were merely trading depôts, or old plantation Colonies, have resorted to the practice of offering to the world outside something presumedly a boon. Some give land to people who import themselves, others give free passages to the needy, either Britisher or Foreigner, who seeks an entrance to the fancied Canaan. Western Australia, first among the foremost in this matter, has brought together waifs both from the West and from the East, and besides paying the whole cost of introducing them, gives grants of land, which, though intended to force settlement, does not really do so.

“Of 989 immigrants introduced from London and elsewhere, only about 109 have applied for occupation certificates on rural land, and of these some have

"gone away or died, and the land consequently is locked up for a number of years, whilst a very small number indeed have attempted occupation. At the present time there is quite a rush for town lots, and every one seeks to be recognised as a tradesman or mechanic, in order to qualify.

"The first intention of the framers of the provisions for giving grants of land was to promote settlement of the rural lands by an agricultural and rustic population. The inhabitants of towns in all new Colonies before entering into their manufacturing phase, are mere feeders on the bread winners who develop the resources of the waste lands. I certainly see no reason for encouraging from public funds the introduction of such, and then giving them town lands to speculate with. Where there is work, town dwellers will flock. An exodus from this Colony has been caused from the fact that wages elsewhere were higher; gradually they are rising here, and once be it known that here they are greater, no matter how slight an increase it be, people will come back from the adjoining Colonies.

"The federation of the Australian States will not be forced on by political influences, but the circulation of the population (as has been the case in the United States) will gradually train men to regard all parts of this island continent in the same light, and be satisfied to find that each division offers peculiar attractions to certain lines of labor, whilst in each division experience of climate and soil point the direction in which men can be best employed according to their vocations.

"The Land Regulations here are very liberal. By paying a nominal rental of one shilling an acre for ten years, the Colonists secure his freehold of rural land on the same terms as the Government immigrant who does not pay it. Why handicap him? If an immigrant wants to settle, the shilling an acre will not debar him; reversely, the permission to select as a free tenant does not induce him. By the introduction of the special occupation system a large extension of agricultural settlement has followed, and over a thousand men who would have, I believe, left the Colony, settled down. These men were cer-

"tainly not better off than immigrants, but the shilling an acre has never been objected to. The special grants to immigrants I was never in favor of, and no one can show that any material good has arisen from them. I would therefore advise their abandonment.

"MALCOLM FRASER."

IN COMMITTEE.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved the adoption of the following report of the Select Committee appointed to consider the foregoing memorandum and to report on other clauses of the existing land regulations:—

"1. The Committee that were appointed by your Honorable Council have, after a lengthy consultation, un-animously agreed that it is desirable free grants of land to immigrants should be discontinued, and therefore recommend that numbers 112 and 113 of the Land Regulations be expunged.

"2. Regulation number 50 appears, as a whole, framed in contradiction to some others, and to the wording of the leases issued; and your Committee consequently are of opinion that the omission of all the words after the word 'acre,' in the seventh line, would tend to promote settlement, and allow of the better working of number 57 and other regulations; and suggest the cancellation of the provision contained in the latter half of regulation number 50.

"3. Following on the adoption of the last proposal, the provisions of number 57 want amending, by omitting all the first five lines; it then might read:—  
"A lessee of second class lands may at any time during the currency of the first seven years of a lease 'select from his run all such land as it may be deemed by him advisable to hold under an unconditional pre-emptive right to purchase, on the following terms.'

"4. For some years the land around and about Northampton, Victoria district, has been reserved from sale, and only open to miners and those desirous of working mineral lodes beneath the surface. Your Committee desire the present restrictions removed, and the surface of the ground open for cultivation by its sale being allowed, al-

“though presumedly mineral, a right being reserved to the Crown to dispose of and lease or sell all mineral lodes or metals beneath such surface. Whether or not the omission of the word ‘precious,’ in the reservation clause in regard to metals in the form of deed of grant, will suffice, is for legal opinion. Your Committee’s desire is to allow the occupation and sale of the surface, retaining to the Crown a sole right to minerals and metals below.

“5. Following on this last proposal being sanctioned, it will be necessary to futher amend regulations from numbers 86 to 105 inclusive, so far as they may be inconsistent.

“6. The sale of town lots in the Northern District by the Government Resident, we are informed, causes a certain confusion at the Land Office; and we therefore advise the rescinding of Regulations 48 and 49, leaving such sales to be effected in the ordinary way under Regulation 34.”

MR. CAREY—referring to the recommendation to discontinue free grants to immigrants—said it appeared from the memorandum of the Surveyor General, which formed the subject of the Select Committee’s investigation, that the number of applications made by immigrants for occupation certificates was not great; that out of 989 immigrants introduced from the mother country only 109 had applied for the grants of land to which they were entitled. This circumstance, no doubt, operated on the mind of the Select Committee when recommending the discontinuance of the system of free grants of land to immigrants. But, it appeared to him that although only a small proportion of these people had availed themselves of the privilege which the land regulations granted them, still the fact remained that however small the number of grants applied for and obtained, it had to that extent increased the settlement of the country and consequently benefited the Colony. He would be very sorry to see the present system of free grants to immigrants discontinued, and thought, on the contrary, that it might advantageously be extended.

MR. BROWN pointed out that although 109 out of 989 immigrants had applied for their grants, only a very

small number indeed had attempted occupation, so that the present regulations, liberal as they were, had not had the desired effect of inducing settlement, and of retaining immigrants in the Colony. The Committee therefore had been forced to the conclusion that the expectations formed, when the present regulations as to free grants of land to immigrants were adopted, had not been realised, but on the contrary had proved entirely inoperative, so far as tending to increase settlement and to induce people to remain in the Colony. As to the policy of holding out special inducements for immigrants to come here and to remain here, that was a question which he was not prepared to enter upon at present; but, if it were conceded that it was a sound policy to do so, he thought the inducement held forth should be a monetary one—that after the new comers had complied with certain conditions as to clearing the land and cultivating a portion of it, they should be granted a certain amount of money as a gratuity, which, it appeared to him, would be the fairest way of dealing with them. Although, at the first blush, it seemed a very desirable thing to offer special inducements to immigrants, he thought there were many people in the Colony, sons and daughters of the soil, and others, to whom it was equally desirable to hold out inducements to remain and settle down here. There was a growing feeling in the public mind on this point, and the subject had already been mooted on the hustings, and would possibly become an electioneering cry at no distant date. There was certainly a great deal of force in the argument that these people were as entitled to consideration at the hands of the Legislature, as strangers were—strangers introduced at the public expense. He thought at any rate each class should be placed on the same footing in this respect, and that no special inducements be offered to immigrants in the form in which they were now offered, as the hopes and the expectations of the Legislature in granting such inducements had been in no way realised. He would therefore support the recommendation embodied in the first paragraph of the Select Committee’s report,—that free grants of land to immigrants should be discontinued.

This was agreed to, without further discussion.

**THE COMMISSIONER OF CROWN LANDS** (Hon. M. Fraser)—referring to the paragraphs in the report recommending a modification of the privileges granted to pastoral leaseholders under the 50th and 57th clauses of the present regulations, relating to the pre-emptive right to purchase—said that when these regulations were framed it was considered desirable to offer lessees some encouragement to induce them to carry out improvements such as water conservation, fencing, and other useful works, by which the productiveness of the soil would be enhanced, and the holders themselves, at the same time, enriched. To this end, a Select Committee of the House, in the Session of 1876, recommended that leaseholders should have the right to select from their runs all such lands it might be thought by them desirable to hold under unconditional pre-emptive rights, on remarkably easy terms. He himself was a member of the Select Committee which made this recommendation, and at that time he certainly entertained the belief that such inducements as were offered would have had the desired result, and that lessees would be eager to avail themselves of the privileges afforded them. This expectation, however, had not been realised. Not one single application for these pre-emptive rights of redemption and purchase had been made, the lessees considering themselves perfectly secure, under the existing provision of their lease. It was now, therefore, proposed to cancel the provision contained in the latter half of the 50th regulation, and to amend the 57th clause so as to bring it into harmony with the first-named regulation. He believed the recommendations of the Committee in this respect would operate very beneficially, and, by increasing the rental, be productive of a considerable addition to the revenue.

**MR. BROWN** said the principle they had to consider was this—whether or not it is desirable to give all pastoral leaseholders a pre-emptive right over the whole of the land which they lease from the Crown, during the whole term of their lease; in other words whether they should be allowed to remain in this position, that they need not care one

straw whether they purchased any of the land or not, feeling perfectly secure, as the Commissioner of Crown Lands had said, under their present tenure, under the 50th clause (which provided that no one else could purchase any part of their run until they themselves had first been challenged, and declined to make the purchase). His own opinion was that it was not well that this pre-emptive right should continue as at present. He thought that the land should be open for sale, unless the lessees chose to contribute something to the general revenue in consideration of their pre-emptive rights. It might be a legal question whether their present tenure gave lessees the right to hold their land against all the world—although they held it on such remarkably easy terms—until they were thus challenged to purchase. That was a matter of opinion. If that was the legal interpretation of the provisions of the 50th clause and the terms of the leases granted under it, the cancellation of the proviso in the latter part of the clause would not affect present leaseholders, but only those who became lessees hereafter. That, however, was a question of law with which the House had nothing to do at present. The question now was whether those who only paid redemption money at the rate of 5s. per 100 acres (if within seven years) or 10s. (during the remaining term), should be permitted the same privileges as regards pre-emptive rights as those who paid £5 for each thousand acres. He considered that they ought not. As, however, it was highly desirable, before finally disposing of this question, that the legal interpretation of the proviso attached to the 50th clause should be ascertained, and made known to the House, he would be glad if the Attorney General would give his attention to that point, before the paragraphs of the report now under consideration were definitely affirmed.

**THE COMMISSIONER OF CROWN LANDS** (Hon. M. Fraser) said the question was one of considerable importance and would require some consideration. His own opinion was that the lessees were entitled to all the privileges referred to, but he thought it would be better at this stage to report Progress so as to enable the Attorney

General to consider the legal aspect of the question.

The debate was then adjourned until Monday.

#### GOVERNMENT PRINTING OFFICE.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), moved the adoption of the report of the Select Committee appointed to consider the desirability of adding to the printing appliances of the Government Printing Department. [The Committee, in their report said it was clear that to enable the department to perform the work required of it, machinery capable of more rapid production must be provided. The improved appliances suggested by the Government Printer were such as could be worked by steam, and the estimated cost was £650. The Committee recommended the adoption of Mr. Pether's suggestions.]

The report of the Committee was adopted, without discussion.

#### IMPORTATION OF DISEASED STOCK BILL.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), in moving the second reading of this Bill, said he did not propose to traverse the ground which had already been occupied by the House in alluding to the topic which had resulted in the report of the Select Committee that had recommended the introduction of the Bill. It was in pursuance of that recommendation that the present measure had been framed. The Bill gave powers, which alone could be exercised with force by the Governor, to frame regulations under which diseased stock could be imported; and unless provision were made for giving a despotic power of the class contemplated by the Bill, it would be a nullity. It vested in the Governor, he might say, absolute power as to the introduction of stock that may be affected with disease; and in the event of stock already in the Colony becoming at any time infected with a disease of a malignant nature, very ample powers were given to the Governor to stamp out that disease. Hitherto this Colony had enjoyed almost perfect immunity from those diseases which committed such grievous havoc among cattle in the other colonies; but

this immunity could not be expected to continue for ever. Our laws were very strict with regard to scab, and there was no reason why the diseases of other animals should not be subject to the same stringent regulations—though regulations hitherto had been a blank. Rigid and stringent as were the regulations framed under the powers which the present Bill vested in the Governor, he did not think there was any chance of those powers being abused, when vested, as they would be vested, in the Governor-in-Council, for it must be admitted that the members of the Executive, as a rule, were men who had no interest in these matters—they were not cattle holders or sheep farmers, nor had they any interest in horses, except those they used for driving their equipages; and he thought the House would agree with him that the powers contemplated by the Bill might be safely vested in the Governor in Executive Council. Those powers, if exercised, would be exercised for the beneficent purpose of preventing the spread and the ravages of disease. He did not think it would be disadvantageous to Western Australia if this precautionary measure were passed.

The motion for the second reading was agreed to without discussion, and the Bill passed through Committee *sub silentio*.

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

---

#### LEGISLATIVE COUNCIL,

Friday, 26th September, 1879.

---

Rights of way to grants severed by the Eastern Railway—Gratuity to Mr. Henry Spencer—North West Pearl Shell Fishery—Commonages—Medical Officer for Bridgetown and Blackwood—Confirmation of Expenditure Bill: Report of Select Committee—Confirmation of Expenditure Bill: second reading; in committee—Classification System: Reorganisation of the Civil Service; in committee—Adjournment.

---

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

PRAYERS.