

be reported, and leave given to sit again on Friday.

Agreed to.

Progress reported.

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

## LEGISLATIVE COUNCIL,

*Tuesday, 31st August, 1880.*

Scab Act, 1879, Amendment Bill—Message No. 10 (Mr. Greenacre's claim): Consideration of—Message No. 7 (Delay in Furnishing Returns): Consideration of—Adjournment.

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

PRAYERS.

### SCAB ACT, 1879—AMENDMENT BILL.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved the first reading of a Bill to amend the Scab Act, empowering the Governor to prescribe the amount of the contribution payable in respect of sheep, under the Act. The Bill, he said, had been brought in, pursuant to the expressed wish of the House.

Motion agreed to, and Bill read a first time.

### MESSAGE (No. 10): MR. GREENACRE'S CLAIM.

The Order of the Day for the consideration of Message No. 10 (*Vide* p. 167, *ante*) being read,

MR. STEERE, in accordance with notice, moved, That the following Address be presented to His Excellency the Governor, in reply:—"That the Council "having had under its consideration "Message No. 10 from Your Excellency, "begs to reply as follows:—The Council "having perused the correspondence which "passed between the Government and "Mr. Greenacre with reference to the "compensation which the latter was to "receive in consequence of the loss of "frontage to his property by the intended

"closing of an adjoining street at Pin-  
"jarrah, regrets that the Commissioner  
"of Crown Lands should have departed  
"from the very proper and cautious letter  
"of the 14th February, 1880, in which he  
"gave Mr. Greenacre to understand that  
"the issuing of the title deeds to the  
"four town allotments which were to  
"have been given to him as compensation  
"was to be contingent upon the Legis-  
"lature sanctioning the closing of the  
"street in Pinjarrah. The letter of the  
"Commissioner of Crown Lands, of the  
"8th of March, contained no such reser-  
"vation; and the Council considers that  
"the title deeds to these allotments can-  
"not now be equitably withheld from Mr.  
"Greenacre." The hon. member said it  
"might be in the recollection of the House  
"that His Excellency in his Message  
"invited the Council to consider the sub-  
"ject of Mr. Greenacre's claims; and, had  
"it not been for that invitation, he (Mr.  
"Steere) should not have troubled himself  
"about the Message. But the House hav-  
"ing been asked to express an opinion, he  
"thought it would be only an act of  
"courtesy towards His Excellency that  
"they should reply to his Message.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) thought the hon. member must have lost sight altogether of what his resolution really embodied. It was neither more nor less than a vote of censure upon the Commissioner of Crown Lands—a vote of censure upon an absent officer, which he thought was a most unfair proceeding.

SIR T. COCKBURN-CAMPBELL did not think that the action of the hon. member for Swan, or the wording of the resolution, was susceptible of any such meaning. His Excellency had sent down, with his Message, the correspondence which had passed on the subject, in order that the House might be in a position to express an opinion upon the matter on its merits; and he (Sir Thomas) thought that was all that was required of them, and that there was no necessity that the House should go any further, and express its regret or satisfaction at the tone or tenor of the correspondence. He would therefore move an amendment upon the resolution of the hon. member for Swan, which he trusted the hon. member would accept, for he was sure the hon. member did not

wish, even by implication, to cast any censure upon the Commissioner of Crown Lands, for he knew the Commissioner was not to blame in the matter, the letter of the 8th March having been written by direction of the Governor. The amendment he had to propose was as follows:—"That the Council having had "under consideration Message No. 10 "from His Excellency the Governor, "relating to correspondence which passed "between Mr. Greenacre and the Gov- "ernment in regard to certain allotments "which he was to receive in compensa- "tion for the closure of a street adjoining "his property at Pinjarrah—considers "that the title deeds to these allotments "cannot now be equitably withheld from "Mr. Greenacre."

MR. SHENTON thought it was a pity the subject had not been brought forward before, when the Commissioner himself was present. No doubt a mistake had been committed, and the only honorable course open for the Government was to deal equitably with Mr. Greenacre and let him have his title deeds. He should be sorry to be a party to any vote of censure upon the Commissioner in his absence, especially when they had the assurance that he was not to blame in the matter.

MR. RANDELL could not help expressing his regret that the resolution of the hon. member for Swan should have been met in the spirit it had been, by the Government. He thought it would tend much to facilitate the business of the House if a little more conciliatory spirit were manifested by the leader of the Government. He did not think the hon. member for the Swan had the slightest intention of casting any censure upon an absent officer. It appeared to him that the letter of the 14th February, cautiously worded as it was, morally bound the Government as much as the letter of the 8th March. At the same time, he thought the House could not help joining in the regret expressed by the hon. member for Swan that the Government should have departed from their original intention of making the compensation contingent upon the sanction of the Legislature. Under all the circumstances, he saw no course open, in equity, but to allow Mr. Greenacre to have his title deeds. He did not think the Govern-

ment would be justified in incurring any legal expenses in resisting Mr. Greenacre's claims.

MR. BURT would have thought the Government would have only been too glad to have accepted any vote of censure and say nothing more about it. The deeper hon. members might be inclined to look into the matter, the greater would be the degree of censure which they would be inclined to cast upon the Government. A public street was closed on the mere *ipse dixit* of Governor Ord, and when the House refused to ratify so high-handed a proceeding, it marked its sense of displeasure thereat,—and, he thought, very properly so. Mr. Greenacre was promised at the very outset that he should have the fee simple of these allotments, as soon as the Government closed the street; and the Government ought to have carried out that promise, without any unnecessary delay, or sheltering themselves behind the excuse of having to obtain the sanction of the Legislature to an act of simple equity. He failed to see what necessity there was for the Governor to send this Message down to the House, asking the House what the Government should do in the matter. Why didn't they consult their own responsible legal advisers, and see whether they were not bound equitably under the law to carry out their promise to Mr. Greenacre, instead of sheltering themselves behind any resolution which that House might pass? He thought the terms of the resolution submitted by the hon. member for the Swan were perfectly justifiable, under the circumstances, and he was therefore unable to support the amendment. There was no intention to pass any vote of censure upon the Commissioner of Crown Lands individually, but upon the Government; and he thought no one could say they were not deserving of any censure which the House could heap upon them for their conduct in this matter.

MR. BROWN said a very small fire sometimes caused a great deal of smoke, and this was a case in point. A great deal more attention had been paid to this matter than he thought need have been spent upon it. From what he had heard, he had come to the conclusion that the street which had been closed was absolutely useless as a public

thoroughfare, and that it benefited nobody in Pinjarrah but Mr. Greenacre. When it was closed the Government promised to compensate Mr. Greenacre, in consequence of the loss of frontage to his property, by giving him some town allotments, and they now came to the House asking it to ratify the arrangement.

**THE ACTING ATTORNEY GENERAL** (Hon. G. W. Leake) said the question before the House was a very simple one—what answer should they send to His Excellency's Message. All the Council was asked to do was to advise the Governor in the matter. His Excellency's predecessor, believing he had the power to do so, closed a certain street in a certain township, and gave the only person injured by the closure thereof four town allotments in consequence of the loss of frontage to his property. The Legislature, when appealed to, refused to ratify the action of the Governor, and now another Governor asked the House for its advice under the circumstances. In reality, the gist of the reply proposed to be made by the hon. member for the Swan was met by the amendment of the hon. member for Albany, namely, that the title deeds could not be equitably withheld from Mr. Greenacre.

**MR. STEERE** said if anything was calculated to induce him not to withdraw his resolution in favor of the amendment, it was the tone of the Colonial Secretary's remarks, which he considered beneath his notice to reply to. He therefore accepted the amendment of the hon. baronet.

**THE COLONIAL SECRETARY** (Hon. R. T. Goldsworthy) said he was not protecting himself, but a brother officer, and he would not retract a single word which he had said. He maintained again that the tone adopted by the hon. member for the Swan was not what it ought to be, with regard to the Government benches, and he regretted very much to see that, when an officer was absent from his place in the House, the occasion should be taken advantage of to attack him behind his back. That was a course which he himself would never adopt.

**MR. CROWTHER** asked what it was that the Government wished the House to do. The Governor sent down a Message inviting an expression of opinion on

the part of the Council, and that expression of opinion was given. Whether it was in accord with His Excellency's own views, the House did not know, nor, did it appear to him, should it care. The leader of the Government in the House had, however, taken exception to the form in which the advice was tendered, and, in his wisdom, had chosen to fly down the throat of the hon. member for Swan, and charged him with unfairly attacking a public officer behind his back. Such a charge was an insult to the House, and it was much to be regretted that such a feeling should have been introduced into the debate. The people of the Colony labored under the belief that they enjoyed certain rights and privileges common to Englishmen in other countries, and one of those rights and privileges was the right to send representatives to that House to watch over their interests; but if those representatives were to be debarred from saying what they had to say because the Government was so thin-skinned that it could not brook any adverse criticism, the sooner they did away with such a Government the better. He was perfectly convinced in his own mind that so far from there being any ground for the allegation made by the leader of the Government—that the hon. member for the Swan had availed himself of the absence of a public officer to propose a vote of censure, directly or indirectly, upon that officer, no such idea ever entered the hon. member's head, nor the head of any other member except the hon. gentleman who made the allegation. There was in reality no ground for censure so far as the action of the Commissioner of Crown Lands himself was concerned, for he was sure if that official had been left to his own devices he would never have written the letter of the 8th March.

The resolution of the hon. member for Swan having been negatived, on the voices, the amendment was put and carried.

#### CONSIDERATION OF MESSAGE NO. 7: DELAY IN FURNISHING RETURNS.

The Order of the Day for the consideration of Message No. 7 (*Vide* page 167 *ante*)—relating to the delay which had occurred in furnishing certain Returns moved for by the House—being read,

**MR. STEERE**, in accordance with

notice, moved, That the following Address be presented in reply thereto: "That the Council having had under its consideration Message No. 7 from "Your Excellency, begs to reply as follows:—The Council regrets to state "that unusual delay has occurred during "this Session in furnishing returns "which have been asked for by Mem- "bers; several days, and sometimes "weeks, having elapsed between the date "on which a return was asked for and "that on which it was presented, al- "though in some instances these returns "would not have taken more than an "hour or two to compile.

"By a return which has been made to "the Council, it appears that two officers "only have worked after office hours in "preparing returns ordered by Council; "one officer having worked for three "hours and the other one and a-half "hours after their usual office hours; "and the Council is of opinion, that "considering the short time during "which the Legislature is in Session, "officers in the Public Service should be "instructed not to confine themselves "to their usual office hours when ordered "to prepare returns which are urgently "needed by the Legislature, many mem- "bers of which have to attend to their "Legislative duties at great loss and "inconvenience to themselves."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he was not going to take any very serious exception to the wording of the Address, though he felt bound to move an amendment upon it. The House should bear in mind that the Government was doing all it could, with the resources at its command, to furnish the Council with such information as it required. He hoped hon. members would not insist upon public officers working after hours unless they were paid for it; if the House insisted upon that being done, it would be contrary to that sense of justice and that spirit of generosity which usually characterised its actions when dealing with public servants. The amendment he had to propose was that all the words between "Council," in the fourth line, and the word "is," in the twenty-second line, be struck out.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) thought if the

House affirmed the amendment, it would do all that was required in the matter.

MR. MARMION said he would support the amendment because he considered the words proposed to be struck out were superfluous.

MR. BROWN was of a different opinion. It was very plain that very little effort indeed had been made by the departments generally to furnish the information required by the House and the country.

MR. CROWTHER said it seemed to him to be another exemplification of the truth of the old adage "Like master, like man." The anxiety of the clerks was possibly on a par with the anxiety of the Government. If the Government had manifested the same desire to facilitate the sessional business as the members of that House had manifested, these returns would have been furnished long ago. He could not conceive that the civil servants of the Colony were themselves unwilling to further the wishes of the House in every way within their power; but the fact remained that returns asked for over and over again had been delayed, and he thought—he said it advisedly—purposely delayed.

The question was then put—That the words proposed to be struck out stand part of the question; the Committee dividing thereon, with the following result—

Ayes	...	...	13
Noes	...	...	3
Majority for			10

AYES—13.

Mr. Brown  
Mr. Burt  
Sir T. C. Campbell  
Mr. Carey  
Mr. Crowther  
Mr. Grant  
Mr. Hammersley  
Mr. Higham  
Mr. S. H. Parker  
Mr. S. S. Parker  
Mr. Randell  
Mr. Venn  
Mr. Steere (Teller.)

NOES—3.

The Hon. G. W. Leake  
Mr. Marmion  
The Hon. R. T. Goldsworthy (Teller.)

The amendment was therefore negatived.

Question—That this Address be presented—put and passed.

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