

the particular class assailed, but upon the colonists generally. Residents on the spot knew very well that such a statement was incorrect, and any officer holding the position which the Superintendent held ought to be more careful before casting such reflections upon a whole community. What would be the effect of such a statement outside the Colony, where people were not acquainted with the real state of affairs? Was it likely to create a favorable impression? Was it calculated to induce a respectable class of immigrants to come and associate with these "idle loafers" and "busy rogues" with their "drunken and thieving propensities?" No doubt there were many bad characters among these men, but it was a great pity that such a sweeping assertion, which was not supported by facts, should have been made under the authority of the Superintendent of Police,—an assertion which, from that very reason, would carry conviction outside the Colony, whatever little weight it might have in the Colony.

MR. BURT: Move that it be expunged.

THE COLONIAL SECRETARY (Lord Gifford) was sorry to hear such strong language applied to the report of the Superintendent of Police, who, he was sure, had no intention of casting any undue reflections upon any class, as a body.

MR. RANDELL could not help thinking that the Superintendent knew what he was writing about, and that he would make no rash statement without good foundation for it.

MR. STEERE concurred. No one who had been in the habit of administering justice at our Police Courts could but be convinced that there was a good deal of truth in what the Superintendent said.

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

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

LEGISLATIVE COUNCIL,

Friday, 26th August, 1881.

Erection of Lighthouse at Cape Leeuwin—Message (No. 19): Appropriation of Residue of Road Loan—Message (No. 20): Apportionment of the Ecclesiastical Grant—Message (No. 21): Enclosing communication from Messrs. Lilly & Co. re third steamer—Diseases in Vines Bill: further considered in committee—Perth City Council Indemnity Bill—Increase of Salary to Tidewater at Cossack—Brands Bill, 1881: re-committed—Adjournment.

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

PRAYERS.

ERECTION OF LIGHTHOUSE AT CAPE LEEUWIN.

IN COMMITTEE.

THE COLONIAL SECRETARY (Lord Gifford) moved "That the message received from His Excellency the Governor, forwarding correspondence relating to the proposed erection of a lighthouse on Cape Leeuwin, be taken into consideration." Hon. members were aware that at the late Intercolonial Conference held at Sydney, His Honor the Chief Justice put forward a suggestion which had emanated from His Excellency the Governor, to the effect that a lighthouse should be erected at the Leeuwin at the joint expense of the several colonies. The suggestion appeared to be so well received that, in the opinion of the Chief Justice, it only required to be supported with such evidence as was obtainable, in order to meet with complete success. His Excellency therefore lost no time in communicating with the agents of the leading shipping companies connected with these colonies, also with Lloyd's and with the secretary of the P. & O. Co. in London. The replies received from these gentlemen would be found in the printed correspondence before the Committee, and it would be observed that the evidence thus obtained fully supported the proposition put forward by His Excellency, as to the desirability and the necessity of a light at Cape Leeuwin, though there seemed to be some difference of opinion as to the most suitable site for erecting the lighthouse. The preponderance of opinion, however, appeared to be in favor of Cape Hamelin as the most desirable position. It would

probably be in the recollection of the House that some years ago a proposal to the same effect was put forward by Victoria, but nothing had come of it, and the matter had remained in abeyance ever since. But as there now seemed every prospect of its being carried out, and as there could be no doubt of the utility of the proposal, he hoped the House would affirm the resolution which he was about to submit, in order to enable His Excellency to open up negotiations on the subject with the Governments of the other colonies. Hon. members would observe that His Excellency in no way wished to pledge this Colony to undertake the work, unless we were assured of the assistance and co-operation of the other colonies. From the correspondence before the Committee it would be seen that the commanders of the P. & O. Co., who have had great experience of the Australian coast, were unanimously of opinion as to the necessity of the proposed lighthouse, and that several hours would be saved if such a light were erected; while the secretary to Lloyd's informed them that, in the event of a lighthouse being established in this vicinity, and provided arrangements could be made that vessels passing it should be allowed to make their signals and be reported by telegraph to Lloyd's, the Committee of that institution might be disposed to contribute towards the maintenance of such a signal station. As was pointed out by His Excellency, in his minute, it might be that such a station might become of great importance with regard to obtaining orders under charter parties, and with regard to the question of marine insurance. No doubt the cost of erection and the expenses of maintenance would be very considerable, but there was no intention on the part of this Government to undertake the work, unless assured of the active co-operation and assistance of the other colonies. The object of bringing forward the resolution which he now submitted was simply in order that His Excellency might obtain the views of the other colonial Governments on the subject, and to show that, so far as the Legislature of this Colony was concerned, the proposal was viewed with favor. He would now move: "That this Council concurs in the views of His Excellency the Governor

"on the question of the proposed erection
"of a Lighthouse on Cape Leeuwin as
"expressed in Printed Paper No. 22, and
"respectfully requests that His Excel-
"lency will be pleased to communicate
"with the Governments of the other
"Australasian Colonies, with a view to
"the erection and maintenance of such
"Lighthouse at the joint expense of the
"various Colonies concerned."

MR. HIGHAM, in seconding the motion, said he was quite in accord with what had been stated as to the necessity and importance of erecting this lighthouse; at the same time he thought that, unless some arrangement could be made whereby it may be erected and maintained at the joint expense of the various colonies likely to derive any benefit from it, this Colony was not called upon to take any steps in the matter.

MR. STEERE thought they ought to be very careful indeed how they proceeded in this matter, otherwise they might be involved in an expense which the Colony could ill afford. The resolution submitted by the noble lord committed the House to a greater extent than he (Mr. Steere) wished to see it committed, at the present stage, and he would therefore move the following amendment:—
"The Council respectfully requests that
"His Excellency the Governor will be
"pleased to communicate with the Im-
"perial Government, and with the Gov-
"ernments of the other Australasian
"Colonies, with a view to ascertain
"whether they are prepared to contribute
"to the erection and maintenance of a
"Lighthouse at Cape Leeuwin, at the
"joint expense of the various Govern-
"ments concerned; and also to ascertain
"from the Committee of Lloyd's what
"amount they will be prepared to con-
"tribute." As soon as His Excellency ascertained this, the matter would then come before the House again, and, with that information before them, they would then be in a position to decide whether it would be advisable on the part of this Colony to undertake any responsibility as to the erection and maintenance of the proposed lighthouse. No doubt the various shipping companies who were communicated with would be very glad if a light were erected at the Leeuwin, but whether their respective Governments would contribute towards

the construction and maintenance of the lighthouse was quite a different matter. He thought the amendment he had proposed would answer every purpose at present, without committing the House any further in the matter.

MR. CROWTHER, in supporting the amendment, suggested that it should go a little further, and set forth that, in the opinion of this House, the relative cost of erecting and maintaining the lighthouse should be in proportion to the number of the inhabitants and the shipping tonnage of each colony. The proposed light must of necessity be of greater utility and importance to the other colonies than to this, and, unless the proportionate cost were calculated upon the basis which he had mentioned, it might be that we should find ourselves called upon to contribute a great deal more than we could afford, and out of all proportion to the benefit which this Colony was likely to derive from the proposed light.

MR. S. H. PARKER felt bound to support the amendment. The original resolution was so indefinite that it might commit the House, for all they knew, to the expenditure of some thousands of pounds. Presuming that the House were to adopt the noble lord's motion, it would be competent for the Governor to enter into negotiations with the other colonies on this subject without any further reference to the House, and to join with them in building this lighthouse, and in maintaining it, upon such terms as he might consider advisable, and next Session they might find that the Colony had been involved in an expenditure of thousands of pounds. They had been told over and over again how unwise and impolitic it was for them to pass resolutions of this nature, involving the expenditure of money, without at the same time making provision for the expenditure. They had been twitted by the Governor himself with the fact that a great portion of their Excess Bills was caused by this very course, and yet they now found the Governor himself sending down a resolution which might involve them in an expenditure of the extent of which they had no idea. If this resolution were passed, he contended that His Excellency would be fully justified, without further com-

munication with the House, in carrying out whatever may be his views with regard to this lighthouse. [SEVERAL HON. MEMBERS: No, no.] Let hon. members read it. There could be no object in passing such a resolution merely to enable His Excellency to communicate with the Governments of the various colonies on this subject. He had done that already, through His Honor the Chief Justice, without any reference—or any necessity for reference—to that House. What necessity, therefore, was there for this resolution, if that was all that was sought to be done? Surely, they could not think for a moment that the Governor conceived it was necessary for him to ask that House to pass a resolution before he could communicate with the Governments of the other colonies on this, or any other subject. The object of this resolution obviously was this—to empower His Excellency to negotiate with the other colonies with a view to the erection of this lighthouse. (MR. BROWN: No, no.) The hon. member might say “no, no”; but let him read the resolution. Did it not affirm that this House concurred in His Excellency's views on the question? And if they passed it, what more would the Governor want? Were they not told the other day that, because they had expressed their concurrence in the views expressed by the Governor with regard to the balance of the Road Loan, there was no necessity to refer the matter to that House again? He thought the amendment proposed by the hon. member for the Swan would answer every purpose, if the object in view was merely to enable His Excellency to communicate with the Governments of the sister colonies, or with anybody else, with regard to this question.

MR. SHENTON agreed with the hon. member for the Swan that we could not afford to contribute a very large amount towards a work from which we would derive so very little benefit, although the offer from Lloyd's gave us a direct interest in the erection of a signal station. No doubt advantage would be taken of such a station for the purpose of obtaining orders under charter parties, and for the purposes of marine insurance.

MR. MARMION said it appeared to him there were others besides the Australasian colonies who were interested in

this matter, and interested to a very great extent. Not only did he consider that the shipping and commercial interests of the mother country were interested, but also the Imperial Government itself. Imperial interests were largely involved in this question, and he saw no reason why, when the matter was placed before the Governments of these colonies, the Imperial Government also should not be communicated with, through the Lords of the Admiralty, or whatever authority it was which watched over the interests of the British navy. Hon. members were aware that an officer representing the Imperial Government was now on a visit to Albany, with the view of reporting upon the best method to be adopted for the defence of that place, with the object of making it a naval coal depot, and port of refuge, in view of certain contingencies which might hereafter happen; and he thought they might very fairly ask the Imperial Government to contribute not only towards the cost of the erection but also towards the maintenance of what, in reality, should be regarded as a national undertaking, rather than one of colonial, and much less of local, concern.

MR. RANDELL was glad to hear the hon. member referring to the Imperial Government in connection with this matter. He really thought they had more claim upon the Imperial authorities in respect of this lighthouse than they had upon the other Australian colonies, and he should think the Home Government would be prepared to listen to any strong representations made on the subject, and to render us very considerable assistance in the undertaking. He thought it was very desirable that a lighthouse should be erected, but he did not think we should be called upon to incur any large expenditure either in its erection or maintenance. With regard to the other colonies, he did not think we could really expect New South Wales to pay any attention to our representations, as the lighthouse could not possibly be of much use to vessels trading with that colony. Probably Victoria and South Australia might co-operate with us in this matter, but he was afraid we would not get much assistance from any of the other colonies.

THE COLONIAL SECRETARY (Lord Gifford) said no doubt representations would be made in due course to the

Imperial Government on this subject, for, in the event of Albany being ultimately fortified, this lighthouse would be of great utility to vessels of war having occasion to pass the Leeuwin. It would be observed that this matter had not escaped the attention of His Excellency the Governor. As to the amendment submitted by the hon. member for the Swan he was willing to accept it, if the House preferred it to the original resolution,—though he failed to see in what respect they differed. He could not at all agree with what had fallen from the hon. member for Perth as to the resolution being one empowering the Government to expend any money upon this lighthouse without reference to the House. No such thing was in contemplation, and he failed to see what ground there was for imagining it.

The amendment submitted by Mr. STEERE was then altered, so as to make it apply to the Imperial Government, as well as the Government of the Australian colonies. (*Vide* "Votes and Proceedings," p. 96.)

MR. BROWN said it was evident, from the tone of the debate, that the House was of opinion that the proportion which this Colony should bear of the cost of constructing and maintaining this lighthouse should be very small, and he thought it was their duty to say so, and not to mislead the Government as to their feelings on the subject. He would therefore move, as a further amendment: "That this House begs respectfully to express, for the information of His Excellency the Governor, its opinion that the proportion of the cost of the erection and maintenance of the proposed lighthouse to be borne by Western Australia, as compared with that to be paid by neighboring colonies and by the Imperial Government, should be very small." His object in moving such an amendment was to show the Government that the Legislative Council would not be prepared to contribute but a very small share of the expense connected with the erection or maintenance of the lighthouse,—not more than one-tenth; he thought that would be more than a fair share for this Colony to contribute. He thought it would be as well that the Government should not be kept in the dark as to the feeling of

the House on this subject. He had no wish to press his amendment, so long as it was understood to what extent the House would be prepared to contribute towards the proposed lighthouse. That being the case he would withdraw his proposition, but he wished it to be understood hereafter, in the event of the subject cropping up again, that he considered our share in the work of erection would be fairly represented by the stone and sand we might be able to contribute, and that our share of the cost of maintenance would be proportionately small.

The amendment submitted by Mr. STEERE was then put and carried.

MESSAGE (No. 19): APPROPRIATION OF RESIDUE OF ROADS LOAN.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor, relating to the appropriation of the unexpended portion of the Road Loan:—

“The Governor has received Your Address No. 15, on the subject of ‘reserving the balance of the Roads Loan for the repair and reconstruction of bridges, in which Your Honorable Council asks to be ‘placed in possession of all the facts upon which the proposed action of the Executive is based, and given an opportunity of ‘expressing its opinion thereupon.’

“In his Opening Speech the Governor alluded to the subject of the Roads Loan in the following words:—

“‘By the end of this year the unexpended balance of the Roads Loan will be about £15,000. From a report which I have recently called for on the state of the Bridges throughout the Colony I am of opinion that this sum will not more than suffice to place them in sufficient repair. I therefore propose to place the unexpended balance of the Loan on one side for this particular purpose, and have replaced on the Estimates the annual contribution from general Revenue for the up-keep and maintenance of the Roads, which from the first of January next will accordingly revert to the care and management of the Boards.’

“The question was apparently duly considered by the House. The Gov-

ernor’s proposal was referred to in terms of satisfaction in the debate on your Address in Reply; and the following paragraph upon the subject was agreed to by Your Honorable Council without a division:

“‘We view with satisfaction that Your Excellency proposes to expend the balance of the Roads Loan on a work much needed, namely, the repair of the bridges throughout the Colony, and that it is your intention to place a sum on the Estimates for the up-keep of the roads next year; this subject Your Excellency can rely will receive our earnest attention.’

“Bearing in mind that the question was one as to which no further legislation was necessary, and which required at most to be mentioned to Your Honorable Council with a view to your general acquiescence in the proposal, the Governor could come to no other conclusion than that the closing words of the paragraph last quoted, namely, ‘This subject Your Excellency can rely will receive our earnest attention,’ had reference to that portion of the question which required your active intervention—that is to say, to the proposal to re-place on the Estimates the amount required for the up-keep and maintenance of roads. Viewing the matter in this light the Governor directed the Colonial Secretary, a few days ago, to reply to a question on this subject in the following terms:—

“‘His Excellency having informed the Council in his Opening Speech of his proposal to put on one side the balance of the Road Loan for the repairs of the bridges, and the Council having in reply expressed its acquiescence in the Governor’s proposal, His Excellency is not aware that any further action is necessary in order to enable the views of the Governor and Legislative Council to be carried out;’ and having again considered the subject the Governor can come to no other conclusion than that Your Honorable Council have unanimously acquiesced in his proposal to appropriate the balance of the Road Loan for the purpose suggested, and that such general acquiescence is all that is necessary to meet the requirements of the case. As regards your present request to be

“placed in possession ‘of all the facts on
“which the proposed action of the Exe-
“cutive is based,’ the Governor is not
“in possession of any facts beyond those
“alluded to in his opening speech, and
“on which the judgment of Your Honor-
“able Council has been already ex-
“pressed.

“Under these circumstances the Gov-
“ernor feels that he cannot properly be
“a party to an infringement of the sound
“Parliamentary principle which dis-
“courage any question or Bill being
“offered ‘which is substantially the
“‘same as one on which the judgment
“‘of Parliament has already been ex-
“‘pressed in the current Session’ [May’s
“Parliamentary Practice, VI Edition, p.
“283]. At the same time it is open to
“Your Honorable Council to initiate
“any fresh discussion upon the subject
“which you may think proper, and, so
“far as the Governor is concerned, he
“has personally no objection whatever
“to your doing so, more especially as
“he cannot doubt that the wise decision
“already arrived at would, on re-discus-
“sion, be substantially affirmed.

“Government House, Perth, 25th
“August, 1881.”

MESSAGE (No. 20): APPORTIONMENT
OF ECCLESIASTICAL GRANT.

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

“In reply to your Address No. 8, the
“Governor begs to state that the Eccle-
“siastical Grant is apportioned in the
“manner directed by the Estimates.

“The Church of England Grant
“appears from the Report of the first
“Session of the fourth Synod to be
“expended as follows:—

	£
“1. In Salaries of Clergy, viz. :—	
“The Very Rev. Dean of Perth ...	300
“The Ven. Archdeacon Brown ...	110
“The Rev. D. G. Watkins ...	150
“Twelve Clergy @ £100 each ...	1200
“For Clerical Services, Canning District	36
“Do. Freshwater Bay	50
“The Rev. W. Meares, in acknowl- “edgment of past and occasional services	25
“The Rev. J. Allen, as supplementing “other allowances ...	10
“2. Allowance to the Bishop for travelling “expenses ...	50
“House Allowance to three clergymen, “£25 each ...	75
“3. Amount passed over to General Build- “ing Fund ...	180
“Margin Transferable to Special Aid “Fund ...	5
Total ...	£2,191

“As regards the Roman Catholic Grant,
“His Lordship Bishop Griver informs
“the Governor ‘that at a Conference
“‘held with my Clergy in the year 1872,
“‘when a re-distribution of the Grant
“‘was made, it was resolved, with
“‘unanimous consent, to apportion the
“‘annual Grant to each Priest in pro-
“‘portion to the number of the Roman
“‘Catholic population in his respective
“‘district. This distribution has been
“‘made every month to the satisfaction
“‘of all concerned up to the present
“‘time.’

“The Presbyterian Grant is appor-
“tioned as part of the salary of the
“minister.

“As regards the Wesleyan Grant, the
“Governor has not yet received an
“answer from the Superintendent of
“that denomination.

“Government House, Perth, 26th
“August, 1881.”

MESSAGE (No. 21): COMMUNICATION
FROM MESSRS. LILLY & CO.

MR. SPEAKER further announced the receipt of the appended Message from His Excellency the Governor:—

“Referring to previous communica-
“tions, the Governor has much pleasure
“in informing Your Honorable House
“that Messrs. Lilly & Co. have already
“purchased a third steamer for the
“Coastal and Colonial Service, and that
“no time will be lost in settling the new
“contract.

“The Governor feels sure that the
“accompanying communication from Mr.
“Lilly on this subject will be satisfactory
“to Your Honorable Council.

“Government House, Perth, 26th
“August, 1881.”

[Enclosure.]

Fremantle, August 25th, 1881.

‘DEAR SIR,—The Steam Service has
‘come to an issue in the purchase of the
‘*Macedon*. She will be appointed to do
‘the service from Melbourne and Adelaide
‘to Albany, the *Otway* the bi-monthly
‘service from Geraldton to Albany, and
‘the *Rob* to do the pioneering of opening
‘the North-West traffic. There will be
‘one great advantage in having a large
‘steamer like the *Macedon*: should a large
‘transport of stock be required she could
‘come right from Melbourne to the North.
‘As soon as possible after receipt of this,
‘I shall feel obliged by your communicat-
‘ing our doings to His Excellency the

'Governor, as in a communication last week I promised that as soon as anything final was arrived at, I would convey it to the Private Secretary for His Excellency's information.

'As soon as I can possibly get my coasting arrangements prepared at Fremantle, will put the *Rob* regularly into her North-West position.

'For His Excellency's further information, I enclose dimensions of the *Macedon*. She has excellent accommodation for passengers, the saloon being amid-ships. 'I know you will be pleased at our speedy action in this matter.

'Remaining, &c.,

'JAMES LILLY.

'Honorable M. Fraser, C.M.G., Perth.

'Dimensions of *S.S. "Macedon."*

'Length	220 feet 6 inches.
'Breadth	29 " 8 "
'Depth	15 " 5 "
'Gross Tonnage... ..	826 tons.
'Net Register	532 "
'100 Horse power and steams	9 (nine).'

DISEASES IN VINES BILL.

THE COLONIAL SECRETARY (Lord Gifford) moved, "That the House should go into Committee on the Bill for the prevention and eradication of Diseases in Vines, as amended by the Select Committee to whom it had been referred."

MR. BROWN moved, as an amendment, "That the House should go into Committee on the Bill that day six months." He was afraid hon. members had not read the report of the Select Committee; if they had, he thought they would agree with him that they had no right to legislate in the direction contemplated in the Bill. Hon. members would observe that all the witnesses examined before the Select Committee were not of opinion that the disease with which the vines of this Colony were affected—the *oidium Tuckeri*—was an infectious disease; and unless the House was satisfied that it was infectious, they had no right to go into a man's vineyard and compel him to treat his vines in accordance with the whims or views, and in the interests, of other people, rather than his own. It was upon this principle that he opposed the further progress of the Bill. It was true that, with one exception, all the witnesses examined before the Select Committee considered that the disease was infectious, but the

Select Committee were of opinion that no sufficient reasons had been adduced to support this belief. He was not at all satisfied himself that the disease was infectious, and he found, from the evidence taken before the Select Committee, that he was supported in this view by a gentleman who said he was "the largest vineyard proprietor in the Colony." He alluded to Mr. W. Harris, who gave it as his emphatic opinion that the disease was not infectious, but endemic, and furnished good reasons for that belief, one of which was, that the disease appeared, simultaneously, in vineyards long distances apart, as if by magic.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said if the disease was the result of magic, or any other black art, it would be competent for the hon. member when they went into Committee on the Bill to suggest the application of brimstone as well as sulphur.

MR. BURGESS was surprised that the hon. member for Geraldton should place so much weight on the evidence of the gentleman who informed the Select Committee that he was the "largest vineyard proprietor in the Colony." When this gentleman told them that, he (Mr. Burgess)—who was a member of the Select Committee in question—asked Mr. Harris what was the extent of his vineyard? His reply was—18 acres. He then asked him how much wine he sold and the answer he received was—"devilish little." The whole of the evidence given by this gentleman was, in fact, ridiculous, and he hoped the House was not going to be led away by it, in the face of the evidence to the contrary given by such men as Dr. Waylen, Mr. Guger, and Mr. Gallop.

MR. STEERE said hon. members were opposed to the Bill as originally introduced because it proposed to deal with a disease which, so far as was known, did not exist in the Colony, and because it placed so much power in the hands of the inspectors in respect of destroying people's vineyards. The Bill, it would be observed, had been considerably modified in Select Committee, and it now aimed rather at the restoration to health of vines affected by disease, than at the destruction of vineyards; and whatever steps were to be taken in this direction were to be taken at the instance of the

Resident Magistrate, and not of the inspectors.

The motion to go into Committee on the Bill was then agreed to.

IN COMMITTEE.

Clause 3—reverted to.

The amendment submitted by Mr. BURGESS, on August 8th (*vide* p. 207, *ante*) was by leave withdrawn.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, "That clauses 3 to "10 be struck out, with a view to the "introduction of the new clauses recom- "mended by the Select Committee to "which the Bill had been referred."

Agreed to.

Clause 11.—Incorporation of certain sections of Shortening Ordinance :

Agreed to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) then moved, "That clause "3 of the reprinted Bill (as amended in "Select Committee) be adopted."

This was assented to, without discussion.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) also moved, "That clause "4 of the amended Bill be adopted."

Agreed to *sub silentio*.

Clause 5 (of reprinted Bill) : "If the "occupier of any vineyard shall neglect "or omit to carry out, within the space "of fourteen days, such instructions as "he shall have received as aforesaid, it "shall be lawful for the Stipendiary "Magistrate who shall have given such "instructions, by writing under his hand, "to authorise any inspector, together "with such assistants as he, the said "Stipendiary Magistrate, may deem neces- "sary, to enter upon the premises of such "occupier at all reasonable times, and to "perform all acts and things required to "be performed by such instructions so "neglected or omitted to be carried out "as aforesaid :"

MR. BURT considered that the time within which the disease must be stamped out—fourteen days after the issue of instructions to apply remedial measures—was totally inadequate, in many instances, for accomplishing the desired object, especially in the case of a large vineyard. He would suggest that the time be altered to two months.

MR. STEERE did not understand the clause in the same light as the hon.

member for the Murray. If the inten- tion of the section was that the disease must be *eradicated* within a period of fourteen days, no doubt the time fixed was ridiculously short; but he took it that the meaning of the clause was that some remedial measures must be taken within fourteen days towards eradicating the disease—not that the disease must be stamped out within that time.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) thought the construction put upon the clause by the hon. member for the Murray was a correct one, and that the section contemplated that the owner or occupier of a diseased vineyard shall complete the process of eradication within fourteen days after receiving in- structions to take measures for the cure of the disease, in accordance with the provisions of the 4th clause.

MR. STEERE pointed out that in the original Bill the time was fixed at one week, but here it was proposed to extend it to fourteen days.

MR. BROWN said fourteen days might be sufficient to enable a man to carry out the Magistrate's instructions in a place like Perth, where the necessary means for doing so were easily available, but it was a very different thing in re- mote country districts; and, as the Bill applied to all parts of the Colony, he thought it would be well to accept the suggestion made by the hon. member for Murray, and extend the time to two months.

MR. STONE suggested that the time should be fixed in each case by the Magistrate.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) thought the suggestion was a good one, and with a view to carry it out, he would move, That the words "within the space of fourteen days" be struck out, and the following words in- serted in lieu thereof:—"within such time as shall be specified therein."

Agreed to, and clause as amended put and passed.

Clauses 6 and 7 were adopted without discussion, and clause 11 (of the original Bill) was ordered to stand as clause 8.

MR. RANDELL said as the Bill was regarded on all sides as a temporary and tentative measure, he thought it would be well to restrict its operation, as re- gards the time during which it shall

remain in force. To that end he would move, That the following new clause be added to the Bill, and stand as clause 9:—"This Act shall continue in force, unless sooner repealed, until the 1st day of September, 1885."

The clause was accepted without demur.

Preamble and title agreed to, and Bill reported.

CITY COUNCIL INDEMNITY BILL.

MR. SHENTON, in accordance with notice, moved, "For leave to introduce a Bill to confirm the expenditure by the City Council of the sum of £150 paid as a gratuity to its retiring clerk (Mr. Lazenby)." Hon. members were aware of the circumstances which had given rise to his moving to introduce the Bill, and of the action which the Auditors had taken with a view to recover the amount from the city councillors, on the ground that the expenditure was in contravention of the Act,—though admittedly made in the best interests of the ratepayers.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) was sorry he should have to appear as an antagonist to the motion for introducing the Bill, but he did so, shortly, on these grounds; the Bill was a private Bill, and sought to deal with private interests, behind the backs (so far as the House knew) of the very people who were principally interested in the measure—the city ratepayers. He maintained that any private Bill introduced into that House should follow the same course as private Bills introduced into the House of Commons followed. A private Bill sought to be introduced into the Commons was dealt with, more or less judicially—he used the term strictly—by a Select Committee of the House, before it was allowed to be brought in. Learned counsel were heard *pro* and *con* as to whether the measure was a proper measure to be admitted, and whether it dealt in a proper manner with the private interests which it concerned. If hon. members would consider the nature of the Bill now sought to be introduced, they would see the advisability of not departing from that practice in this case. The expenditure which the Bill sought to confirm might be regarded as having been made out of a trust fund, and expended without

any reference to the contributors to that fund. What would be said of a trustee who, having misspent trust money, came to that House to legalise his illegal expenditure? Yet that was what this Bill sought to do. The Mayor and councillors were executory trustees of public money, and in that capacity they had illegally spent the money entrusted to them by the ratepayers, and they now came to the Legislature asking them to legalise this expenditure, without in any way showing that the ratepayers approved of their action in the matter, or fortifying their position by petition or otherwise. For all the House was aware, if they were to pass this Bill, they might possibly be inflicting a grievous wrong upon the ratepayers whose money had been spent, and who, so far as the hon. members of that House were aware, might resent the way in which it had been spent. He would draw the attention of His Honor the Speaker to the nature of the Bill.

POINT OF ORDER.

THE SPEAKER said there could not possibly be any doubt that the Bill was a private one. The distinctive character of private Bills was very clearly laid down by *May*, who said: "Every Bill for the particular interest or benefit of any person or persons is treated in Parliament as a private Bill. Whether it be for the interest of an individual, a public company or corporation, a parish, a city, a country, or other locality, it is equally distinguished from a measure of public policy, in which the whole community is interested; and this distinction is marked by the solicitation of private Bills by the parties themselves, whose interests are concerned. By the standing orders of both Houses, all private Bills are required to be brought in upon petition; and the payment of fees, by the promoters, is an indispensable condition to their progress."

MR. SHENTON claimed for the present Bill the same privilege as had been accorded, at a previous Session, to the Bill introduced by a private member to incorporate the shareholders of the W.A. Bank, without payment of the usual fees or going through any of the formalities prescribed by the Standing Orders and parliamentary practice as regards private Bills. (The hon. member referred the

House to the Minutes of Proceedings, of 15th August, 1876, in support of his statement.)

SIR L. S. LEAKE said that, so far as the fees were concerned, there had been no desire on the part of the Bank to evade their payment, and, as a matter of fact, the amount (£10) had been handed over to the Orphanage.

MR. SHENTON said that did not do away with the fact that the Bill in question had been introduced without any of the formalities which were necessary in the case of a private Bill, and he claimed the same privilege for the present Bill. If the rules could be broken through in one case, why not in another?

MR. SPEAKER said probably his attention had not been called to the character of the Bill referred to by the hon. member as having been introduced in 1876, but here his attention had been pointedly called to the fact that the Bill sought to be introduced was a private Bill, which undoubtedly it was. If his memory served him, the other Bill had been introduced in pursuance of instructions from His Excellency the Governor, and he need hardly inform hon. members that it was competent for the Governor to transmit for the consideration of the House any such Bill as might appear to him desirable to introduce.

MR. BROWN said it was new to him to hear that the Bill referred to had been introduced by a private member at the instance of the Government: so far as his recollection served him, it had been brought in by the hon. member in charge of it at the instance of the Bank, and the House considered it a very proper Bill to be introduced in the manner in which it was introduced. Had there been any objection to its being brought in in that way, it would have been competent for the Governor to have introduced it as a public Bill, though that would not have altered the character of the Bill itself. As His Honor the Speaker had ruled the present Bill to be a private measure, he thought it desirable that the rules of the House with regard to such measures should be adhered to, and he would suggest that the Bill be withdrawn, and that in the meantime the City Council should call a meeting of

the ratepayers, and ask them to petition the Government to introduce a Bill of indemnity, and the House to pass it, which he was sure would be done.

MR. STEERE said he must protest against the doctrine enunciated by the hon. member for Geraldton,—that the Governor has a right to introduce any Bill, whether of a public or of a private character, as a public Bill. He had always been opposed to any such assumption of right or privilege on the part of a Governor, for he contended that neither His Excellency nor anyone else had the right to introduce a Bill dealing with private interests, in the same manner as a measure of public policy. What did their 80th Standing Order say? “That every public Bill, “except such as are transmitted by the “Governor in pursuance of the provisions of the 30th clause of the Act of “Parliament, 5 and 6 Vic., chap. 76,” shall be introduced in the manner therein prescribed. This exception applied to measures of public policy, and he contended that a Governor had no more right to dispense with the prescribed formalities in the introduction of measures defined by *May* as coming within the category of private Bills than any hon. member of that House had. As to accepting the W.A. Bank Bill as a precedent, he did not think that the fact of the House having acted wrongly on that occasion would justify them in doing the same again, and in deviating from the rules of the House and parliamentary practice on the present occasion. He certainly would support the Attorney General in his contention that the Bill should be treated as a private Bill, and that it should not be further proceeded with that evening.

MR. STONE said it would probably be in the recollection of the House that, at a previous Session, when the Government brought in a Bill of which he had charge (The Collegiate School Act, Repeal Bill), the question was much discussed as to whether the Government had a right to introduce such a Bill as a measure of public policy; but His Honor the Speaker ruled then, as now, that being a Bill introduced by the Government it was not necessary that it should go through the same formalities as a private Bill introduced by a private member.

That ruling was accepted by the House, and the Bill was proceeded with, though eventually it lapsed because the preamble was not proved to the satisfaction of a Select Committee to whom it was referred. After the action of the House on that occasion, he did not think hon. members would stultify themselves by allowing this Bill to be brought in contrary to the rules of the House. As to the Standing Orders and the right of the Governor to introduce Bills for the consideration of the House, that right was vested in His Excellency by Act of Parliament, which over-ruled any Standing Order, and which enacted that it shall be lawful for the Governor to introduce the drafts of any such laws which may appear to him desirable to introduce. He presumed it was by virtue of that statute, and not with reference to the Standing Orders, that His Honor the Speaker had ruled that it was competent for His Excellency to introduce such Bills as he might deem fit.

THE SPEAKER having formally ruled that the Bill now proposed to be introduced was a private Bill, and could only be introduced in accordance with the Standing Orders, the motion for its introduction was dropped.

INCREASE OF SALARY TO TIDE-WAITER AT COSSACK.

MR. GRANT, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates a sum of £25, in addition to the salary of £75 already received by Mr. Martin, as 'tidewaiter at Cossack.'"

Several hon. members opposed the motion, and upon a division it was negatived by a majority of 8 to 2.

BRANDS BILL, 1881.

On the Order of the Day for the third reading of this Bill,

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the order be discharged and the Bill be recommitted. Agreed to.

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved several verbal amendments in the Bill, which were agreed to without discussion. [*Vide* "Votes and Proceedings," p. 100.]

The House adjourned at a quarter to twelve o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 29th August, 1881.

Extension of Tenure of Pastoral Lands: Adjourned Debate—Estimates: Further consideration of—Sandalwood Bill: further considered in committee—Adjournment.

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

PRAYERS.

EXTENSION OF TENURE OF PASTORAL LANDS.

ADJOURNED DEBATE.

On the Order of the Day for the resumption of the debate upon the resolution submitted by Mr. BURGESS, on the 25th August (*vide* p. 313, *ante*), relating to the extension of tenure as regards pastoral lands,—

MR. RANDELL said it was at his suggestion that the hon. member for Geraldton had moved the adjournment of the debate, so that those persons who were most capable of expressing an opinion upon the subject might have an opportunity of doing so, before the House proceeded to deal definitively with the resolution. The subject was one of great importance, but one with reference to which many of them were in ignorance, and his object in adjourning the debate was to elicit an expression of opinion from practical men outside the House, which might serve as a guide to hon. members in arriving at a decision on the subject, which he had hoped might be