

Government; and they certainly would have no difficulty in doing that.

MR. MARMION thought that was a point deserving of their serious consideration.

Progress was then reported, leave being obtained to sit again next day.

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

## LEGISLATIVE COUNCIL,

*Tuesday, 10th August, 1886.*

Council Chamber: Additional conveniences for Members—Mail service between Northampton and Nookawarra—Gold Duty Bill: first reading—Smelting works at Champion Bay—Repeal of 14 Vic., No. 20—Goldfields Bill: third reading—Land Regulations: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

### ADDITIONAL CONVENIENCES FOR MEMBERS.

MR. PARKER: I wish, with leave, without notice, to call the attention of the hon. gentleman representing the Department of Public Works to a promise which the hon. gentleman, I think, made last year, not only that he would have this Chamber lit with gas (which would be a great convenience to hon. members like myself whose eyesight is somewhat deficient) but also provide receptacles, with a drawer and key, in which members might keep the sessional papers, bills, and other current literature provided for them by the Government, while the House is sitting. Such a receptacle would certainly be a great convenience. I believe that, in the House of Commons, members are not provided with all these conveniences, but, on the other hand, I question whether the members of the House of Commons take anything like the interest

which we here take in parliamentary literature. Perhaps the hon. gentleman will tell us whether there is any probability of his being able to supply us with these receptacles or drawers, with a separate key to them.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): I am not aware, sir, that last year I made any such promise as the hon. member alludes to; at the same time, I believe there was an idea that each member should have a separate desk, with lock and key. As, however, I presume the Chamber will shortly have to be enlarged and otherwise improved, these little conveniences have not yet been provided.

MR. PARKER: I was not aware that it was intended to enlarge the present Chamber.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): When the proposed additional members will have to be accommodated.

MR. PARKER: Meanwhile, perhaps the hon. gentleman will see what can be done to improve the present accommodation, in the direction I have just indicated.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): I will try and think of it.

MR. PARKER: Thank you.

### MAIL SERVICE FROM NORTHAMPTON TO NOOKAWARRA.

MR. WITTENOOM, 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 for 1887 a sufficient sum of money to provide a mail to run once monthly from Northampton up the Murchison to Nookawarra, via Geraldine Mine, and back." The hon. member said he had moved the address in consequence of a petition he had received from several of the settlers living on the Murchison River, who at the present moment were entirely destitute of any means of postal communication, and who had asked him to bring this matter before the House. In order to enable hon. members to better grasp the situation he would ask them to imagine a circle, at the southern end of which was Geraldton, and at the north

of which was Nookawarra. There was a mail running northward across the diameter of the circle to Nookawarra, returning round the extreme arc of the circle, giving accommodation to all the settlers along that route; but the western arc of the circle was entirely left without any postal facilities whatever. The petition which he had received represented that on this route there were twelve different stations, these establishments with their employés and others numbering about seventy people — without counting aboriginals. The total number of acres leased by these settlers amounted to 2,808,000 acres, paying a rental of £1,400 a year. They had 58,000 sheep, 542 horses, and 1,220 head of cattle. He supposed that on the whole these people consumed about £4,000 worth of goods annually, upon which the duty would be at least £200 a year. Their exports consisted of about 600 or 700 bales of wool per annum. On the other hand all the expenditure which the Government had made in their behalf amounted simply to nothing, with the exception of an occasional visit from a policeman. He believed that this mail service could be done for a sum within £200 a year, at the utmost—it might be only £100 or £150. He need hardly say it would be a very great advantage to the settlers to be placed in postal communication with the town of Northampton, with which they did most of their business. At present the majority of them had to send about 150 miles for their letters and newspapers; and, in view of the circumstances, he felt confident that hon. members would agree with him in supporting this humble address.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said it was with regret that he constantly found it necessary to rise to oppose these motions, but it was necessary for the Government to be consistent. The object in view was no doubt a good one, and, whenever it would be possible for the Government to assist in establishing this postal service, the hon. member might feel certain they would do so. When he informed the House that the estimated expenditure under the head of Postal and Telegraph Department for 1887 was £7,000 in excess of that of the current year, he thought hon. members would see the

difficulty in which the Government were situated, considering also the various other requirements of the country.

MR. BURGESS said he rose to support the motion, as he had been asked by the settlers of the district to do so. The facts of the case had been fully explained by the hon. member for Geraldton, and he could bear the hon. member out in all he had stated. He hoped that the Government, as soon as they possibly could see their way to do so, would provide this mail service, so as to give these settlers their much-required means of mail communication. The Geraldine, now that the mines were again being developed, was becoming an important district, and he felt sure that before long the necessity for a mail to that district would be very great; and, when that was provided, the service might easily be extended to these other settlers.

MR. WITTENOOM said the only objection which the Government appeared to be able to put forward was on the score of consistency. They had heard a great deal about consistency lately, but he did not see much of it carried out; and, as objection had been their previous rule, it would be consistent now to make this an exception. He did not think these settlers were asking much, looking at what they were contributing to the revenue.

MR. LAYMAN said there were exceptions in all cases, and he really believed this was an exceptional case. These people appeared to be quite isolated from the rest of the world, with no means of postal communication. It was all very well for the Government to say they could not afford it. They could afford to bring letters to the doors of people in Perth three or four times a day, and he thought if they wanted to economise in the matter of postal deliveries they should begin nearer home, rather than deprive country settlers of any postal facilities whatever.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): It is not a question of consistency but a question of funds,—a question of where the money is to come from. The Government would only be too glad to afford every possible postal facility to the outlying settlers, but they cannot do it without money.

MR. PARKER said it appeared to him that the hon. member for Victoria had made out a very strong case indeed, but, as the Government told them they had no money—and it was the Government who was responsible—he thought the hon. member should not press his motion. He did not think it was wise for hon. members to press upon the Government motions like these, involving the expenditure of public funds, when the Government told them they had no funds to meet such expenditure. Unless the House was prepared to supply the Government with more funds, by increasing taxation, he did not see how they could consistently press such motions upon the Government. The vote for the "Conveyance of Mails" was taken by the Government in a lump sum, and, as the hon. member had made out such a strong case, the hon. member, he thought, might expect that they would do all they could to provide this postal service. He hoped the hon. member would see the advisability of withdrawing his motion.

MR. WITTENOOM said the Government told them they had no money; but he never yet knew the Government to have any money, and he intended to push his motion to a division. If the Government had no money to carry it out, they could please themselves about it; but he thought it was not too much to ask for these settlers—the one solitary boon they had yet asked the Government for.

MR. SHENTON suggested that the hon. member should postpone his motion until the Estimates were presented, and they were in a position to see what the financial position of the colony was. If there should be any possible means of meeting the expenditure, he should be glad to support the hon. member.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the hon. member should bear in mind that there were other districts in the colony besides Geraldton. There was the Murray and Williams, for instance, possibly a larger and more important district, and one which had been settled very many years longer than the district on behalf of which this motion had been brought forward; and that district, he knew, had been petitioning the Government on many occasions for postal communication, but their requests had been refused. If

requests of this description had to be refused in one part of the colony, surely they could not expect the Government to accede to similar requests from other parts of the colony. Surely it could not be urged that it was the duty of the Government to carry letters to the door of every settler who chose to go 200 or 300 miles into the bush. Hon. members perhaps would be surprised to hear that the vote for the Postal and Telegraph Department for next year amounted to £40,000. A few years ago there were great complaints because the vote exceeded £20,000. They would, directly, have to provide postal communication for the Kimberley District, right and left; and the Northern settlers would be crying out for additional mails. Where was the limit going to be drawn? £40,000 a year was not a small sum for this colony to spend upon its postal service. He thought the Postal Department of Western Australia was a most admirable department. Taking the colony as a whole he thought the department served the wants of the outlying settlers in an admirable manner. When the Government told the hon. member they had no funds to provide this additional service, he thought the hon. member ought to be satisfied, without dividing the House upon it.

MR. WITTENOOM said he did not intend to withdraw the motion, but would push it to a division.

The committee then divided, the numbers being—

Ayes ... .. 8

Noes ... .. 15

Majority against ... 7

AYES.  
Mr. Brockman  
Mr. Crowther  
Mr. Layman  
Mr. Scott  
Mr. Sholl  
Mr. Venn  
Mr. Wittenoom  
Mr. Burgess (Teller.)

NOES.  
Hon. S. Burt  
Hon. J. Forrest  
Hon. J. A. Wright  
Capt. Fawcett  
Mr. Grant  
Mr. Harper  
Mr. Loton  
Mr. Marmion  
Mr. McRae  
Mr. Parker  
Mr. Pearce  
Mr. Sandell  
Mr. Shenton  
Hon. J. G. Lee-Steere  
Hon. M. S. Smith (Teller.)

The motion was therefore negatived.

## GOLD DUTY BILL.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) moved the first reading of a Bill to impose a Duty upon Gold.

Motion agreed to.

Bill read a first time.

## SMELTING WORKS, CHAMPION BAY.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) laid upon the table a communication from Mr. W. H. Trevenack, on behalf of a company, submitting proposals for the erection of Smelting Works in the Champion Bay district.

## REPEAL OF 14th VIC., No. 20.

On the order of the day for the further consideration of Mr. Shenton's motion, relating to the proposed repealing of the 14th Vic. No. 20—the Act under which the water police board all vessels leaving the colony and muster the passengers in order to ascertain if there are any convict stowaways or absconders on board,—

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the debate upon the subject was adjourned the other day to allow the Government an opportunity of considering the question of the advisability of repealing the Act in question; and the Government having done so, he was now able to say that the Act comprised several provisions with regard to the port regulations at Fremantle, many of which, apparently, it would be desirable to retain,—though there were one or two perhaps that might be relaxed, at the present time, more particularly those applying to the days of transportation, giving summary powers to the police to board vessels, the object being to keep a hold upon the embarkation of passengers to foreign parts, and to protect the penal settlement. Some of these provisions, however, might still be useful—at any rate, until the Government had been able to ascertain by inquiry whether it would be advisable to relax them, they were unprepared to agree to the repeal of the Act in its entirety. The Government, however, promised the hon. member that during the recess inquiries would be made, and, should it be found that certain provisions of the bill might safely be dispensed

with, the Government would be prepared next session to excise those provisions.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said that so far as the provisions of the Act relating to the boarding of vessels by the police were concerned, instructions would be given in the meantime to the police to relax their vigilance as to carrying out that part of the Act, so as to give as little annoyance as possible to passengers.

MR. SHENTON expressed himself satisfied with the promise of the Government, and withdrew his motion.

## GOLDFIELDS BILL.

This bill was read a third time and passed.

## LAND REGULATIONS.

The House went into committee for the further consideration of the new land regulations.

Clause 53—Conditional purchase, by deferred payment, without residence:

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that since this clause was under consideration the previous day, when progress was reported, he had made some alterations in it. The object of the alterations was to somewhat relax the conditions under which land might be taken up, on the deferred payment system, without residence. Under the clause as he proposed now to amend it, while the non-residential holder would still have to pay double the amount for his land which the man who resided on his holding had to pay, he would not, as was originally intended, also have to expend double the amount in improvements. In other words, while he would still have to pay 1s. an acre per annum for 20 years (instead of 6d. as in the case of the residential holder) he would only have to spend the same amount in improvements as the man who resided on the land.

MR. PEARSE: That would be 20s. an acre for the purchase of the land and 10s. an acre in improvements?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Yes, so long as the price of land to the residential holder is fixed at 10s. The committee will bear in mind that the price fixed by

these regulations for the land is the minimum price, and that there is nothing to prevent the Government increasing the price; so that if the price under the residential clause were to be fixed at 20s. the price under the non-residential clause would be 40s.; but the value of the improvements required in the case of the residential and of the non-residential holder would be the same.

MR. PEARSE said that the land offered for conditional purchase without residence would be land outside agricultural areas, and, for the most part, would consist of sand plain and scrub, which, if offered on easy terms, might be improved and utilised for paddocks; but he thought 20s. an acre was rather a high price to charge for it. He was afraid there would not be much of it taken up at that price, as the land would not be fit for agriculture.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said they must offer every inducement they could for people to reside on the land, and it would never do to let them take up land on as easy terms under the non-residential clause as under the clause which required personal residence. A man could buy the land for 10s. by paying his money down, and coming under the direct purchase clause.

The clause as amended was then put and passed.

Clause 54 was struck out, there being no necessity for it, in view of the alterations made in the preceding clauses.

Clause 55—Existing pastoral lessees in the South-West division to be allowed to obtain one block, adjoining their homesteads, on the conditional purchase system, the land taken up not to exceed five per cent. of the aggregate area held on lease:

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved some verbal amendments in this clause, with a view to make it simpler and of greater value to the lessee. Under the clause, as amended, any pastoral lessee in the South-West division would be allowed to select one block adjoining or contiguous to his homestead, in proportion to the size of his leasehold, but the minimum area to be selected would be 300 acres, and the maximum 3,000 acres. He (the Commissioner) thought that would be a

better clause than that which appeared in the draft, because in the draft clause one would have had to take into consideration what land was held by the lessee in fee, or what held under special occupation, and, in many cases, it would be found that a person living say in the Avon district might have several thousand acres in fee at Champion Bay, or near Bunbury, and it would be somewhat hard upon him that he should not be allowed to have a piece of land around his homestead on that account. It was therefore considered it would be better to leave out the question of what land the lessee possessed in fee or under special occupation, and say that any one who had a pastoral lease in this South-West division might be allowed to select a block adjoining his homestead not exceeding five per cent. of the aggregate area of his lease, provided the minimum was not less than 300 acres and the maximum 3,000 acres. It made the clause more simple, and much more likely to meet the wishes of pastoral tenants, who, he thought, would naturally like to be allowed to select a piece of land adjacent to their homesteads. In this way they hoped to be able to give the lessees in this division of the colony some little security of tenure at any rate.

MR. MARMION thought this was a very liberal provision, and one that ought to be very acceptable to pastoral lessees, to be allowed to select from three hundred to three thousand acres, adjoining their homesteads, on the conditional purchase system, the payment extending over twenty years.

THE HON. J. G. LEE-STEERE said the Commissioner no doubt had seen that he (Mr. Steere) had an amendment on the notice paper very much to the same effect as what the hon. gentleman himself now proposed, and therefore he should offer no opposition to the hon. gentleman's proposal, for it carried out very much what he himself wished to see carried out, and that was that a person who had a leasehold, say in the Southern district, and also one in another part of the colony, might have the privilege of selection in the two places.

MR. WITTENOOM was very pleased, indeed, to see the Commissioner introduce this clause. They all knew that the policy of the Government hitherto had been to

endeavor to get people on the land to improve it, while at the same time offering them no security of tenure. Considering the fact that a great many leaseholders—notwithstanding that they had no security of tenure—had carried out many improvements, and some of them made comfortable homesteads for themselves on their leases, it was only fair, he thought, after inducing them to go to this expense in forming large establishments, that the Government should give them an opportunity of securing for themselves these homesteads with the improvements upon them. He was very pleased indeed to find the Government recognising their duty towards these lessees in this way, and he hoped the privilege now offered would be extensively availed of. He felt sure it would prove beneficial to the colony, and result in a large quantity of land being improved and utilised, which otherwise would have lain dormant and unutilised for many years to come.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest) replying to Mr. Marmion, said it was not intended that the clause should apply to land within agricultural areas.

**MR. HARPER:** How will it affect land within the concessions made to Mr. Hordern and Mr. Waddington?

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): If the land is not open, of course no one can get it. When these lands are thrown open again, this provision will apply to them.

**MR. VENN:** Many people in the Southern Districts reside on a homestead near the coast, several miles away from their runs. Would they be allowed to exercise this right?

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): I think the clause would not apply to such cases, but to those who have their homesteads within their leases.

**MR. VENN:** Why should not these others have the same right? Their runs are fenced in.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): Because they are not residing on them.

**MR. VENN:** It is very hard, simply because a man does not happen to live within the boundary of his run. If this privilege is intended to benefit leaseholders generally, I do not see why these

Southern settlers should not participate in it.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): I think the clause will meet the generality of cases. From what I know of the cases referred to by the hon. member, they are scarcely leaseholders at all.

The clause as amended was agreed to.

**Clause 56—Pastoral leases:** Governor may accept from any pastoral lessee the surrender of any purchased land within his lease:

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest) said the object of this clause was to give the Governor power to accept from lessees the surrender of any portion of their runs which they might have purchased, many of them simply in self-protection, and, in view of such surrender, either to refund to the lessee an amount not exceeding what the lessee had paid to the Government in respect of the land, or to grant him some other piece of land adjoining his homestead, in lieu of it. Any improvements on the surrendered land would be paid for either in cash or in land at the price of 10s. an acre. He thought the clause would work beneficially in many instances, and, in any case, it could do no harm.

**MR. WITTENOOM** regarded this as one of the best clauses in the regulations, and he was very pleased indeed to see it introduced. Many lessees, in order to protect themselves, had from time to time bought up small pieces of land in various parts of their runs, and no doubt many of them would be glad now to avail themselves of the opportunity which this clause afforded them of surrendering some of those pieces of land and obtaining in lieu thereof other land adjoining their homesteads. He considered the clause an excellent one.

The clause was then put and passed.

Clauses 57 to 61 (departmental) were agreed to without amendment.

**Clause 62.—Power reserved to the Commissioner to sell portions of runs for roads and other purposes, and to issue licenses for cutting and removing timber, &c.:**

**MR. BURGES** called attention to the practice of wood-cutters leaving the boughs, bushes, and other refuse of trees cut by them to encumber the

ground, thus injuring the pasture to a very great extent, and proving a great source of nuisance to run-holders. Under the regulations now in force provision was made requiring timber getters to heap up all branches and bushes, under a heavy penalty, and he should have liked to have seen a similar provision introduced into these regulations.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest) said the reason why that penal clause was not inserted in these regulations was because it would have no effect, as the regulations did not over-ride the statute law, and the only effectual way of inflicting a penalty was by statute.

**MR. BURGES** hoped the Government would re-enact the clause in some form or other, as a great deal of injury was done by the practice referred to.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): I think the squatters themselves are sinners in that respect.

**MR. VENN** said that a lot of land in the Southern districts was rendered useless by the practice complained of. Apart from the injury which it did to pasture, it also did a great deal of harm by destroying young timber, which, in the case of bush fires, became consumed when these dead branches caught fire.

**MR. LAYMAN** said that might be all very true to a certain extent, but the question was how were they going to avoid it? He thought a little more had been made out of the matter than necessary, though he knew that a considerable amount of damage was caused through the practice.

The clause was then agreed to.

**Clause 63**—Permission to ring-bark and penalty for unauthorised ring-barking by lessee. Value of ring-barking as an improvement in no case to be estimated to exceed the sum of 2s. 6d. an acre:

**MR. LOTON** moved an amendment to reduce this sum to 2s. As a rule, in almost any part of the country, 2s. would be quite enough to pay for ring-barking.

**MR. SHENTON**: Plenty.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest) said the feeling of the select committee was whether 2s. 6d. was enough in some cases, and it

would be observed that this was the maximum to be paid for such improvement.

**MR. HARPER** thought that in some heavily-timbered country the cost would be more.

The amendment, however, was adopted, and the clause as amended put and passed.

**Clause 64**—Notice to be given to pastoral lessees before agricultural areas are withdrawn from their leases:

Agreed to.

**Clause 65**—Pastoral lessees under previous regulations may come under the new regulations, upon application to that effect on or before the 1st March, 1888:

**MR. SHOLL**: What is to become of those who do not apply to come under these new regulations?

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): They will simply have to trust to some future Legislature to let them in; they could not come under these regulations.

The clause was then adopted.

**Clause 66**—Duration of pastoral leases granted under these regulations; all leases to expire on 31st December, 1907:

**MR. MARMION** presumed that every effort would be made to expedite the coming into operation of these regulations.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest) said the intention of the Government was to have them approved as soon as they could, as it would be very convenient if they came into operation before the date when the rents fell due, on the 1st March. Provision, however, was made for an extension of existing leases in the event of these regulations being delayed.

The clause was then agreed to, and progress reported, leave being given to sit again next day.

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