

the Kimberley District? He apprehended it was proposed to tax sheep in that district, and if so, he failed to see why flock owners should not have the benefit of the services of an Inspector.

THE COLONIAL SECRETARY (Lord Gifford) said no sheep contribution was levied at the North-West, and it was not proposed to do so in the Kimberley District.

The vote was then agreed to.

*Educational and Registry Department,*  
Item £9,820 :

THE COLONIAL SECRETARY (Lord Gifford) said hon. members would observe that provision was made on the Estimates for the appointment of an Assistant Inspector of Schools. He thought it would be generally recognised that the Education Act now worked satisfactorily, and, regard being had to the number of schools lately started, and the great distance which the Inspector had to travel, it was impossible for one man to examine all the schools of the Colony, for results, as it ought to be done, and the Central Board of Education had recommended the appointment of an Assistant Inspector, to whom it was proposed to give a salary of £200 a year, and £50 forage allowance.

MR. S. H. PARKER called attention to the item "Secretary of Education Board and Registrar General, £200." This officer had a great deal of hard work to perform, especially in connection with registration under the Brands Act, and the admirable system which he had introduced, all of which, he believed, did not cost this Colony more than £168 a year, as this gentleman was in receipt of an Imperial pension. It would be no use increasing his salary, but he saw no reason why a bonus should not be placed on the Estimates as an honorarium for his extra services, especially in view of the saving which was effected, so far as colonial funds were concerned, by reason of the present holder of the office being in receipt of a pension from the Imperial Government.

THE COLONIAL SECRETARY (Lord Gifford) said no doubt the gentleman referred to was a most valuable officer, and if the Council thought he should have some additional remuneration, the proper course to adopt would be for the House to move an Address to the Gov-

ernor to sanction a bonus being allowed him.

The vote for the Education and Registry Department was then agreed to.  
*Poor Relief Department, Item £5,560*  
12s. 6d. :

Agreed to.

Progress reported.

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

## LEGISLATIVE COUNCIL,

*Monday, 11th September, 1882.*

Concessions to Jarrahdale Timber Co.—Special Occupation Leases and Lessees—Stamp Duties Bill: further considered in committee—Trespass, Fencing, and Impounding Bill: further considered in committee—Industrial Schools Act, 1874, Amendment Bill—Adjournment.

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

PRAYERS.

### CONCESSIONS TO JARRAHDAL TIMBER COMPANY.

MR. CAREY, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether the Government had called for any report from the Director of Public Works, or other official, as to the proposed extension of the Jarrahdale Railway; and, if so, that the same be laid on the Table, so as to assist the Council in arriving at a decision as to the advantages, or otherwise, that would accrue to the Colony from this proposed extension." The hon. member said he presumed the Government, after the discussion that had taken place in the House the other day, would have called upon the Commissioner of Crown Lands and the Director of Public Works for an expression of opinion as to the merits of the proposal put forward by the company, and, if so, such opinion would be

of great service to the House in arriving at a decision on the subject.

THE COLONIAL SECRETARY (Lord Gifford) replied: "That the Government is not in possession of any reports, other than those already laid on the Table, which in any way would assist the Council in arriving at a decision on the question alluded to."

#### SPECIAL OCCUPATION LESSEES AND THEIR LEASES.

MR. CROWTHER, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to take into consideration the case of persons holding special occupation leases which will shortly expire, but who have not carried out all the conditions imposed by the Land Regulations, owing to unavoidable causes, and to take what steps he may consider necessary to enable such persons, on payment of 10s. per acre in full, to retain possession of their leases until the required conditions are fulfilled, without further payment; also, in special cases (subject to the approval of the Commissioner of Crown Lands), to give them the fee simple of their land, on completion of the fencing only, when they shall have paid the 10s. per acre in full." Hon. members would recollect that a few days ago he asked the Commissioner of Crown Lands what were the intentions of the Government with reference to these lessees, and that the reply he received was, that, if the required improvements had not been made before the end of the leases, the holders of them may continue to occupy the land at the same annual rental as they are paying at present, but that no Crown Grants would be issued until the necessary improvements had been duly made. He (Mr Crowther), however, did not think, looking at the particular circumstances of the case, that this was a liberal enough concession to make. He thought these lessees, if they shall have paid the full price put upon their lands in the first instance, namely, 10s. an acre—the payment to extend over a period of ten years—might fairly ask the Government to let them continue holding their lands without further payment, without,

however, giving them the fee simple of it until they fulfilled the requirements of the Land Regulations under which they held their leases. A great many of these people, owing to adverse circumstances over which they had no control, had, to his own knowledge, been unable to comply with what he regarded as the very severe conditions imposed on them as regards fencing and cultivating—conditions which made the price paid for the land, by the time the lessees became entitled to it, not 10s. per acre but about 42s. an acre. The hon. member pointed out that in his own district there were cases which required special consideration, owing to the terrible seasons which the farmers have had to contend against, and which rendered it absolutely impossible for them to comply with the conditions under which they held the land. He did not think he was asking too much when he asked that these people should, at the expiration of their leases, be allowed to retain possession of the land, without paying any further rental than the 10s. they had originally agreed to pay, until they were able to comply with the required conditions as to fencing and cultivation. In some cases, he thought the conditions as to cultivation might be waived altogether, as some of these leases had been taken up in the Champion Bay District, simply to enable the lessees to "bush" their land, in order to prevent the inroad of sand-drift upon their adjacent leases. He thought, in these instances, subject to the approval of the Commissioner of Crown Lands, the equity of the case would be met, if the lessees simply complied with the conditions as regards fencing.

MR. BURGESS, in seconding the motion, spoke of the terrible privations which the farmers of the Greenough had undergone during the past season, many of whom, but for the liberality of the local merchants, must have starved, even as their stock did. He thought these people were entitled to the sympathy and the assistance of the Government, and he did not know how this could be better shown towards them than by complying with the prayer of the Address moved by the hon. member for Greenough.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) considered

that the Government, in agreeing to allow these lessees to remain in undisturbed possession of their leaseholds upon payment of a rental of 1s. an acre, per annum, the same as they are now paying under the conditions of their existing leases—conditions which required, as part of the agreement, that the lessees, in consideration of this low rental, should fence and cultivate the land—and seeing that those conditions had not been complied with,—he thought, the Government, under these circumstances, would be acting as liberally as they could, in justice to the country at large, be expected to act, towards these people. The House was aware that the lessees were given ten years to pay for their land, on the deferred payment system, and that, in reality, the rental they were charged did not amount to more than a moderate rate of interest on the purchase money. He thought, looking at all the circumstances of the case, and in view of the liabilities which the Colony was incurring in respect of public works, the House should hesitate before it even agreed to this Address, which, if adopted and acted upon, would very materially reduce our territorial revenue. At the end of last year there were 1,535 persons holding special occupation leases or licenses, representing 182,878 acres, and by this time probably no less than 200,000 acres of land were held by these occupiers. He saw no reason why a man who had entered into a contract with the Government as regards a piece of land should expect otherwise than that the terms of the contract should be as strictly adhered to as if the contract related to anything else besides land. The mere fact of the State being one of the contracting parties did not release the other from his liability to carry out the conditions of the contract. He was sorry he could not support the present motion of the hon. member, for he thought the Government, in consenting to allow these people to retain possession of their land upon payment of a merely nominal rental, had done all that could be reasonably asked of it, bearing in mind its duty towards the Colony at large.

MR. CAREY regretted to find that the Commissioner of Crown Lands was not prepared to support this Address. The hon. gentleman evidently preferred

—judging by his own remarks—to allow the land of the Colony to lie waste than afford the holders of it some encouragement to occupy and cultivate it. The hon. member (Mr. Carey) then dwelt upon the liberal manner in which pastoral leaseholders are treated by the Government, in respect of being allowed to obtain the fee simple of 100 acres within their leases for every 10,000 acres comprised within such leases, upon payment of 5s. an acre, conditionally upon an equal amount being expended on improvements. This, the hon. member said, was giving these pastoral leaseholders the pick of their land for £50 per 100 acres, whereas the special occupation lessee had to pay about £160 for the same quantity of land, if he complied with the conditions as regards fencing and cultivations.

MR. BROWN regretted that on this occasion he was unable to support the hon. member for Greenough. What the hon. member meant, and what this Address contemplated, was, in reality, this—that we should allow persons who call themselves agriculturists to take up land, and make no use of it, provided that they can pay 1s. an acre for it, for another ten years. And this, too, as regards the pick of the land of the Colony. Ever since he had had the honor of occupying a seat in that House he had done his best towards liberalising our land laws, but on this basis—that those who held the land should utilise it. He would even give the land away to those who would accept it on condition that they utilised it to the fullest extent. These lessees were allowed to take up land and to hold it, as the Commissioner of Crown Lands had pointed out, by simply paying the interest on the upset price of the land; and, in addition to this liberal concession, they had the free benefit of commonages. He thought no man had a right to complain, under these circumstances. Nothing could be more detrimental to the interests of the Colony than the adoption of the principle advocated by the hon. member for Greenough,—that we should allow people to hold land without utilising it for the purpose for which it is fitted. He thought the Government proposed to deal most liberally with those lessees who had been unable to comply with the con-

ditions upon which they took up their land, as intimated the other day by the Surveyor General.

MR. STEERE was sorry he could not support the motion before the House. He thought we would be setting a very bad precedent indeed, were we to adopt it. If these people whose leases were about to expire shortly were to have this consideration shown to them, we might as well abrogate our Land Regulations altogether, for he failed to see how we could possibly refuse to consider the claims of other persons holding land under these regulations if we complied with the prayer of this Address. He thought the present Land Regulations were very liberal indeed, especially with reference to special occupation leaseholders. He thought the consideration already given to them by the Government, in respect of not being compelled to fence the inner boundaries of adjacent blocks of land taken up by them, was a very liberal concession indeed, and he believed these people themselves thought so, too. One of his principal objections to the proposals submitted the other day by the hon. member for Perth, with regard to giving away land, was the very grounds now put forward by the hon. member for Greenough in support of this motion—that we should be giving land to people, the majority of whom would never attempt any improvements upon it, and, at the end of their term, they would be coming to that House and appealing to have the fee simple of the land. Moreover, there were practical objections to the carrying out of the proposal submitted by the hon. member for Greenough; these Land Regulations were as binding upon the Government as any statute law, and they could not legally break them, as the hon. member contemplated they should. The hon. member virtually asked the Government to let these people remain on their land, for an indefinite period of time, after their leases expired, without paying any rent for it. It appeared to him that these people would then be trespassers: they would neither be holding the land on lease, nor would they have it in fee simple. No doubt there were exceptional cases, in which these lessees might be entitled to consideration, but he thought the House would be setting a most un-

fortunate precedent if it were to agree to this resolution.

MR. SHENTON thought the House should exercise the utmost caution before it sought to relax the conditions under which these leases were held. Everybody who was conversant with the working of our Land Regulations must be aware that these special occupation clauses were more absurd than any others. Land was frequently taken up under them by people who had no intention whatever of cultivating it, but simply for speculative purposes, in order to obtain a footing on another man's lease. If the land was worth taking up at all under these agricultural clauses, he could not conceive any hardship whatever in insisting upon the fulfilment of the conditions attached to them, and therefore he could not support the proposal now before the House.

THE COLONIAL SECRETARY (Lord Gifford) really thought the hon. member for Greenough ought to be satisfied with the answer he received the other day from the Commissioner of Crown Lands. If the hon. member would fairly consider all the circumstances of the case, he must admit that the Government had already stretched a point in his favor. No doubt these people had suffered severely through bad seasons, and the Government recognised that fact when they proposed to allow them to continue to hold their land at the expiration of their leases, although they had not complied with the conditions of those leases,—thus giving them a privilege which they had never dreamt of. But the hon. member was not satisfied with that, and wanted still greater privileges to be conceded to these people—privileges which the Government could not be fairly expected to concede to any class of the community, to the detriment of the public interests. These lessees were fully aware of the conditions upon which they took up their land, and it could not be said that the Government had treated them illiberally in any way. He hoped the hon. member would see, from the tenor of the debate, that there was a consensus of opinion in the House that the Government had already done all within their power, and all that could be reasonably expected of them, to meet the wishes of the class in whose behalf he

had brought forward this motion. He therefore hoped the hon. member would be satisfied, and that these farmers would be satisfied,—especially in view of the encouraging prospects of the season now before them.

MR. CROWTHER said no doubt the Government and the Legislature, when they framed the present regulations as regards these special occupation leases, considered they were dealing very liberally with the holders of them, when they gave them ten years to pay for the land, at 1s. an acre per annum. But he did not think they ever calculated what the improvements required to be done would cost. The conditions imposed were such as were beyond the bounds of possibility for any man who entered upon the land (relying upon that alone to enable him to incur the necessary expenditure) to carry out as to fencing and as to cultivating. It had been said that in numerous cases these leases were taken up for speculative purposes. That was a new element introduced into the discussion, and, so far as his own district was concerned, there was no truth in it, at any rate as regards the large majority of leaseholders, who had taken up the land with the honest intention of making a living out of it, and of doing some good for themselves, and in doing good for themselves doing the same for the Colony. If they had failed to do this, it was no fault of their own, but a dispensation of an All-Wise Providence, and, as he had said on a former occasion, it was very hard indeed that these people should be held answerable for the difficulties they had to contend with, simply in consequence of these visitations of Providence, and not through any default of their own.

MR. MARMION thought the Government might be fairly asked to show some exceptional consideration towards those who had proved that they had taken up the land with a *bona fide* intention of complying with the regulations, and with an honest determination to carry out the conditions imposed upon them. He did not think the Government would have any difficulty in finding out what lessees had such intention, and who had not. In the case where a man had not resided on his lease, for instance, or even built a homestead with the intention of

residing on it, he would show no consideration whatever; and, if they were to start upon that basis, and apply that test as to the *bona fides* of these men, they would separate the corn from the chaff very quickly. Having done so, he thought they might fairly draw a distinction between the consideration which ought to be shown towards those who had honestly endeavored to carry out the conditions of their leases, and those who had shown no intention of doing so, but who had taken up the land in the first instance merely for speculative purposes, and with the full intention of evading the law. He therefore hoped, if it was within the power of the Government to do so, they would adopt in part, if not *in toto*, the principle suggested by the hon. member who had brought forward this resolution.

The House then divided upon the question, with the following result:

|                  |     |     |    |
|------------------|-----|-----|----|
| Ayes             | ... | ... | 8  |
| Noes             | ... | ... | 10 |
| Majority against | ... | ... | 7  |

| AYES.                  | NOES.                 |
|------------------------|-----------------------|
| Mr. Burges             | Lord Gifford          |
| Mr. Carey              | The Hon. A. C. Onslow |
| Mr. Grant              | The Hon. M. Fraser    |
| Mr. Hamersley          | Mr. Brown             |
| Mr. Higham             | Sir T. C. Campbell    |
| Mr. Marmion            | Mr. Glyde             |
| Mr. S. S. Parker       | Mr. Randell           |
| Mr. Crowther (Teller.) | Mr. Shenton           |
|                        | Mr. Venn              |
|                        | Mr. Steere (Teller.)  |

The motion was therefore negatived.

#### STAMP DUTIES BILL.

The House then went into Committee for the further consideration of the Stamp Bill.

Clause 45.—Imposing an *ad valorem* duty on conveyances on sale of land,—including transfers of leases of Crown Lands, in addition to the transfer fee of 10s. now charged upon each such transfers:

MR. MARMION said hon. members would have observed that, though a member of the Select Committee to which the Bill had been referred, he had demurred to that part of the report of the Committee which recommended that transfers of leases of Crown Lands should be stamped with an *ad valorem* duty, and it was his intention, in order to ascertain the feeling of the House on this subject, to submit this clause to the

test of a division. Before doing so, he would give his reasons for opposing the recommendations of the Select Committee in this matter. He thought it would be admitted that it had always been regarded as a wise principle in that House, to facilitate, as far as practicable, all legitimate dealings in land, and to hamper such transactions with as little expense and trouble as possible. That principle was fully recognised by the House when it adopted the present Transfer of Land Act, which was introduced and passed for the special purpose of facilitating dealings in land, and reducing the expense connected therewith to a minimum. All at once, however, it seemed to have dawned upon the mental vision of some hon. members that it would be wise to depart from this principle. He was afraid he could see in this departure another attempt to aim a blow at that bogie which seemed to haunt some hon. members—the bogie of “land-jobbing.” He regarded it as simply another effort made to prevent legitimate speculation in land. For his own part he considered that dealings in respect of the transfer of leases were as legitimate as dealings in regard to real estate, and he did not think those hon. members who were so desirous of checking speculations in land really considered how much the country was indebted to such speculations, how much it owed to this terrible bogie of “land-jobbing,” as it was called. They seemed to forget that it was owing to this spirit of speculation that some forty millions of acres of land were now leased in the Kimberley District, and that this Colony derived something like £20,000 during the last two years in land revenue, and expected to receive £30,000 next year, from the same source. It did appear to him strange that hon. members should regard this as an opportune time for imposing a heavy penalty upon the transfer of leases, and of checking a spirit of speculation which was doing so much to benefit the Colony. What did it matter to that House, what did it matter to the Government, what did it matter to the Colony, who paid the rents due in respect of these leases? What difference did it make whether A or B, or C or D contributed to the Treasury the amount which the State thought fit to charge for

leasing its lands? If A originally leased the land, and he transferred it to B, the probability was that B had more means to carry out what would be of greater benefit to the Colony than A had. He hoped the Committee would hesitate before it sought to check and to hamper any such legitimate dealings in land, by imposing any unnecessary penalty upon them. It could not be said that the Select Committee were induced to recommend this penalty with a view to increase the revenue, for that was not the object for which the Bill was referred to them. Nor was it the object of the Government. The noble lord on the Treasury bench, when making his financial statement, congratulated the House and congratulated the country upon the fact that, notwithstanding the increasing liabilities of the Colony, there was no necessity to have recourse to any increase of taxation, but that, on the contrary, it was proposed to lighten the burden of taxation, and especially so with regard to these stamp duties. He did not suppose it would be of much use for him to trespass any further upon the time of the Committee, as hon. members had no doubt made up their minds on the subject, but, in the event of his proposal to amend the clause as he now asked it should be amended (by excluding transfers of leases from its operation) being rejected, it was his intention, at a later stage of the Bill, to move in another direction towards the attainment of the same object, and he trusted he should then, on the ground of common justice and fairness, be able to carry with him a majority of the Committee. This was an increase of taxation which had never been contemplated either by the Government or by that House, until it was suggested to them by the Select Committee to whom this Bill was referred. The hon. member then formally moved that the words “and also “a transfer or assignment of a lease of “any lands,” be struck out of the clause.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he might state at once, on behalf of the Government, that it was not their intention in any way to strike a blow at what the hon. member had termed “land-jobbing,” or land speculation. The hon. member described land-jobbing as a bogie; by which he presumed

the hon. member meant to say that it was a phantom—that it had no actual existence. If so, he was not prepared to say that the hon. member was not right. But, if land-jobbing had no existence, if it was a mere phantom, was not the hon. member somewhat inconsistent in charging the Government with wishing to strike a fatal blow at that which really had no existence? The hon. member's bogie reminded him of the ghost in Hamlet, and, in the words of Marcellus,—

We do it wrong, being so majestical,  
To offer it the show of violence;  
For it is, as the air, invulnerable,  
And our vain blows malicious mockery.

As to saying that by imposing this stamp duty on transfers we were striking a blow at legitimate land speculation, the hon. member might as well say we were dealing a fatal blow at leases by subjecting them to a stamp duty; or at mortgages, for they also had to be stamped. Why, in fact, should they be twitted with striking a blow at any principle, simply because it was proposed to bring it within the operation of this Bill? All the Government said was this: "we require a certain amount of revenue, "and this appears a legitimate source for "obtaining it." He ventured to say that what his noble friend had said with reference to increasing taxation was, that there was no intention to largely increase it, in any way, but that it was proposed to lighten it in some directions, and having done so, it would be necessary to make it up in some other way. This was exactly what was proposed to be done with reference to this Bill. It was intended to reduce the duties on mortgages to a considerable extent, and, in order to recoup the revenue, it was necessary to impose a duty upon something else; and he maintained that these land transfers would be a perfectly legitimate source of duty. He thought it was quite as equitable a duty as the duty upon leases, or mortgages, or conveyance on sale.

MR. CROWTHER would support the clause. The object of the Select Committee, he presumed, was to adjust the incidence of taxation under the Bill submitted to them, without at the same time reducing the actual amount of revenue which it ought to bring in. He thought, as they had reduced the duty on mortgages, a corresponding duty

ought to be imposed on something else, and for his own part he thought these transactions (the transfer leases), which, in nine cases out of ten, were profitable transactions, might fairly be charged with some of the duty now removed off mortgages.

MR. MARMION said, when he alluded to land-jobbing as a bogie, he did not mean a phantom having no real existence, but a bugbear,—a real live bogie that frightened some hon. members, as bogies frightened little children. For his own part, as he had already said, he stood in no dread of this spectre, which, to his eye, appeared a very harmless one indeed. As to the proposed stamp duty on transfers, he thought it was somewhat inconsistent to reduce the duties on mortgages and place them on transfers, as very often leases were transferred in consequence of temporary embarrassments, simply as a collateral security, and there was already a transfer fee of 10s. charged upon each transfer.

MR. STEERE considered the proposed duty a very fair duty. He found, on reference to the Stamp Acts in force in New South Wales and Queensland, that the same duty was in force in those colonies. The hon. member for Fremantle seemed to consider it hard that, in addition to this duty, there should be a fee of 10s. payable under the Transfer of Land Act; but, in the colonies he had just referred to, they had to pay a guinea fee for the same thing. He had looked at the matter from every point of view, and he must say the duty appeared to him a most legitimate duty, and he hoped the Committee would agree to it.

MR. CAREY said that, before the Select Committee went into this matter at all, he asked the Crown Solicitor whether such a duty was not charged in the neighboring colonies, and it was his intention to have proposed it himself, in any case, if the Select Committee had not done so.

THE COLONIAL SECRETARY (Lord Gifford) said he could not regard this duty in the light of increased taxation, but simply as an adjustment of the incidence of taxation, and to make up for what they had taken off in other directions, and especially as regards mortgages. He could not think it would prejudicially affect legitimate land trans-

actions in any way. It was only through an oversight on the part of the Government that the same duty was not introduced in the Bill of last Session.

The clause was then agreed to.

Clauses 46 to 81 :

Agreed to *sub silentio*.

Clause 40 reverted to :

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he understood the hon. member for Murray intended to move a new sub-section to this clause, with a view to meet the wishes of the hon. member for Greenough, in order to allow parties to affix, as well as cancel stamps, under certain circumstances. The sub-section, he believed, was intended to enable bankers, being *bonâ fide* holders of bills, to affix stamps on them, and he (the Attorney General) was not prepared at that moment to say that the Government would not accept this new clause.

MR. BURT said, when this question was under discussion before, he pointed out that, if they were to allow anyone to affix stamps on bills of exchange or promissory notes, into whose hands they came, they would be encouraging a lax and reprehensible practice, and, in the case of country people, they would not care whether they stamped a bill or not; but he did not think the revenue would be endangered in any way if they allowed bankers to affix stamps on such bills as might come into their hands unstamped, in the way of business. He would therefore move that the following sub-section be added to the clause now before the Committee, to stand as sub-section 3:—  
 "Every banker into whose hands any bill of exchange or promissory note, other than a bill of exchange or promissory note payable upon demand, comes before it is stamped, may, before he pays or negotiates such bill or note, affix thereto a proper adhesive stamp or stamps of sufficient amount, and cancel every stamp affixed thereto, and may, upon so doing, pay the sum in such bill or note mentioned and charge the duty in account against the person from whom he receives such bill or note, or deduct such duty from the said sum, and such bill or note shall, so far as respects the duty, be deemed good and valid."

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the sub-section had

been most carefully worded, and he thought it ought to satisfy all reasonable members. It did not do away with the duty he had most strongly contended for—that the person who draws a bill is the proper person to affix the stamp on it, but that, when through inadvertence or ignorance, the stamp has not been affixed by the right person, it was inadvisable that a bill should become invalid and of no effect, and that it should retain its validity when a banker—and no one else—supplied the deficiency, which, however, would in no way relieve the original drawer from his liability in the matter. To have allowed any person, other than a banker, to do so, would have been repugnant to the whole principle of the Bill. As it is, we give far greater facilities than are permitted under the English Act.

MR. CROWTHER said his main object had been to prevent a bill becoming worthless simply because some country bumpkin may have omitted to stamp it. As to liability, there was nothing in the Bill that he could see to show who was liable if a bill was not stamped. There were scores of people living in the bush who did not know, and who were not likely to know for a long time to come, that there was such an Act as this in existence, and it would have been very hard if bills drawn by these people in favor of those to whom they were indebted, could not be negotiated, simply because they had not known it was necessary to stick a stamp on it.

The sub-section moved by Mr. BURT was then put and carried, and clause 40, as amended, agreed to.

Schedule A :

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, that after the item "Cheque or Order payable on demand," the following words be inserted: "*Exemption:* Treasury cheques marked "On Public Service only."

Agreed to *sub silentio*.

Schedule A agreed to.

MR. MARMION, when informed that the Schedule had been agreed to, said the thing had been most hastily disposed of. Whether knowingly and intentionally, or not, it was a most unfair proceeding.

THE CHAIRMAN OF COMMITTEES said he had paused for some time before putting the question that the Schedule



be agreed to. A great deal of time was unnecessarily wasted in observing the forms of the House; more opportunity was afforded hon. members to move amendments, or to avail themselves of the forms of the House, than was usually afforded in deliberative assemblies in any other part of the world. In fact, he had been twitted with delaying the business of the House by reason of the time he allowed to elapse before announcing that a question put had been passed.

THE COLONIAL SECRETARY (Lord Gifford) said it was quite true that they were allowed more latitude in this respect than was allowed in other parliamentary bodies, and in this instance, if the hon. member for Fremantle had intended to propose any amendment in the Schedule, he had himself alone to blame for not availing himself of the opportunity afforded him of doing so.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): The Chairman of Committees distinctly paused, for a considerable time, before putting the question.

MR. MARMION maintained he was in no way to blame in the matter. He was in consultation with the hon. member for the Murray with regard to an amendment he intended to submit, when the Schedule was put and declared to be carried. He believed the hon. member for Murray and Williams, like himself, had several amendments to propose. This Schedule was the most important part of the Bill, and he had no hesitation in saying that they had not had an opportunity of giving it that consideration which its importance deserved.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): May I be permitted to throw a little oil on the troubled waters, which have been disturbed by the hon. member for Fremantle? The Bill will be recommitted, when the hon. member may avail himself of the opportunity, which he has neglected this evening, of moving as many amendments as he may think fit. I would, however, remind the hon. member that, as a member of the Select Committee to whom the Bill was referred, the only objection then raised by the hon. member was with reference to the stamp duty on transfers of land, and I am surprised to find now that the hon. member has several other amendments to propose.

MR. MARMION said when the subject was under discussion before, and he failed to carry his point, he then intimated his intention of dealing with the question in another form, and this he had intended doing when the Schedule was under discussion.

Schedule B.—Banker's License to issue Promissory Notes:

Agreed to.

Preamble and title agreed to.

Bill reported.

#### TRESPASS, FENCING, AND IMPOUND- ING BILL.

This Bill was recommitted.

Clause 13 (reverted to):

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That this clause be struck out, in order to substitute another, which he said would considerably alter the law as regards trespass, and would meet some of the objections raised to the 13th clause, which it was proposed to supersede, as also the 3rd subsection of clause 16. The new clause would enable the owner of land to recover damages for trespass, even on unenclosed lands, in towns and their suburbs.

MR. RANDELL thought the Bill was quite stringent enough already. The new clause appeared to him a very sweeping clause indeed, and he thought, before they imposed a penalty for trespass on unenclosed lands, they should give the question the gravest consideration. He did not think lands which the owners did not consider worth while to enclose were likely to suffer much damage by trespass, and, as a matter of fact, such trespasses were committed every day, and no one has suffered thereby. But if this clause became law, they would find themselves face to face with no end of vexatious actions. He thought the 13th clause went quite far enough, and, unless he heard some very strong arguments indeed in favour of substituting this very stringent clause in lieu of the 13th, he should strenuously oppose its adoption.

MR. BROWN said he should like to see the 13th clause struck out, and another clause substituted for it, rendering a man punishable for trespassing upon unenclosed country land, which, at present, led to a great deal of abuse, in the

shape of sheep stealing and cattle stealing; and, so far as the act of trespass itself went, the new clause submitted by the Attorney General might be said to meet the evil,—that, was to say, as regards the person trespassing. But with reference to damages for trespass by stock on unenclosed country land, there was no law to meet that case—except a fine of 3d. per head, and the expenses of poundage. He could not see how this new clause would work with the 26th clause. He should wish to see anything in the shape of wilful trespass upon a man's grain, for instance, to be punishable, by rendering the trespasser amenable to be mulcted in damages to the extent of the injury committed; but, if the trespass was not wilful he did not think the owner of the crop ought to be entitled to recover damages, beyond for the mere act of trespass.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he intended to add another proviso, which he thought would do away with some of the objections raised to the new clause, and also remove the conflict which existed between it and the 26th clause.

MR. BURT said he had some hesitation in agreeing to the amended law in this direction. "For each distinct act of trespass,"—a man might take out a dozen summonses. He thought if they amended the section at all it ought to be in the direction indicated by the hon. member for Geraldton, empowering a magistrate to inflict a penalty in the case of trespass by stock-hunters and others, under pretence of searching for stray cattle. There were magistrates and magistrates in this Colony, and he should not like to come before some of them if this new clause became law. It would undoubtedly open out a very large field for litigation, and prove a very harassing enactment indeed.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he was in no way wedded to the wording of the new clause himself. If it was the wish of the Committee, he would not press it, but would leave the 13th clause as it stands, and re-enact the third sub-section of clause 16 as a substantive section.

Question put—That clause 13 be struck out.

The proposal was negatived.

MR. STEERE said, as clause 13 was going to remain part of the Bill he would certainly move that the word "unenclosed" between the words "any" and "country land," be struck out.

This was agreed to, *nem con.*

MR. BURT moved that the following words be struck out "and in all cases of trespass committed on unenclosed town or suburban land a sum not exceeding twenty pounds in respect of such damage."

This, also, was agreed to without discussion.

Clause, as amended, agreed to.

Clause 16 (reverted to):

MR. BROWN said, according to the present wording of this clause, a policeman might enter upon a man's land, and, if he found any cattle tethered there, he might impound them. He would move that in sub-section 3, between the words "finds" and "tethered," the words "trespassing whether" be inserted.

Agreed to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) then moved the following New Clause to stand as clause 17: "In addition to the sums specified in the 'Trespass Scale for trespass by cattle' only, a Justice of the Peace may, on 'the complaint of an owner of land with reference to each distinct act of trespass, assess damages by reason of such trespass (in all cases where such damages shall not be otherwise herein provided for) on the following scale:

"On enclosed country land, a sum  
"not exceeding Thirty pounds.

"On enclosed town or suburban  
"land, a sum not exceeding Fifty  
"pounds."

MR. BURT: I really am under the conviction that the Committee are not aware of what they are about,—I confess I do not exactly understand it myself, and I do not think, under the circumstances, it would be asking too much to ask that Progress be reported.

Agreed to.

Progress reported.

#### INDUSTRIAL SCHOOLS ACT, AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in moving the second reading of this Bill, said although a very short one, he thought it would prove a very

useful measure. Hon. members were aware that, under the Industrial Schools Act, the Governor was empowered to direct that juvenile offenders who were considered too young to be sent to prison might be sent to any institution certified under that Act (such as the Orphanages), if the managers were willing to receive such offenders into their establishment. But, for obvious reasons, the directors of these charitable institutions were often unwilling to receive these black sheep within their fold, and it therefore became necessary to appoint an institution for the reception of these juvenile criminals, to which they might be sent without the consent which is required under the present Act. It appeared to the Government that no place would answer this purpose better than the Rottneft Reformatory, and all the present Bill proposed doing was to enact that that establishment shall be constituted an institution within the meaning of the Industrial Schools Act, and that the person in charge of the reformatory shall be the "Manager" thereof, for all the purposes required by the said Act.

The Bill was read a second time, *sub silentio*.

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

## LEGISLATIVE COUNCIL,

*Tuesday, 12th September, 1882.*

Warrants for Payment of Money from the Treasury—Moorings for the port of Cossack—Brands Act Amendment Bill: recommitted—Reply to Message No. 10 (Mr. Audley Coote's proposal for construction of Railway to King George's Sound)—Civil Service Competitive Examination: Adjourned Debate—Railways Act Amendment Bill: third reading—Municipalities Act Amendment Bill: recommitted—Estimates: further considered in Committee—Stamp Duties Bill: recommitted—Adjournment.

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

PRAYERS.

## WARRANTS FOR PAYMENT OF MONEY FROM THE TREASURY.

MR. STEERE, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether all public moneys issued from the Treasury are issued in accordance with the forms for General and Special Warrants, as provided for by Regulation No. 40 in the Audit Act; and, if not, when it is intended that the said Act should be complied with in this respect."

THE COLONIAL SECRETARY (Lord Gifford) replied "That the law was not perfectly clear with regard to the point to which the hon. member's question was supposed to refer, but, as soon as the legal point had been decided, such instructions would be issued as the case may require."

## MOORINGS FOR PORT COSSACK.

IN COMMITTEE.

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 take such steps as may be necessary for the purpose of laying down secure moorings at Cossack, for the safety of steamers calling at that port." Hon. members were doubtless aware that the anchorage at Cossack was not a very safe anchorage, and the want of moorings was very much felt, and if supplied, would be a great convenience. At present vessels did not care to enter the Creek, owing to the strong tidal currents, and to the fact that there was nothing to which they could moor; and the recent accident to the steamer *Rob Roy* would, no doubt, make the owners of vessels still more chary of entering. The trade with this port was increasing every month, and he thought the Committee would agree with him that money expended in providing moorings would be money well spent, in providing an acknowledged want.

MR. SHENTON, in supporting the Address, said he considered these moorings of paramount importance, and, unless they were put down, not only would the residents of the district be put to great inconvenience, but the district itself would suffer. He understood the owners of the coasting steamers would not allow their vessels again to enter the Creek to