they would suffer no inconvenience or interference, where such marriages were already recognised as valid.

The ATTORNEY GENERAL maintained that we had a perfect right to legislate as to the effect and validity of any contract within the Colony.

Mr. STEERE said he had asked the hon. member for Geraldton (who had introduced the Bill) before he went away, if he would accept the amendment now under discussion, and he said he would, provided it did not interfere with the principle of the Bill. He (Mr. Steere) was therefore prepared to support the amendment.

Motion agreed to.

MUNICIPAL INSTITUTIONS' BILL.

IN COMMITTEE: RESUMED.

Clause 27.—"Qualification of councillors, chairman, and auditors."

The ATTORNEY GENERAL said he had not yet had an opportunity to consider the question whether persons exempted (under the ninth clause of "The Jury Act") from serving on juries would, under the provisions of this section, be disqualified from becoming chairman of a municipality. Of course if such was the case, the clause under consideration of the committee would have to be amended. The matter was one of considerable importance, and, before expressing any further opinion upon it, he should like to have more time to consider the matter.

Mr. MARMION suggested the addition of a proviso, whereby those persons who were exempt from serving on juries—and who therefore could not have their names on the jury list—might be rendered eligible to serve as chairmen of municipalities.

The ATTORNEY GENERAL accepted the suggestion, and moved the addition of the following words to the clause under review:—"Provided that no "person exempted from serving on juries "by reason of anything contained in the "ninth section of the said "Jury Act, "1871," or by reason of his being over "sixty years of age, shall be disqualified "under this section to be such chairman "as aforesaid."

Clause, as amended, agreed to, and progress reported.

LEGISLATIVE COUNCIL,

Wednesday, 23rd August, 1876.

Dog Bill: second reading—Pensions Bill: in committee.

DOG BILL, 1876.

SECOND READING.

Mr. STEERE moved the second reading of a Bill to amend the law relating to dogs, which he regarded as one of the most important bills of the session, although the Attorney General might laugh at it. Looking at the damage done to the settlers not only by native dogs but also by dogs belonging to the natives, in the destruction of sheep and the consequent diminution in the quantity of wool available for export, he thought some very stringent measure was called for to protect sheep-farmers from these pests. From the returns before him of the number of sheep in the Colony, after allowing for the increase of lambs, and deducting the probable number sold to the butcher and otherwise killed for consumption, and allowing also for those which had died from natural causes, he found there were, within the year, no less than about 94,000 sheep unaccounted for—a fact which he attributed mainly to the destruction caused by native dogs and the dogs of natives, which prowled about all over the Colony. One of the principal features of the Bill was the introduction of a system of registration and a provision rendering it obligatory on the owners of all licensed dogs to provide collars for them. This was done in the other colonies, and he thought it might be very advantageously introduced here. It was proposed that the fees paid for registering dogs should be handed over to a district board, to be applied in such manner as the board might deem best, for the destruction of unlicensed dogs, whether native or otherwise. Stringent provisions were made as to the non-registration of dogs, and for other breaches of the Act, but, in his opinion, they were not a bit too severe, and were such as were in force in the neighboring colonies. It was not proposed that the Act, if adopted, should come into operation until January, 1878, so that ample time would be afforded dog-owners to comply with its provisions. He hoped

the Bill would receive that attention which its importance demanded, and that it would meet with the support of a large majority of hon. members, who must be fully alive to the necessity of taking some effectual steps to protect the settlers from the wholesale destruction caused by unlicensed dogs.

MR. PADBURY seconded the motion for the second reading. He was not prepared to go as far as the hon. member for Wellington as to the amount of destruction caused among sheep by dogs belonging to the natives as well as by native dogs; but he did know that the number destroyed every year was very large. Almost every day in the year, sheep were found missing on people's stations, and it was well known that they had been killed by dogs. He quite agreed with the provision of the Bill under which the fees were to be handed over to the district Roads Boards. If the sums thus received did not prove sufficient to protect the sheep of the settlers, he would support a proposal to put a tax of 10s. extra per thousand upon sheep. As to the dogs belonging to natives, the natives were as a rule quite able to pay for those that were really of any use to them; they always had money.

THE ACTING COLONIAL SECRETARY said there could be no doubt that the increase of native's half-bred dogs had been an evil of considerable magnitude: the destruction of sheep and also of calves had considerably tended to decimate many flocks and herds. The real native dog was not half so destructive as the half-bred dogs belonging to the natives. He would be the last to prohibit a native from keeping a dog which would be really useful to him in gaining a livelihood, but he thought something ought to be done to destroy the numberless mongrel dogs which wandered about the country devouring all they could get hold of. He fully supported the principle of the Bill.

MR. BURGES said the Bill was one which would have his support. He had had the matter under consideration himself, and had been in correspondence with the Government with regard to it. Such a Bill ought to have been in force years ago. There might be some trouble at first in carrying it into operation, but the difficulty would soon vanish. It should be the duty of the police to carry out its provisions as strictly as possible.

THE COMMISSIONER OF CROWN LANDS quite agreed with the principle of the Bill, but when it came to be considered in committee he would be prepared to offer some amendments in some of the details.

Motion for second reading agreed to.

PENSIONS BILL.

MR. STEERE moved, That the House should now go into committee to consider the Bill for regulating and abolishing pensions in certain cases.

THE ATTORNEY GENERAL moved, as an amendment, that the Bill be considered in committee that day six months. The principle of the Bill had been fully discussed on the motion for its second reading, and he would repeat now what he had then said, that the measure if it became law would have a ruinous effect upon the efficiency of the civil service of the Colony,—especially the first clause, abolishing pensions altogether after the year 1873. With regard to the second clause, which provided that superannuation allowances shall be computed upon salaries only, exclusive of any emoluments attaching to an office, this also would in some cases be productive of considerable hardship upon deserving public servants, and he would like to know after all how much hon. members thought the Colony would save by such a provision. He doubted if it would amount to £1,000 in the whole existence of the Colony. Would that honorable House, in consideration of that paltry saving, lend itself to committing a breach of faith with the public servants of the Colony? So long as he had a seat in the House, he would steadily oppose such a proposal. With reference to the third clause, he observed that the hon. member who had introduced the Bill proposed to move an amendment, which to a certain extent met the objections he (the Attorney General) had made to the clause on the occasion of the second reading of the Bill. At the same time, he saw no justification yet for adopting the clause. The effect of it would be this: if a retired civil servant chose to lead an idle and unprofitable life, he would receive the full benefit of his

superannuation allowance, but if he sought to supplement his pension by engaging in any industrial pursuit he was to be deprived of it. Such a provision had nothing to recommend it that he could conceive, though, probably, in the course of many, many years, the Colony might thereby save a few pounds.

The COMMISSIONER OF CROWN LANDS seconded the amendment.

The ACTING COLONIAL SECRETARY thought, as he had stated the other evening, that the effect of passing the Bill before the House would be to reduce the civil service to such a condition that no person qualified to discharge the duties efficiently would ever enter it. What encouragement, indeed, would it afford to men who had faithfully and honestly served the public for a period of many years, to find that when, through old age or bodily infirmity, they became incapacitated from serving the public any longer, they should be turned adrift to shift for themselves in the best way they could, precluded from engaging in agricultural or pastoral pursuits, or in any occupation that would enable them to earn an honest penny to supplement their retiring allowance? He did not think that the public of this Colony would endorse such a proposition as this, whatever hon. members in that House might do. Was this the way in which other countries treated their public servants? Was this the example set by the mother country? Was this the policy adopted in the neighboring colonies, or in any other British settlement? [Mr. Steere: Yes; New South Wales.] Let hon. members look at the names now included in the pension list of the Colony? Could any allowance recompense these retired servants of the public for their past services in the interests of the colony? No amount of pension would adequately represent the value of the services rendered by most of these old servants of the State. Nor did he think that the public begrudged the allowances it paid them. The public of this Colony were not averse to those who served them honestly and faithfully being liberally treated, nor did he think they would endorse the sentiments entertained by the supporters of the Bill before the House. If those hon. members to whom he alluded had the interests of the public service at heart, they would never support a policy which can have no other possible effect than to demoralise and reduce the efficiency of that service.

Mr. STEERE believed that if the people's representatives in that House were to appeal to their constituents with regard to the provisions of the Bill, they would find that the public feeling was entirely in accord with the principle involved. He disapproved altogether of the tactics pursued by the Government with respect to this measure, and would be sorry to see such tactics resorted to by his side of the House; he should be sorry to go around stirring up the outside public with the view of bringing pressure to bear upon hon. members. It was in consequence of that sort of pressure that the petition which hon. members had just heard read had been presented to the House, and which emanated from a gentleman who, he thought, had no cause for complaint. The gentleman alluded to only entered the service in February, 1866, and if he were to retire on a pension computed upon the amount of his salary alone, namely, £360, he would have no reason whatever to complain. He (Mr. Steere) was sick to hear the expression "breach of faith," made use of in connection with the Bill before the House. The Bill, and those who supported it, contemplated nothing of the kind, nor was there any ground whatever for charging them with any such intention. The primary object in view was to affirm, by enactment, a resolution of a previous session and the terms of a proclamation inserted, under the hand of the then Governor of the Colony, in the *Government Gazette*. That being the case, he trusted that those hon. members who supported the Bill and voted for its second reading would adhere to their principles, and not be swayed to swerve from those principles by any appeal *ad misericordiam* made to their feelings—an appeal, not put forward in the interests of the public, but in the interests of a few Government officials.

Mr. MARMION said he meant to vote consistently, notwithstanding the appeal of the hon. member for Wellington to the elected members to support his motion. He (Mr. Marmion) thought he knew his duty towards his constituency, and what his constituency expected from him. As he had already said, he was

not opposed to the Bill *in toto*; if the first clause were expunged he would not be disinclined to go into committee on the remaining two. But, for reasons he had assigned on the second reading, he could not support the Bill in its present shape.

Mr. HAMERSLEY hoped members would not stultify themselves in dealing with this question. They had already affirmed the principles of the Bill, and he trusted that no hon. member who voted for the second reading would, at this stage, desert his colors.

Mr. BURT was of opinion that when hon. members affirmed the principle of the Bill the other evening they did not understand the full meaning of its provisions, nor realise the inevitable result of affirming them. The first clause provided that no pension whatever should be granted to persons who entered the public service after the year 1873, which was a hardship, to say the least of it; and the second clause provided that the pensions of those persons who entered the service prior to that year should, contrary to what they had a right to expect, be computed on the amount of their bare salaries alone, without any reference to the emoluments that attached to their offices—which surely could be regarded in no other light than a breach of faith. Those public servants who entered the service prior to 1873, did so on the understanding that their retiring allowances should be computed upon the full value of their emoluments, and not merely upon their bare salary. He was afraid the hon. member for Wellington had not realised the provisions of this clause. [Mr. Steere: O, yes, I have.] Mr. Burt was sorry to hear it. He was sorry to see that the hon. member was prepared to support such a position, for he was sure the hon. member was incapable of acting with anything like injustice towards the officers of the public service. There could, however, be no doubt that the second clause of the Bill was an act of injustice and a breach of faith towards those officers who entered the public service prior to 1873. He failed to conceive how hon. members could regard it in any other light.

Mr. BURGES would be sorry to be a party to any breach of faith towards a Government officer or anyone else, and he did not so regard the Bill before the House. He hoped hon. members would not be influenced by any pressure which might have been brought to bear upon them, but would vote with the same spirit of independence as they had voted on the occasion of the second reading of the Bill, and not let it be said of them that they stultified themselves.

Mr. CROWTHER had very good reason to believe that pensions had already been computed and granted upon the principle contemplated in the Bill, so that it could hardly be said that it involved any breach of faith. If for a moment he regarded the provisions of the Bill in that light, it should not have his support; but he did not so regard it. Even the Attorney General did not conceive that any very great hardship would result from the operation of the Bill, for the hon. and learned gentleman did not estimate that, between this and the end of time, the loss which would be sustained by the public servants of the Colony would amount to any more than about £1000. As to those who entered the public service subsequent to the year 1873, they did so with their eyes open and with a full knowledge that they should not receive anything in the shape of a retiring allowance. There was no hardship or breach of faith in their case, at any rate.

The COMMISSIONER OF CROWN LANDS said allusion had been made to some sort of undue pressure which it was insinuated had been brought to bear upon the hon. members who sat on the official bench of the House, with respect to this Bill. Now, it was not the practice of hon. gentlemen sitting on that bench to allow any pressure to be brought upon them. He could quite understand some hon. members thinking so, but he had no hesitation in saying that no gentleman sitting upon the bench upon which he had the honor of sitting had ever been influenced, and, he believed, never would be influenced, by any pressure sought to be brought to bear upon them. Personally, he scouted the idea. With regard to the Bill itself, he believed it would be a great misfortune to the public service if it ever became law. The second clause was undoubtedly a gross breach of faith towards those officers who had entered the public service prior to 1873; and as to the first

clause, upon which the whole Bill hinged, he firmly and honestly believed that in its operation it would prove not only detrimental but fatal to the efficiency of the public service of the Colony. The only inducement now offered competent persons to enter the service was this prospective reward for faithful service—a superannuation allowance. Every other Colony recognised the soundness of this principle, and, in some way or other, carried it into practice.

Mr. PADBURY did not think it was ever intended by any hon. member of that House that the Bill should interfere in any way with officers who had entered the public service before 1873.

Sir THOMAS CAMPBELL said he would support the amendment. With regard to what the hon. member for Wellington had said about appealing to the constituencies, he (the hon. baronet) would be ashamed to face his constituency had he voted for the Bill. The hon. member had also said he did not admire the tactics adopted by the Government, because he thought that pressure had been brought to bear upon some hon. members; if any pressure had been exercised, the hon. baronet thought it had been altogether on the other side.

Motion for going into committee agreed to, upon a division. (*Vide* "Votes and Proceedings," p. 58.)

IN COMMITTEE.

Clause 1.—"No person entering the civil service after August 23, 1873, shall be entitled to receive a pension, superannuation, or other allowance upon his dismissal or resignation.

The ACTING COLONIAL SECRETARY moved that the clause be struck out.

Mr. STEERE contended that no one who entered the service after the date mentioned in the clause had any right or claim to a pension.

The ATTORNEY GENERAL: I should like to point out that, after all, this is very paltry treatment of public servants; and, if the House ratifies it, all I can say is, it is a very niggardly master, and you will not save much money by it after all. In a few years hence, you will have to largely increase that philanthropic establishment under Mount Eliza, for, in my mind's eye, I can now see a host of public servants, including once learned judges and worshipful magistrates, pensively engaged in spending their declining years fishing in front of the Depôt, as is the custom of the inmates who now occupy that cheerful establishment; so that what you gain on the one hand, you will lose on the other.

Sir L. S. LEAKE said he intended to vote for the adoption of the clause. He had heard a great deal said about breach of faith, with regard to the provisions of the Bill, but there was nothing of the sort. When the Colony was first established, all Government officers entered the service without the slightest idea or hope of receiving any pension, and no provision whatever was made for granting such allowance until the passing of the Superannuation Act, in 1871. Subsequently, in 1873, it was resolved that no persons entering the service after that year should be entitled to, or receive, any pension, in any shape whatever, and it could not be said that such persons had any claim whatever upon the House, in the face of the proclamation duly promulgated in the *Government Gazette* to that effect. Surely no one could conceive that when that proclamation was made it was not the intention of the Government to carry it out in its integrity. He should be sorry for the honor of that House if it were to unjustly interfere with the rights of public servants. Personally, he scorned the idea of breaking faith with anyone, and he thought the only question for the consideration of the committee was—for the House scouted the idea of any breach of faith in the matter—whether it was sound policy or not that public servants should receive a pension on their dismissal or resignation. That was the only question they had to deal with, and, personally, he did not think, as a matter of policy, that these retiring allowances should be granted. He did not believe it brought us any better men, or that the efficiency of the serviee would in any way be impaired by the abolition of such allowances, which the Colony could ill afford. He saw no reason why public servants should not possess and exercise the same foresight as other persons, and while they are young and vigorous, and in the exercise of all their faculties, provide for their old age through the medium of insurance and kindred in-

stitutions. He failed to see why the public should be asked to do this for them.

MR. SHENTON said he concurred with what had fallen from the hon. member who had just spoken. The clause merely referred to those who entered the public service since August 1873, and he could not see that any breach of faith was committed towards them, seeing that they had entered the service with a full knowledge of what they had to expect.

THE COMMISSIONER OF CROWN LANDS said the hon. member for Perth (Sir L. S. Leake) was in error in stating that no provision was made for pensions in the colonial service prior to the passing of the Superannuation Act of 1871; for, during the period this province was a Crown Colony, and up to the passing of that Act, pensions were secured to the public servants under an Imperial Act. It was not until the introduction of Representative Government that this Colony adopted a Superannuation Act, and officers who had previously entered the colonial service were provided for under an Act of the Imperial Parliament. In the earlier days of the settlement, and before the public servants came under the operation of that Act, it was true that no provision was made for superannuation allowances, but in those days it was the practice to give Government officers large and valuable grants of land in recognition of their services, thus affirming the principle of granting public servants gratuities and allowances.

MR. BURGES said he regarded the clause as a mere confirmation of the proclamation which had appeared in the *Government Gazette.* There was not much fear of the picture sketched out by the Attorney General being realised.

MR. MARMION believed—if the clause were adopted—we should be the only Colony in the world which did not make some provision for its public servants on their retirement, and he thought this would be a grave blot upon our character; it would, at any rate, be a very unenviable distinction, to be pointed out as the only dependency of the British Crown which made no provision for those who had spent their strength and energy in its service, when they could no longer do so, owing to old age and infirmity.

THE ATTORNEY GENERAL: Take the case of a man of sixty, who has spent his life—a laborious life—in the service of the Colony, and who has been in the receipt of the glorious sum of £200 a year, upon which he has had to bring up a family—a man who has been in every respect a good colonist. No one could suppose that he could have saved much money. He would be past the prime of life, and unfit to properly perform his official duties. What would be his prospects, if this Bill should become law? I think even this Council would be opposed to turning such a man adrift on the world, with nothing but starvation before him.

MR. STEERE: The same argument applies to anyone not in the civil service. Who would provide for such a man, if he were not a public servant?

THE ATTORNEY GENERAL: His employers.

MR. STEERE: What employers? None in this Colony. If this clause is adopted, this will not be the only Colony, as the hon. member for Fremantle seems to imagine, in which pensions are not allowed. They are not allowed in New South Wales, for instance. There was some sort of an insurance association there among the civil servants once, but owing to some mismanagement it became bankrupt, and nothing had been done since. The preamble of my bill has been copied from the Tasmanian Act. There was a pension list in that colony one time, but it became so burdensome upon the country, without any corresponding advantage, that it was abolished. It cannot, therefore, be urged against this Bill that, if it becomes law, we shall be the only Colony which makes no provision for its civil servants in their old age.

SIR L. S. LEAKE said he was not in the habit of making statements in that House which had not their foundation in fact. He would say again that Government officers in this Colony had no right or claim to a pension previous to the year 1871, the hon. the Surveyor General notwithstanding. If the hon. gentleman would refer to the local ordinances from the establishment of the Colony up to that period, he would find no such provision in the statute book, until he came to an Ordinance of the 21st Vict., when it became necessary, in order to award a

superannuation allowance to one of the best and most faithful servants the Colony ever had, Mr. W. H. Mackie, to pass a special Act for that purpose; and this necessity was not done away with until the passing of the Superannuation Act, 1871.

The COMMISSIONER OF CROWN LANDS replied that under an Imperial Act which was in force in the Colony, before the local Superannuation Act was introduced, colonial officers were entitled to pensions.

Sir L. S. LEAKE: It was the opinion of the law officers at the time that such was not the case.

Mr. HAMERSLEY said that public servants, like other people, should make provision for their old age. If they were reduced to the necessity of becoming inmates of the depôt under Mount Eliza, it was their own fault, and they deserved no commiseration.

Mr. BURT said, if these were the sentiments which animated hon. members he was thankful to think he was not a Government officer. It had been urged in opposition to the Bill that private firms did not pension their servants; but those servants were not on the same footing as Government officers, who had a certain position in society to keep up, and who were debarred from trading or entering into commercial pursuits to supplement their income.

Mr. CROWTHER: I really think the tone taken up by the Government side of the House is quite conciliatory, and I think we ought to meet them frankly. We do not wish to deal harshly with them. Let them legislate in the same direction for this side of the House, and I for one shall support the Bill.

Amendment rejected on the voices, and clause ordered to stand part of the Bill.

Clause 2.—"Superannuation or compensation to be computed on salary only:"

The ATTORNEY GENERAL moved that this clause be struck out. He had never said or implied that the first clause was a breach of faith, but he did maintain that this was, and he did not think that any hon. member who saw its true bearing would be a party to it. This clause had no application to persons who entered the service of the Colony after the year 1873, but to those who entered it previously, and who had given the best years of their life to that service upon the faith of the provisions of the Superannuation Act, which enacted that their pension would be computed not upon their salary alone, but upon their emoluments also. This was a clear breach of faith.

Mr. STEERE was rather surprised to hear the hon. gentleman speak as he now did, for, only the other night he had said that he did not think that horse allowance could fairly be considered as a factor in the computation of an officer's pension, although house allowance might be. He (Mr. Steere) did not think that such allowances had ever been allowed in calculating any officer's pension, except possibly in one solitary instance. He thought it would be a grievous thing indeed if the Colony were called upon to compute and pay pensions on the strength of every emolument which an officer may have been in receipt of. He supposed that the next thing the House would be asked to sanction would be to allow medical attendance to enter as a factor in the computation of a civil servant's pension. It had been pointed out to him—and he quite agreed in it—that the fees received by Resident Magistrates in carrying out the business of Local Courts should be calculated as part of their salary, for the purposes of this section. He would therefore move, as an amendment upon the clause as it now stood that, instead of the word "emoluments" in the fifth line, the words "forage or house allowance" be inserted.

Sir L. S. LEAKE said he objected altogether to horse allowance being admitted as part of a man's salary when his pension came to be calculated: he thought this would be especially unfair in the Survey Department, where so much forage allowance was given. He was not opposed to house-rent and fees of office forming part of the calculation.

Mr. BURT moved, as an amendment, That after the word "Government," and before the word "shall," in the second line, the words "except any person who "may have entered such service prior to "the year 1873," be inserted.

Negatived.

Mr. MARMION moved, as an amendment, That after the word "salary," and before the word "received," in the third line, the words "and emolument" be

inserted; and that all the words after the word "allowances," in the fifth line, be struck out, and the words "Provided that 'forage and house allowances' shall not be considered as emoluments within the meaning of this section" be inserted in lieu thereof.

Mr. STEERE then withdrew his amendment, and the other (Mr. Marmion's) was agreed to, and the clause, as amended thereby, ordered to stand part of the Bill.

Clause 3.—"No superannuation or compensation to be enjoyed with salary for other services:"

The COMMISSIONER OF CROWN LANDS moved, That the clause be struck out. It merely debarred a retired civil servant from supplementing his income to an extent that would render it equal to the amount of the salary he had been receiving when in office.

Mr. STEERE: This clause was inserted in the Bill in consequence of a certain clergyman going to England, after resigning office here on plea of ill-health. On his arrival at home he got a cure worth about £300 a year—a better salary than he was receiving here—and yet this Government granted him a pension out of colonial funds, a proceeding which I think comes very hard upon this Colony. Nor do I understand under the provisions of what clause in the Superannuation Act it was granted, unless it be the fourth clause, which renders it lawful for the Governor to grant a superannuation allowance to any officer who has been compelled to quit the public service by reason of severe bodily injury, occasioned in the discharge of his public duty. I do not think Mr. Bostock's a case of bodily injury, and under the circumtances I do think it is very unfair that this Colony should be called upon to provide the reverend gentleman with a pension, especially when he is already in receipt of a stipend in excess of what he was receiving as colonial chaplain here. I am informed that another clergyman is about to ask for the same thing.

The ATTORNEY GENERAL said the Superannuation Act empowered the Governor to call upon any superannuated officer, under sixty years of age, to serve again, if he be in a competent state of health to execute the duties of the office which he previously filled under the Crown.

Mr. CROWTHER considered it would be a dereliction of duty on the part of the Government if they did not enforce that clause.

The ACTING COLONIAL SECRETARY was opposed to the section of the Bill under consideration, not only because it was, in his opinion, an interference with vested rights, but with the liberty of the subject. Such a thing was never heard of in any other country. Once a man was superannuated, he was superannuated on account of past services, which could not be cancelled. The country had no claim on his future services on account of the superannuation allowance granted him for previous service. With regard to the particular case referred to—the case of the Rev. Mr. Bostock—the reason why he had not been called upon to resume his duties in the Colony was that he had received a medical certificate from the Government medical officer, at the time he resigned and went to England, to the effect that if he returned to a warm climate like this it would cause his death; and, under the circumstances, it would not have answered the Government to require him to return.

Mr. PADBURY: I understood that the grounds upon which he was pensioned was that he was unfit to perform any further service, but now it appears that such is not the case. Here is a man—for whom I have every respect, personally—who leaves the colonial service in the prime of life, and who is receiving a better salary at home than he was getting here, and yet we are called upon to pay him a pension, which I suppose will continue all his life.

The ATTORNEY GENERAL could understand hon. members objecting to this principle being acted upon in future, but to render the clause retrospective in its operation was to disturb existing arrangements, and to interfere with a vested right, which, in fact, amounted to a breach of faith.

Mr. STEERE: I must blame myself for not opposing this pension of Mr. Bostock's when the Estimates were brought before us last year; but I see no reason why we should perpetuate an error of this sort. If a person retires from the civil service on account of bodily infirmity, and goes home, and it is found that his bodily infirmity is not such as to prevent him

from undertaking employment which brings him in a salary greater than what he was receiving here when he retired, then I say his pension should be reduced in proportion to the salary he is receiving. I move that the clause be struck out.

Mr. BURT said he rather went with the hon. member for Wellington as to the principle involved in this third clause, if rendered prospective, and not retrospective, in its application; but he would not go so far as to disturb vested rights, however sorry he was to see such rights existing.

Mr. STEERE, in accordance with notice, then moved that the following new clause be inserted and stand as clause 3:—

"In case any person enjoying any super-"annuation allowance, in consequence of re-"tiring from office on account of bodily injury "or infirmity, is in the receipt of an income or "salary from any employment in which he "may be engaged, whether public or other-"wise, in this Colony or elsewhere, every such "allowance or compensation shall cease to be "paid if the income or salary which he is in "the receipt of is equal to that of the salary "of the office formerly held by him; and in "case it is not equal to the salary of his "former office, then no more of such super-"annuation allowance or compensation shall "be paid to him than what, with the income "or salary as aforesaid which he is in the re-"ceipt of, is equal to the salary of his former "office. Provided also, that before any super-"annuation allowance or compensation shall "be paid to any person as aforesaid, such per-"son shall make a statutory declaration of the "amount of the income or salary, as aforesaid, "which he is in receipt of, and shall forward "the same to the Governor of this Colony."

The ATTORNEY GENERAL moved, as an amendment, That, after the word "allowance," and before the word "in," in the second line, the words "granted "after the passing of this Act," be inserted.

Mr. STEERE: I agree to the amendment, so long as it is understood that it does not embrace any superannuation allowance contemplated at the present moment, and which, possibly, may have been brought under the notice of the Government.

The clause, as amended, was then agreed to, and ordered to stand part of the Bill.

Bill reported.

LEGISLATIVE COUNCIL,

Thursday, 24th August, 1876.

Telegraph Extension to Beverley—The Dog Bill: in committee.

TELEGRAPH EXTENSION TO BEVERLEY.

IN COMMITTEE.

Mr. MONGER moved, That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place a sum on the Estimates sufficient to extend telegraphic communication from York to Beverley. The distance was only about twenty miles, and, for the want of communication by telegraph, Beverley was completely isolated from the other districts of the Colony. There were several public buildings, including a post office, in the township, and the only expense of extending the telegraph there from York would be the posts and the wire.

Mr. PARKER seconded the motion. It would be a great boon to the inhabitants of Beverley, which was already a progressing town, and the district, in the course of a few years, would probably be one of the most important in that part of the Colony.

Mr. STEERE considered the proposal a step in the right direction, if it were found that they had the means to carry it out.

The COMMISSIONER OF CROWN LANDS suggested that it would be better for the hon. member for York to postpone the motion until the House went into committee on the Estimates.

Mr. PADBURY did not think there would be a dissentient voice to the motion, but he thought it was a question worthy of consideration whether, instead of using expensive mahogany posts in the construction of the line, the timber growing in the neighborhood, which was equally durable, should not be utilised.

Motion, by leave, withdrawn, pending consideration of the Estimates.

THE DOG BILL, 1876.

IN COMMITTEE.

Clauses 1 to 4—agreed to.

Clause 5.—"Notice of persons appointed to carry out Act."