

on the Estimates the sum of £250 for a boat jetty at Owen's Anchorage.

Motion affirmed.

"Telegraphic communication between York and Beverley, £1,000:"

MR. MONGER moved that an humble address be presented to His Excellency the Governor, requesting him to place on the Estimates the sum of £1,000, for the extension of telegraphic communication from York to Beverley.

Agreed to.

"Steam Communication with Straits Settlements and India:"

MR. PADBURY moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates a sufficient sum as a subsidy for a steamer or steamers to run between this Colony and the Straits Settlements.

MR. STEERE moved, as an amendment, That after the word "sum," and before the word "as," the words "not exceeding £3,000," be inserted.

The resolution, as amended, was agreed to.

"City Band of Hope and Temperance League, £25:"

MR. RANDELL moved, That an humble address be presented to His Excellency the Governor, asking him to be pleased to place on the Estimates the sum of £25, in aid of the City Band of Hope and Temperance League.

Motion negatived.

LEGISLATIVE COUNCIL,

Wednesday, 6th September, 1876.

Miners Water Supply Bill: motion for second reading—Trespass on Crown Lands Bill: second reading; in committee—Punishment of Masters of Vessels for taking certain Passengers Bill: in committee—Municipal Institutions' Bill, 1876: (resumed) in committee—Message No. 6 (in re Imported Stock Bill): in committee—Land Regulations: Report of Select Committee; in committee—The High School Bill: adoption of report of Select Committee.

MINERS WATER SUPPLY BILL, 1876.

MOTION FOR SECOND READING.

THE ACTING COLONIAL SECRETARY, in moving the second reading of a Bill to provide for a supply of pure water to persons engaged in mining, said

a Bill making a similar provision had been introduced by the Government two or three sessions ago, but it was then rejected by the House. The Government had again felt it their duty to bring forward the Bill, which appeared to him to have been conceived and framed in a wise and certainly in a humane spirit. Representations had been made to the Governor, both by the Resident Medical Officer and the Resident Magistrate in charge of the mining district at Champion Bay, of several cases of lead poisoning, of a more or less aggravated character, among persons engaged in mining pursuits, consequent upon the consumption of impure water. The hon. gentleman here read the reports of the medical officer on this point, and said that in the face of the representations embodied therein the Government had felt it incumbent upon them to introduce the Bill before the House. He did not, at this stage, ask the House to agree to the details of the measure; these would be subject for consideration in committee; but he thought the principle of the Bill was such as must commend it to the favorable consideration of hon. members. He would therefore move that it be now read a second time.

MR. CROWTHER was fully convinced that the Government in bringing forward the Bill had done so in the belief that, in the face of the representations made to them, it was their bounden duty to legislate for the abatement of what they conceived to be a source of suffering and disease; but he had no hesitation in saying that their fears on this head were altogether groundless. Some years ago a commission was appointed to enquire into these cases of alleged lead-poisoning, and he had been permitted to accompany the commission, and had taken down the evidence of the various witnesses examined. The evidence then, as now, went to prove, beyond a doubt, that since the first establishment of the Geraldine mine—and the Bill in its operation would be limited to that mine—not a single case of lead-poisoning had been known to have been contracted by any Cornish miner engaged at the mine, simply because these men had taken the ordinary precautions to keep their bodies clean by daily ablution, and to abstain from drinking water known to be impregnated with metal. On the other

hand there were persons employed at the mines who paid no regard to personal cleanliness, and who, sooner than walk a few yards to obtain a drink of pure water—of which there was always an abundant supply provided—would drink water known to hold metal in solution. It was even on evidence that some of these men had been known to drink water out of the main shaft! The evidence placed before the commission relative to the existence of cases of lead-poisoning pointed unmistakably to the fact that it was men of this type, who were actually too lazy to go a few yards to get a drink of wholesome water, and who paid no regard to personal cleanliness, who were the only victims of any disease or ailment (consequent upon lead-poisoning) ever contracted by any person working in connexion with the mine. Where ordinary precaution had been taken, where ordinary habits of cleanliness had been observed, no one had suffered. There was always an abundant supply of pure water furnished, sufficient for the purposes of drinking and personal ablution, and if legislation was at all called for in this direction it should be to regulate the habits of the lazy tribe who habitually disregarded the ordinary rules of personal cleanliness. Had the Government been cognizant of the actual state of affairs, and not been misled by a tissue of falsehood fabricated by an incorrigible offender in this respect, they would never have brought forward the Bill. It was not required in any shape or way. Since the previous measure contemplating the same provisions had been introduced it was a somewhat singular fact that not a single case of lead-poisoning had been heard of in the district. Even were it necessary to legislate in this direction, such a Bill as the one before the House would be inoperative; the measure itself would be totally unworkable, or, on the other hand, the mines would be utterly unworkable were its provisions carried into effect. But he laid more stress on the fact that there existed no necessity whatever for such legislation, and he would therefore move, as an amendment upon the motion before the House, that the Bill be read a second time that day six months.

MR. SHENTON seconded the amendment. The Bill before the House if carried into law would result in the

closing of the mines. A large number of these men who complained of lead-poisoning never went near the mines at all. There was an abundance of good wholesome water if they chose to avail themselves of it.

THE COMMISSIONER OF CROWN LANDS said he remembered the discussion which took place on this Bill at a previous session. He looked upon it then, as he did now, that it was the duty of the Government to protect the interests of those who were not in a position to protect themselves. He was perfectly aware it would be a very difficult Bill to work, from the fact that the majority of those engaged in mining pursuits did not live at the mines; but the time would come when the question of a supply of pure water would be regarded as a matter of the gravest importance. To postpone the consideration of the question was only to aggravate the evil, and the responsibility would rest upon those who opposed the measures introduced by the Government to abate it.

MR. PADBURY, while agreeing as to the necessity and the duty of employers to supply their men with pure water, said it appeared to him at the same time rather hard that they should be put to unnecessary inconvenience and expense in doing so. He was well acquainted with the localities of the mines at Champion Bay, and he was sure there was not better water in the Colony than at Garden Well, in the neighbourhood of Geraldine, from which the greatest portion of the water for the use of the mines was carted. At the Bowes, too, there was an abundance of good water in proximity to all the mines in that locality.

THE ATTORNEY GENERAL: I think I am the only Cornishman in the House, and I must say that I feel very much flattered at the high character given by the hon. member for Greenough to my countrymen for cleanliness. With regard to the objections to the Bill under discussion, hon. members seem to have spoken as if the Geraldine Mine was the only mine in the whole of the Northern district. The Government have received information which induced them to believe that a real evil exists in connection with these mines. If the information is faulty or ill-founded, what possible hardship can result from the Bill? It will

simply remain a dead letter. On the other hand, if the information is reliable, I think every hon. member here will agree with me in saying that if pure water is not supplied to the men engaged in the mines, by their employers, it is their duty to do so. If, as the hon. member for Greenough says, there is an abundant supply of pure water available, then all I can say is, the Bill before the House will be inoperative, and that is all that can be urged against it. I think the House may give the Government credit that they would not have brought forward a measure of this character without information upon which they considered they could rely, that a proper water supply does not exist at some of the mines. I hope the House will agree to the motion for the second reading of the Bill.

MR. CROWTHER: The Geraldine is the only mine that the Bill could possibly apply to.

Amendment put and carried.

TRESPASS ON CROWN LANDS BILL.

SECOND READING.

THE ACTING COLONIAL SECRETARY, in moving the second reading of the Bill to make further provisions for the punishment of persons trespassing on certain portions of the Crown Lands in Western Australia, said the Bill was intended to apply more particularly to the islands within our territorial waters on the North-West Coast, in connection with the large deposits of guano lately discovered on those islands. He thought the House would agree with him that it was of importance that the Government should protect what promised to be a very valuable source of revenue. It had come to the knowledge of the Government that vessels had proceeded, without authority, to load guano at these islands, and a good deal of plunder had already been practised in defiance of the law. He did not think he need say anything further to point out the expediency of some such measure as the Bill before the House, in order to protect the interests of the Colony.

Bill read a second time.

IN COMMITTEE.

Bill agreed to without discussion or amendment.

PUNISHMENT OF MASTERS OF VESSELS FOR TAKING CERTAIN PASSENGERS BILL.

IN COMMITTEE.

Clause 1.—“Masters of vessels taking certain persons out of the Colony after receiving certain notices with regard to such persons, guilty of offence:”

MR. STEERE asked the Attorney General if he did not think that some difficulty would arise from the words “with notice of the provisions of this Act.” Every captain might not be cognisant of the provisions of the Bill, and he thought it would be better to omit these words.

THE ATTORNEY GENERAL: It is a maxim of the law that ignorance of the law is no excuse for committing a breach of it. Still, when we legislate a measure of a somewhat extraordinary character like this, containing such provisions, I think it is but fair that notice of the same should be furnished to strangers.

MR. SHENTON: Every master of a vessel arriving in port is supplied with a copy of the Port Regulations, and I would suggest that notice of the provisions of this Bill should be embodied with those regulations.

THE ATTORNEY GENERAL: I think the suggestion is a very good one.

Bill passed through committee with verbal alterations [*Vide* “Votes and Proceedings,” p. 108], and reported.

MUNICIPAL INSTITUTIONS' BILL, 1876.

IN COMMITTEE: RESUMED.

Some verbal alterations were made in the schedules to this Bill [*Vide* “Votes and Proceedings,” p. p. 108-9], which was then reported to have passed through committee, with amendments.

IMPORTED STOCK BILL, 1876.

MESSAGE (NO. 6) FROM HIS EXCELLENCY.

WILLIAM C. F. ROBINSON.

The Governor has had under his consideration the Bill recently passed by your Honorable House, entitled “An Act to prevent the introduction of contagious or infectious diseases in cattle or sheep.”

It appears to the Governor that it would be undesirable to withdraw the power conferred by the Ordinance 29 Vict. No. 3, whereby the Governor in Executive Council can prohibit the importation of stock from places where disease is known to exist. In England, a

similar power is vested in the Privy Council, and in each of the neighboring colonies in the Governor in Executive Council. By the Ordinance 37 Vict., No. 6, the powers of the Governor in Council are extended, and he is authorised, without the restrictions imposed by the provisions of the 29 Vict., No. 3, to prohibit or regulate the importation of cattle, sheep, or pigs from any country or colony, whether disease may exist there or not. Extended powers of a similar nature are possessed by the Privy Council in England, and by the Governments of the neighboring Colonies.

By the Bill under consideration it is proposed to repeal both the 29 Vict., No. 3, and the 37 Vict., No. 6, and to enact that under certain restrictions and regulations stock may be imported from any country if certified to be in a sound and healthy condition; and the Governor cannot but think that the step proposed to be taken is an unwise one. The day may come when it would be highly necessary to prohibit the importation of stock from a particular country or colony without such delay as would necessarily ensue if the Legislature had to be specially summoned for the purpose. That the law as it stands is not so enforced as to interpose any unreasonable obstacles in the way of the importation of stock is evident, from the terms of the Government notice of the 7th June, 1876. The Governor therefore suggests, as an amendment, that so much of the 1st Section of the new Bill as proposes to repeal the 29 Vict., No. 3, be omitted, leaving the several provisions of the Bill to apply where no prohibition has been issued under the 29 Vict., No. 3, as aforesaid.

By Clause 3 it is proposed to enact that no stock shall be imported into the Colony unless accompanied by a certificate from a duly qualified Veterinary Surgeon that the stock was free from disease when placed on board the vessel. Your Honorable House has probably overlooked the fact that this provision would absolutely prohibit the landing of any stock, however free from disease, which might be brought here from time to time on speculation or otherwise by persons unacquainted with the law. The provision that the Veterinary Surgeon must "be approved of by some person authorised in that behalf by the Government" would further preclude the importation of stock from any place or country other than those places or countries in which it may be possible for the Governor to procure the services of duly qualified Veterinary Surgeons to assist him in carrying out the law. If your Honorable House has well considered the highly restrictive character of the clause as it stands, and feels satisfied that it is free from practical objection, the Governor will defer to your wishes in the matter; but he considers it his duty to point out to you the manifest inconvenience of the proposed provision of the third section of the Bill, and to suggest, by way of amendment, that the following words be added to such section as aforesaid:—"Or, in the absence of such

certificate, until such stock shall have performed quarantine as hereafter provided, and shall be certified by a duly qualified Veterinary Surgeon in the Colony to be entirely free from any contagious or infectious disease, or any indication thereof."

Government House, Perth, 1st Sept., 1876.

MR. STEERE, in accordance with notice, moved, That the following address be presented to His Excellency, in reply to the foregoing Message:—

To His Excellency WILLIAM CLEAVER FRANCIS ROBINSON, ESQUIRE, C.M.G., Governor and Commander-in-Chief in and over the Territory of Western Australia and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

The Humble Address of the Legislative Council of Western Australia. SHEWETH:

THAT the Council having had under its consideration Message No. 6 from Your Excellency, suggesting that certain amendments should be made in the Bill intituled "An Act to prevent the introduction of contagious or infectious diseases in cattle or sheep," which has been passed by the House, and which was presented to Your Excellency by Mr. Speaker, beg to reply as follows:—

The Council is of opinion that it would not be wise to omit so much of section 1 of the new Bill as proposes to repeal the 29th Vict., No. 3, which Ordinance empowers the Governor to prohibit the importation of stock from places where disease is known to exist; and as there is no place from which stock is likely to be imported where diseases in cattle or sheep do not exist, such a power exercised by the Government would be a virtual prohibition of the importation of stock and would entirely defeat the object of the new Bill, which is, in the opinion of the Council, so stringent as to almost preclude the possibility of the introduction of diseased stock, and which, if allowed to become law, will prove most beneficial to the Colony by permitting the importation of fresh blood, and thus improving the quality of the stock.

No analogy can be drawn between the powers conferred on the Governments of the neighboring Colonies, subject to the subsequent approval of the various Legislatures, and the power which Your Excellency seeks to retain, of prohibiting under certain circumstances the importation of stock, as provided in the 29th Vict., No. 3.

In the neighboring Colonies, the avowed object of their several Legislatures was to prohibit altogether the importation of stock, and consequently power was given to the Executive for that purpose, subject, however, to subsequent disallowance by the Legislature; whereas the object of this Council has been, not to prohibit the importation of stock, but so to regulate its importation as to prevent the introduction of disease, and it ventures to think that this is accomplished as nearly as possible by the new Bill.

The law as it stands at present, in terms of the Government notice of the 7th June, does place unreasonable obstacles in the way of the importation of stock, and it actually has prevented persons from shipping stock in England for this Colony, and will do so in the future if not repealed.

It was not intended by the Council, as seems to be inferred from Your Excellency's Message, "that the Governor should procure the services of duly qualified Veterinary Surgeons to assist him in carrying out the law." To ensure the certificate required by Clause 3 being of any value, it was provided that it should be given by a Veterinary Surgeon to be approved of by some person authorised in that behalf by the Government, such, for instance, as the Agents of the various ships which trade between London and this Colony.

Although it is not believed that much practical inconvenience would result from the clause as it stands, the Council is willing to adopt the amendment to clause 3, and to add the words suggested by Your Excellency.

MR. STEERE, in moving that the address be agreed to, said he was very sorry indeed that he had to occupy the time of the House any longer with a repetition of arguments already adduced in support of this Bill, which had been sent back by His Excellency for further consideration. His Excellency, it appeared, was unwilling to part with the power which he now possessed, under the Local Ordinance, 29th Vict., No. 3, to prohibit the importation of stock from places where disease is known to exist—a power which he (Mr. Steere) and those who had supported the Bill did not consider expedient for any Governor to retain, liable as it was to be exercised to the injury of a very important colonial interest. The Ordinance which invested the Governor with this power, independent altogether of the Legislature, and which the Bill recently passed by that House proposed to repeal, empowered His Excellency to forbid the introduction of stock into the Colony from any place where disease is known to exist. Now, there was no place, from which stock was likely to be imported, where diseases in cattle or sheep did not exist: so that such a power exercised by the Government would be a virtual prohibition of stock being introduced, and would, in fact, defeat the main object of the Bill. His Excellency, in his message, went on to say that a similar power was vested in the Governor in Executive Council in each

of the neighboring colonies. So it was. But only under certain restrictions—that when Parliament assembled it had the power to disallow any proclamation so made. Moreover, there existed quite a different state of affairs in the neighbouring colonies to what we had here. There they had any amount of stock of a superior breed among their flocks, and did not require any fresh importations; but here the condition of affairs was quite the reverse. We stood in need of fresh blood, and it appeared to him inexpedient that the Governor should be empowered to preclude the importation of stock, regard being had to the very stringent provisions of the new Bill regulating the introduction of cattle. His Excellency further pointed out, in support of his position, that it was evident from the terms of the proclamation inserted in the *Government Gazette*, relaxing the regulations governing the importation of stock, that the law as it now stood did not interpose any unreasonable obstacle in the way of such importation. Now this power of relaxing these regulations, and, so to speak, of straining the law in favor of this person or that, was a power which he thought should not be left in the hands of any Governor. Such a power might be exercised unfairly or capriciously—he did not mean to say that the present Governor would so exercise his power; but, after all, His Excellency was but human, and it was not impossible that political capital might be made out of it. The law might be relaxed in favor of some particular friend, or thick-and-thin supporter of the Government; but in the case of an individual who strongly opposed the policy of the Administration of the day, such restrictions might be interposed in the way of his importing stock as would virtually amount to a prohibition. Moreover, supposing a person resident in England were desirous of introducing fresh stock into the Colony, how was he to obtain the Governor's permission to do so? Or supposing some hon. member, or any other settler, visited the neighbouring colonies, and there saw some cattle which he was desirous of importing to this Colony, he could not do so without the special permission of the Governor. He really thought that it was placing unreasonable obstacles in the way of the introduction of stock, and such a power

should be no longer retained. The whole question had been argued, in all its bearings, when the Bill was before the House, and the principle was affirmed by a majority of hon. members. No fresh arguments *pro* or *con* were likely to be adduced, and he trusted that those hon. gentlemen who had supported him in carrying the measure through the House would now again give their adhesion to the address which he had moved in reply to His Excellency's message. Two hon. members who had strenuously supported the Bill were now absent (Messrs. M. Brown and T. Burges), but he trusted that those who were present would uphold the principle they had already affirmed. With reference to the words which His Excellency proposed should be added by way of amendment to the third section of the Bill, there could be no objection to their being added to the clause, though he was free to confess he failed to see that they would be of any practical utility. As to stock being introduced on speculation, or otherwise, by persons unacquainted with the law, such a thing had never happened yet, nor was it likely to happen for many years to come. He would now move the adoption of the address which he proposed as a reply to His Excellency's message.

THE ACTING COLONIAL SECRETARY supported the position taken up by His Excellency with regard to the Bill. He thought the Governor had exercised a very wise discretion in this matter, and that it would be very undesirable to withdraw the power now conferred by the 29th Vict. No. 3. He could not understand how any hon. member in that House, being also a stockowner, should wish to preclude His Excellency from exercising the very wholesome power vested in him under that Ordinance. It appeared to him that, in the message now under consideration, His Excellency had most conclusively demonstrated the inexpediency of withdrawing such a power. The proclamation of June 7th last had clearly shown that there was no desire on the part of the Governor to exercise that power arbitrarily, and that the law as it now stands interposes no insuperable obstacles in the way of the importation of stock, even from countries where disease is known to exist. If the House, and those interested in stock-breeding,

could not repose that confidence in the Executive Government as to trust in the judicious exercise of the power invested in them with regard to the importation of stock, why, they might as well be without a Government at all. Such a power, as His Excellency had pointed out, was invested in the Governor-in-Council in the neighbouring colonies, and he saw no possible reason why, in case of emergency, it should not be exercised by the Governor-in-Council here. He differed from the hon. member for Wellington as to there being no desire on the part of our neighbours to import fresh stock, for he believed they were as anxious as we were to introduce new blood, but only under wholesome restrictions. With reference to the provision in the Bill, that no stock shall be imported into the Colony unless accompanied by a certificate from a duly qualified veterinary surgeon, he dissented in opinion from the hon. member for Wellington that this would not virtually prohibit the introduction of stock on speculation, simply because it was not likely, as alleged by the hon. member, that any stock would be so introduced. It had been already done. Not long ago a very valuable horse was brought here on speculation, and he would ask what would have been the result had this provision as to a certificate from a veterinary surgeon been then in force? The importer, being unacquainted with the fact that such was the state of the law, would not have thought of providing himself with a certificate when the animal was placed on board, and the result would have been that, under the proposed provision, as embodied in the new Bill, the horse could not have been landed. It appeared to him that this provision was wholly unnecessary. The sole object in view was to prevent the landing here of infected stock, and, apart from the manifest inconvenience of the provision in question, he thought this would be amply and securely provided for by the restrictions proposed by His Excellency in his message, namely, that no imported stock shall be landed in the Colony until such stock shall have performed quarantine (as provided in the Bill), and shall be certified by a duly qualified veterinary surgeon in the Colony to be entirely free from any indication of contagious or infectious disease. For these reasons, he

trusted that the House would concur in the recommendations embodied in His Excellency's message, and agree in the amendments which he was about to propose in the Bill, with a view to carrying those recommendations into effect. Meantime, he would move, as an amendment upon the motion of the hon. member for Wellington for the adoption of the address in reply, That all the words after the word "is," in the first line of paragraph 2, to the end of paragraph 5, be struck out, and that the following words be inserted in lieu thereof:—"Willing to adopt your Excellency's suggestion with respect to the non-repeal of the 29th Vict., No. 3, and to omit so much of the first section of the Bill as proposes to repeal the 29th Vict., No. 3, as afore-said."

MR. PADBURY said: I suppose I am the unfortunate individual who has caused all this controversy, and I am very sorry for it. I took it into my head some time ago to import some stock into the Colony from England, taking my chance whether the Ordinance regulating the introduction of stock would be done away with or not. That stock is now on its way, and, since the Governor found that out, His Excellency inserted that notice in the *Government Gazette*, which, though there is no fear of any evil arising therefrom, was very kind of him. Whenever I have asked a favor from any Governor in this Colony, I have always found them willing to concede anything reasonable, as in the present instance. If this stock of mine are clean when they arrive here, they will be allowed to land; if they are not clean, the Ordinance now in force prohibits their being landed. What more can be wanted? We are all driving at the same end. I am not one of those who would do away with this prerogative of the Governor; if such a power is allowed in the other colonies, I don't see why it should not be exercised here.

THE COMMISSIONER OF CROWN LANDS said it was necessary sometimes to speak out plainly—to call a spade a spade, and not an agricultural implement. He would do so in this instance. He would inform the House what, in his opinion, had induced the hon. member for Wellington to bring in this Bill, having for its object to divest the

Governor of a power which he had hitherto exercised. It would be in the recollection of the House that no sooner had the session opened, than, in the course of the debate on the address in reply to His Excellency's speech, the hon. member introduced an amendment which was virtually a vote of want of confidence in the Government of the Colony. Whatever may have been the hon. member's intention on that occasion, there could be no doubt—he (the Commissioner) at any rate entertained no doubt on the point—that, looking at the tenor of the address which the hon. member now proposed to present to His Excellency in reply to the message under consideration, his intention was slowly, insidiously, but surely, to undermine the present Constitution, by interposing such obstacles as will interfere with the efficient working of the existing constitutional machinery. He challenged the hon. member to deny that such was not his intention—that his object was not to place a check upon the proper exercise of the executive functions which appertained to the Governor and the Executive Council of this Colony. This was not the way by which the hon. gentleman would arrive at the achievement of his wishes, by hood-winking hon. members in that House, and by commencing to curtail the powers of the Government in a trifling matter of this kind; for, after all, it was a trifling matter. The House must be convinced that the Governor may safely be entrusted with the exercise of the power which the hon. member for Wellington would fain withdraw from him, and thus by a side-wind, as it were, to bring about a constitutional change, by bringing the present Administration into contempt. He would fain show the country that the Executive Government of the Colony was not even to be trusted in so small a matter as regulating the introduction of stock,—in determining whether the hon. member for Swan, or the hon. member for Timbuctoo—should import a pig or a cow. Although personally he had been of opinion, and still was of opinion, that a change in the Constitution was necessary, he yet despised such tactics as were resorted to by the hon. member for Wellington to bring about such a change. He would scorn fighting the good fight with such weapons,

and he trusted hon. members would not be led astray by any such flukes as these.

MR. CROWTHER regretted that the Commissioner of Crown Lands had gone out of his way to rake up the slumbering embers of constitutional reform. Who, more than the hon. gentleman himself, had endeavored to render the members of that House, and the people of this Colony, dissatisfied with the present Constitution? Who had taken more trouble with him (Mr. Crowther) individually, to render him dissatisfied with the existing form of Government, than the hon. gentleman himself, who ought to be the last man to rake up the question, looking at the position he had since taken up with respect to it. Whatever opinion the hon. gentleman might entertain as to the intention of the hon. member for Wellington, either with regard to the present motion or the motion in connection with the address in reply, he (Mr. Crowther) did not believe that the hon. member had been actuated by any such motive or intention as that attributed to him by the Commissioner of Crown Lands. He firmly believed that the hon. member for Wellington—and he would credit every hon. member who had supported him with like intentions—was actuated solely by an earnest desire to protect and promote the best interests of the Colony. He was ready to give the Government credit for the same intention; and he thought it very unbecoming, and in very bad taste, that a member of the Government should stand up in that House to attribute unworthy motives to any hon. member on either side of the House.

MR. RANDELL would support the Government in the present instance, but on grounds altogether different from those put forward by the hon. the Commissioner of Crown Lands. He did not think it necessary, or in good taste, to impute ulterior motives to the hon. member for Wellington; he believed both sides were actuated by the same desire. He did not consider the powers vested in the Governor, under the 29th Vict., No. 3, excessive; nor did he imagine that the power would be exercised so as to place any hindrance in the way of the importation of stock, but rather with a wise discretion. There could be no doubt that, so exercised, such a power was

desirable, for, so long as it existed, prompt action might be taken when promptitude might be necessary. He thought that His Excellency's message was deserving of calm and serious consideration, and he trusted the House would acquiesce in the suggestions it embodied. He did not concur with the hon. member for Wellington that, in the neighboring colonies, the avowed object of their several Legislatures was to prohibit altogether the importation of stock, and that consequently power was given to the Executive for that purpose. The hon. member must be laboring under misconception on this point, and this objection to the suggestions of the Governor was therefore invalidated. As to the amendment recommended by His Excellency in the third clause, he considered it a very desirable amendment.

THE ATTORNEY GENERAL thought it was important that the committee should bear in mind what would be the effect of the Bill, if amended as suggested by His Excellency in the message under consideration. It appeared to His Excellency that it would be undesirable to withdraw from the Governor-in-Council a power now vested in him to prohibit, under certain restrictions, the importation of stock from a country where he is convinced that cattle disease is rife; but it did not follow, simply because such a power was reserved in the Governor, that he would exercise it on every occasion where disease was said to exist. For instance: although even at the present moment disease existed among cattle in England, still it was not so rife as to render it necessary to prohibit altogether the importation of stock from that country. It was only with a view to its being exercised under circumstances of special danger that His Excellency asked to have this power reserved in him. The hon. member for Wellington seemed to distrust the Executive Government so far as to imagine that His Excellency would actually chuckle at the idea of throwing obstacles in the way of the importation of stock. Now that was an absurd idea. He thought it might be fairly stated on His Excellency's behalf that the recent proclamation published in the *Government Gazette* effectually disposed of such a notion as that. It did seem to him certainly an invidious thing

when the Governor came forward to ask that a certain power be exercised by him for good—and exercised only in extreme cases—that the House should show such a want of confidence in His Excellency as not to grant it. It was preposterous to imagine that the Governor would exercise such a power in an arbitrary manner, or otherwise than under circumstances of special danger or urgent necessity.

MR. SHENTON said that since receiving His Excellency's message he had looked into the Ordinance which it was proposed to repeal, and it certainly did seem to him it would be unwise to withdraw this power from the Governor in Executive Council altogether.

MR. STEERE: After what has fallen from the hon. the Attorney General, I withdraw my motion. I must, however, state that the language made use of by the hon. the Commissioner of Crown Lands has not in the least induced me to adopt this course.

The amendments (moved by the Acting Colonial Secretary) were then agreed to, and the House went into committee with a view to amend the Bill in accordance with the suggestions embodied in His Excellency's message.

Bill reported, as amended.

LAND REGULATIONS—REPORT OF SELECT COMMITTEE.

IN COMMITTEE.

THE COMMISSIONER OF CROWN LANDS moved, That the report of the select committee on the Land Regulations, brought up on the 28th August, be considered paragraph by paragraph, and that the sections of the regulations proposed to be amended be taken in their numerical order.

Agreed to.

Paragraph 1—agreed to, without discussion.

Paragraph 2—"The manner in which the small farmer may be placed in a better position than at present as regards the depasturing of his stock, and, supposing grazing rights to be conceded, how they may be distributed so as not to press unduly on the existing rights of any class of settlers, has been carefully considered by Your Committee, with a view to the making of more

"general concessions to the agriculturist than are at present afforded by Number 132 of the present Land Regulations, which provides for the setting apart of Common Lands; but the majority of Your Committee regret to find that, owing to the interpretation which the Commissioner of Crown Lands puts on the terms on which pastoral leases are now held, that it is not practicable to concede any grazing rights to small farmers such as those which the majority of Your Honorable Council approved of and recommended during the last session."

MR. STEERE, who was a member of the select committee, said it was with the greatest regret they had arrived at the foregoing conclusion, for they were very anxious indeed that the small farmer should be placed in a better position as regarded his grazing rights. It appeared that the terms upon which pastoral leases were now held were such as to preclude the possibility, without infringing on the rights of existing lease-holders, of doing what the committee deemed an act of justice towards the small agriculturist.

MR. MARMION said it was in the power of the Government at any time to resume land for the purposes of a commonage, and he could not see why the same power should not be otherwise exercised with respect to the concession of grazing rights.

MR. PADBURY said it would now be seen by hon. members how wisely the Governor had acted in not sending home the recommendations adopted by the House last year, conceding these rights to small farmers. Had His Excellency done so, the Secretary of State would simply have said, "Why, you must be a fool." It must be apparent to everyone that neither the Governor or anyone else could, with any show of justice, allow any person to run stock upon land leased for fourteen years by another, without infringing upon that other's right. The only way this could be done, so as to benefit the small farmer, was by the Government resuming the land.

MR. BURT thought if they sent home such regulations as these, and did not make some provision for conceding grazing rights to the small farmer, the Secretary of State would indeed have some reason for saying they were perfect

fools. Here we were, talking about constructing railways for the purpose of inducing settlement along the lines, whereas all the land was in the hands of pastoral leaseholders. How could they induce settlement under such circumstances? No one would take up land for corn-growing, unless he had also a right to run two or three head of cattle. He trusted the present session would not be allowed to pass without providing means, either by the resumption of land or otherwise, for making more general concessions to the small agriculturist than is afforded him under the present regulations.

MR. SHENTON said if we ever intend doing any good in the way of increasing population and encouraging settlement, something would have to be done to give a grazing right to the small farmer. He thought the best way to accomplish this would be for the Government to step in and resume the land. The sooner this was done the better.

MR. MARMION—referring to the statement that, under the terms of the existing pastoral leases, it was not competent for the Government to interfere—said these leases would not be in force for ever; they were running out every year, and no time should be lost in framing such regulations as would improve the condition of the small farmer with regard to the right of running stock.

THE COMMISSIONER OF CROWN LANDS said that, while it was not practicable to concede this right on the terms upon which pastoral leases are now held, there was no reason why millions of acres of land should not be resumed next year, under the 132nd regulation of the existing land laws, which empowers the Governor to proclaim any Crown Lands as a common. This, of course, would diminish the revenue very considerably; still he would rejoice to see it carried into effect. No application for right of commonage had yet been disregarded. He was not advocating this system of commonage, but the difficulty was to know how to deal with pastoral licensees without unduly pressing on their rights. To grant small farmers an indiscriminate right to run stock on all lands, would lead to no end of confusion, and to perpetual enmity between the agriculturist and the squatter. Under existing circumstances, it appeared to him that the only remedy was to in-

crease the number of commonages, which might be done to any extent, subject of course to a corresponding loss of revenue.

MR. RANDELL concurred with the Commissioner in the interpretation which he put on the terms on which pastoral leases are now held, and agreed with the hon. member for Swan that the Government could not justly interfere with the rights of the holders of these leases.

MR. HAMERSLEY thought it would be very beneficial indeed to declare commonages wherever agricultural areas had become settled; although, after all, these commonages would only benefit those small farmers who resided in the immediate neighborhood.

MR. PADBURY said the same complaints as were made here were made by the same class in all the other colonies. They never had enough land for grazing purposes, and certain areas were always being resumed by the Government out of leases, which were set apart for special occupation or some other purpose; but he never heard of the small farmers being allowed to run their stock beyond the boundary of the land they themselves had leased or purchased. They had no such rights, at any rate, in South Australia.

The paragraph under discussion was then adopted. The consideration of Paragraph 3 was postponed. The proposed amendments to sections 8, 30, and 31 to 42, were agreed to without discussion, and progress was reported and leave obtained to sit again.

HIGH SCHOOL BILL, 1876.

REPORT OF SELECT COMMITTEE.

THE ATTORNEY GENERAL moved, That the report of the select committee on the High School Bill be considered in committee of the whole House.

Agreed to.

IN COMMITTEE.

Paragraph 1 to 3—agreed to.

Paragraph 4—"The Head-master of the School to be a layman, and a graduate of some recognised University."

MR. SHENTON thought that some provision should be made that the Head Master and Assistant Masters should be compelled to take in boarders, on terms

to be fixed and regulated by the governors of the school. Unless some such provision were made, the school would only be available to children residing in Perth; the parents of country children being under the necessity of finding lodgings for them in town, would not care to send their children away from home unless they were sure they would be carefully looked after.

The suggestion was not pressed, and the paragraph was adopted.

Paragraph 5—"Your committee have considered a point which was mooted in the course of the debate, as to whether or no any resolution should be imposed upon the selection of governors, and they are of opinion that it would be unwise to impose any such restriction."

MR. SHENTON considered that some provision should be made, as in the 3rd clause of "The Elementary Education Act," regulating the appointment of the members of the Central Board, that not two of such members should belong to one and the same religious denomination. He thought a similar provision should be made with regard to the selection of governors for the proposed High School, so as not to give one denomination any prominence over another in the management of the school.

THE ATTORNEY GENERAL said it would be impossible to carry out such a provision, for a certain number of the governors were to be elected by the Legislative Council, and the remainder were to be nominated by His Excellency the Governor. If the whole were to be appointed by one and the same body, such a provision as that recommended by the hon. member for Toodyay might have been made. He could not help thinking that this was a matter which might be safely left to the discretion and good sense of the members of that House and of His Excellency the Governor.

MR. RANDELL: As it is only secular education which is to be imparted in the proposed school, I do not think it is likely that His Excellency would nominate four governors out of one and the same denomination. I should hope that the person's fitness to occupy the office, rather than his religious creed, will guide both His Excellency and this House in the appointment of governors.

MR. SHENTON: As the school is to

be a secular school only, I think the governors ought to be laymen.

THE ATTORNEY GENERAL: I think it would be a great pity to exclude ministers of religion from the governing board. As a rule, they are the best educated men in the community, and persons who take a great deal of interest in the cause of education; they are therefore likely to be persons well qualified to direct an institution of this kind. I certainly think this is a question that we may leave to the discretion of the nominators.

MR. CROWTHER: The education to be given at this school being purely secular, I do not think, myself, it would be wise to throw the ministers of religion in the way of temptation. I have great respect for them, and I don't think it would be wise to have them on a Board where they would be constantly exposed to temptation.

MR. SHENTON moved that the paragraph be struck out.

Committee divided, and there being an equal number of votes,

THE CHAIRMAN OF COMMITTEES gave his casting voice with the Ayes. [*Vide* "Votes and Proceedings," p. 111.]

The motion was therefore negatived.

Paragraph agreed to.

Paragraph 6.—"Your committee recommend that the maximum fee should be £12 instead of £9;"

MR. SHENTON: I think some difference should be made between the fees for boys attending from the country and boys living in town: the maximum for the latter might be £12, and for the former £9.

THE ATTORNEY GENERAL: Should it be considered advisable to make such a distinction, the governors will have the power to make it.

Paragraph agreed to.

The report was then adopted.