

Railways' Report which had attracted the attention of the hon. member, there was one paragraph of the report which seemed to have entirely escaped his notice. He alluded to the paragraph in which Mr. Thomas remarked that it was invariably the case, within the first few months of the opening of any new line of railway, that—in consequence of the number of things to be obtained, and to be done, before the line could be considered in good working order—the expenses were always greater than they were afterwards.

MR. SHENTON suggested that the Committee should now report Progress, in order that the Commissioner of Railways might furnish the House with a detailed statement showing how he proposes to expend the supplementary vote which he estimates as necessary to carry him through the year (£1,700). It appeared to him that, so far from the expenses being likely to be reduced during the next few months, it was more probable that they would increase, as, with the development of goods traffic, which was yet at a minimum, the staff employed probably would have to be strengthened. Additional trucks would also, he believed, be required to meet the demand which would be created when this traffic was increased. He thought it was much to be regretted that some steps had not been taken long ago to develop the goods traffic on this line, for, no doubt, a great deal of revenue had been lost through the supineness or indifference of the department in this respect.

THE COLONIAL SECRETARY (Lord Gifford) said, although the Government had only placed £1,000 on the Estimates, he had not felt justified in stating that this would suffice to cover all the expenses incidental to the working of the line; but that, with a view to retrenchment, the Government would endeavor as far as possible to work the railway, and keep within the vote. If the additional £700, asked for by the Commissioner, were granted, he believed that would suffice to cover all expenses between this and the end of the year.

MR. RANDELL did not think that anyone who had any practical experience in the development of such enterprises as railways, would be inclined to accept

the statement that the expenses would decrease as the work progressed, and the business expanded; on the contrary, he was inclined to look at the Commissioner's statement to that effect as delusive. He therefore thought the House would be acting very unwisely to cut down this vote to a minimum.

THE COLONIAL SECRETARY (Lord Gifford) said the Government were quite willing to increase it to £1,700, if such was the wish of the House.

MR. STEERE said he noticed that no provision appeared to be made for meeting the expenses incurred by the smashing of the railway gates.

THE COLONIAL SECRETARY (Lord Gifford) said that came under the head of "Casualties," and was a pretty heavy item.

MR. SHENTON then moved that Progress be reported, and leave given the Committee to sit again on Monday, by which time the House, he hoped, would be furnished with a statement showing how the Commissioner estimated the supplementary vote required at £1,700.

The motion was agreed to, and Progress reported.

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

LEGISLATIVE COUNCIL,

Monday, 8th August, 1881.

Mechanics' Institute, Perth: Object of Foundation—High School: Grant of Military Hospital for—Fortification of King George's Sound—Goats Bill: second reading; in committee—Messages (Nos. 5, 6, 7, 8, 9) from His Excellency the Governor—Audit Bill: first reading—Diseases in Vines Bill, 1881: second reading; in committee—Loan Act, 1878, Re-appropriation Bill—Supplementary Estimates for 1881: further considered in committee—Adjournment.

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

PRAYERS.

MECHANICS' INSTITUTE, PERTH:
OBJECT OF FOUNDATION.

MR. STONE, in accordance with notice, asked the Honorable the Colonial Secretary, "What are the objects for which 'the Perth Mechanics' Institute was founded? Whether he is aware how 'far those objects are carried out; and 'what is the amount contributed by the 'Government in support of that Institution?" The hon. member said the noble lord was doubtless aware that for some years past the institute in question had been receiving a grant in aid from the Government, and, he presumed, that grant was voted from time to time by the Legislature for the same purpose as grants were voted to other institutions of the same character in other parts of the Colony, namely, for the purpose of providing means of innocent recreation and of intellectual improvement for mechanics and others. He believed he was correct in saying that this was the object for which these institutions were established, and that this was the object which that House had in view when voting money out of public funds in aid of them; but he understood that, for some time past, as regards the Mechanics' Institute at Perth, this object had been very far from being carried out, and that it was now more of a lending library with a small room attached devoted to reading, and a very large room adjoining, intended for lectures and other means of intellectual improvement, but lately converted into a dancing saloon.

THE COLONIAL SECRETARY (Lord Gifford), in reply, said that the objects for which the Mechanics' Institute at Perth was founded, were to benefit the mechanics and young men of the Colony, by giving them an unobjectionable mode of recreation; also the formation of classes for mutual instruction in useful branches of knowledge, and the maintenance of a museum. Nothing officially had been communicated to the Government with regard to how far these objects were being carried out under the present management, though rumours had reached them that the building in which the institute was held was being devoted to other purposes. The Government annual grant-in-aid had been £50 to the institute and £50 to the museum attached to it.

GRANT OF MILITARY HOSPITAL BUILDING FOR HIGH SCHOOL PREMISES.

MR. STEERE, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to make over the premises 'known as the 'Old Military Hospital' 'to the Governors of the High School, 'in trust to and for the purposes of 'such School; and that the said premises should be so conveyed over to 'the trust body as would enable them 'to raise such sum of money as may 'be required to enlarge and improve the 'building so as to afford the necessary 'accommodation for the number of 'scholars attending the High School.'" The hon. member said that, when the Act establishing this school was passed, its promoters and the Government thought they would have been able to obtain possession of the building known as the Bishop's College, for school premises, but in that respect they had been disappointed, and the difficulty of obtaining a suitable building, large enough to accommodate both boarders and day scholars, was one which was constantly forcing itself upon the governors of the school. It was now felt that unless some means were specially provided whereby a suitable building could be obtained, affording sufficient accommodation for the school, considerable injury would accrue to the establishment,—even if it did not collapse altogether. He thought every hon. member would agree with him that such a result would be almost a national loss, regard being had to the great educational want which this school was supplying. The support of the Legislature was therefore now evoked, in order to enable the school committee, through the intervention of His Excellency the Governor, to secure improved accommodation more suitable for the requirements of such an establishment. The premises which His Excellency was asked to make over to the governors of the school had not, he understood, been handed over by the Imperial authorities to the Local Government, but His Excellency, who was anxious to do all he could in furtherance of the interests of the school, had expressed his readiness, in the event of the Legislature presenting him with an address in the terms of the

resolution now before the House, to do all within his power to induce the Imperial Government to comply with the request of the school managers, and very little doubt was entertained that, if the Legislature adopted the address which he now moved, the object in view would be attained.

MR. SHENTON had much pleasure in seconding the address, and, in doing so, might state that at the time the Bill to establish this High School was first introduced, two years ago, he had opposed it, for at that time he thought there were very serious objections to the proposal, but he was most happy to state that now those objections had been removed, and he confessed that he had acted wrongly in opposing the establishment of such a school. He now considered that the Act under which the school was instituted was one of the best Acts ever passed in the Colony, for the benefit of our colonial youth. Seeing therefore how necessary it was that the accommodation provided for the pupils attending the school should be improved and enlarged, he had much satisfaction in supporting the proposal contained in the resolution before the House, so as to help the governors of the school out of the dilemma in which they were placed.

MR. CROWTHER intended to support the proposition, if nothing better could be found than this hospital building for the object in view. There were much more suitable premises now occupied as a Girls' School which, by right, ought to belong to the boys, and he thought, before the step now proposed to be taken was carried out, and acted upon, efforts should be made to obtain these premises for the purposes of this High School, which would be more in harmony with the intention of the original owners of the premises in question.

MR. MARMION said he noticed a little peculiarity in the wording of the resolution. It was not only proposed that this building should be made over in trust to the governors of the school, but made over to them in such a way as to enable them to raise money upon it. Perhaps the Attorney General might be able to say whether it was within the power of the Government to give the

governors, or the trustees, such a right. This brought to his mind a question which was pretty fully discussed a few Sessions ago, when the trustees of a certain religious body in this Colony wished to raise money upon property, which had not been handed to them by the Government, but which had been erected at the expense, in a great measure, of the denomination to which it belonged, with the kindly assistance, at the same time, of the general public. The request made was that they should be enabled to mortgage the property for the purpose of raising money for certain denominational purposes, so as to enable them to improve the church premises and school property, and to erect others in other parts of the Colony. Great opposition, however, was offered by many hon. members to the Bill brought in for that purpose, and in consequence of this opposition the Bill was allowed to lapse, though the object in view was to strictly carry out the object for which the property in question was intended and dedicated. The debate on the Bill referred to would be found in *Hansard*, Vol. III, p. 307, and he thought the objections raised on that occasion applied with equal force here. It was not his intention, however, to oppose the motion.

MR. S. H. PARKER thought that the Bill referred to by the hon. member went this far—it proposed that the trustees of a certain religious body, who had certain lands granted them by the Crown for a specific purpose, might be allowed to mortgage these lands, but the Government and the House objected to that, on the ground that the lands when mortgaged might be diverted by the mortgagee—or, if sold, by the purchaser—to other purposes altogether. But what was proposed here was, not that the governors of the High School, in the event of these Imperial buildings being handed over to them on trust, should be allowed to mortgage them for any purpose they chose, but for the specific purpose of enlarging and improving the building so as to afford the necessary accommodation for the scholars. He thought, however, with the hon. member for the Greenough, that if the boys had their own, there would be no occasion to ask for this hospital or any other building for their use. If the original inten-

tion of the donors of the Bishop's School were carried out—and he saw no reason why it should not be carried out—these premises ought to be available for the purposes of the Boys' High School, instead of being appropriated for other purposes.

MR. STONE rose to a Point of Order. The question before the House was the conversion of the military hospital into a school building, and not whether the original intention of another institution had been carried out or departed from.

MR. S. H. PARKER said he would place himself in order by moving the adjournment of the House. He had no objection to the fair sex—he liked to see them in their proper place—but the school premises which were now used as a Girls' School, and which were originally intended as a Boys' School, were in reality thrown away upon the gentler sex, whereas they were admirably adapted for a collegiate school for boys, and he thought the boys ought to have them.

MR. STONE strongly objected to the forms of the House being used for the purpose to which the hon. member for Perth had just applied them, and he hoped he should receive the support of the House when making that observation. He thought it was very strange that matter should thus be introduced into a debate totally irrelevant to the question under discussion. The hon. member, in dealing with the so-called Bishop's College, and introducing it into the present debate, had no more right to do so than he would to so deal with property belonging to himself (Mr. Stone), or any other private property.

MR. RANDELL was very pleased to support the motion before the House. If the hon. member for the Swan had not brought the matter forward, he would have done so himself, for he thought the time had arrived when this High School should be put on a firmer foundation. He believed every hon. member—or, at any rate, nearly every hon. member—would wish to see so useful an institution established on a firm and lasting basis, and become in time affiliated with the universities of the sister colonies. He therefore hoped the House would unanimously support the present proposal, and thus avert the probable collapse of the school. He had

no doubt the governors of the school had considered this subject in all its bearings, but, for his own part, he should have been inclined to have moved the Legislature to have granted a sufficient sum to have enabled the governing body to build an entirely new school building in a more suitable position. But no doubt the present idea was a more economical one, and probably the premises referred to might, with some alteration, be converted into a school building that might answer present requirements. He was sorry the matter had to be referred to England, because of the time that must consequently be wasted, but he supposed the conditions upon which the Imperial building was held necessitated such reference home. The hon. member for Fremantle (Mr. Marmion) had referred to another proposal which had been submitted to the House some Sessions ago, and which the House objected to. The matter was not very fresh in his (Mr. Randell's) memory, but he thought, upon the face of the facts as stated by the hon. member, there was a vast difference between that case and the present one. The object then in view was a purely denominational one, whereas this is a public institution, and he dared say the Legislature was quite right in withholding its assent from the proposal referred to by the hon. member. He did not think that the hon. member's arguments applied in the slightest degree to the matter now before the House.

The motion was then agreed to.

FORTIFICATION OF KING GEORGE'S SOUND.

MR. S. H. PARKER, with leave, without notice, asked the Colonial Secretary whether it was true, as stated in the *Inquirer* newspaper, that Colonel Scratchley, R.E., was about to leave Melbourne for the purpose of reporting on the defence of King George's Sound, and that an officer of the local Government had been directed to hold himself in readiness to meet Colonel Scratchley at Albany? Also whether His Excellency the Governor had been in communication with the Secretary of State on the subject? It would be in the recollection of hon. members that on Wednesday last he had moved the adjournment of the House, in order to put the same question to the

noble lord, but, up to the present time, no information whatever had been vouchsafed to the House on the subject,—which, he need hardly point out, was one of grave importance to the public of this Colony.

THE COLONIAL SECRETARY (Lord Gifford): In reply to the hon. member's question, I may state that I was as much in the dark—publicly—on the subject referred to, as he himself was, until I saw the paragraph alluded to in a public journal. I have received no official information whatever on the subject for communication to the House, and, beyond having seen the statement in the newspaper, and having casually heard the subject mentioned outside—beyond having become acquainted semi-officially with the fact that Colonel Scratchley is coming to the Colony—I know nothing.

GOATS BILL, 1881.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved the second reading of a Bill to provide for the destruction of goats within the precincts of the Municipality of Geraldton. The Bill, he might say, had been brought forward at the instigation of the hon. member for Greenough, who appeared to entertain as strong an aversion for goats as Mr. Graham Berry did for the Chinese. It appeared that in consequence of the serious damage caused by these ruminants in Geraldton, and the great number of them which, when impounded, were never claimed, it had become necessary to empower the Municipal Council to destroy all impounded goats which were not claimed or sold.

MR. CROWTHER, in supporting the motion for the second reading of the Bill, said the increase in the number of goats and the havoc caused by them at Geraldton was becoming so serious that the question would soon resolve itself into, whether the people or the goats should obtain possession of the town and become masters of the situation. The present Bill was introduced in order to ensure the survival of the fittest.

The Bill was read a second time without demur, and committed.

IN COMMITTEE.

Clause 1.—“It shall be lawful for the “Municipal Council of Geraldton to

“order the destruction of any goat or “goats which, having been impounded in “accordance with the by-laws of such “Council, shall not have been sold as by “the said by-laws is provided:”

MR. BURT thought it was a question for consideration whether it would not be better to empower the Municipality to prohibit people from keeping goats altogether. He understood that the main objection to the present state of affairs was the fact that these goats monopolised for themselves the herbage which, by preventing the drifting of sand, was intended to contribute to the comfort and safety of the inhabitants of the town. If so, he thought, as the Bill only applied to goats impounded within the municipal boundaries, it would be better to prohibit people from keeping any goats at all.

MR. BROWN said the subject had been under discussion for years at Geraldton, and the Municipal Council was of opinion that the powers here sought to confer upon it would enable them to cope with a long-existing nuisance. There was now a limit as to the number of goats which persons were allowed to keep within the town boundary, and he thought it would be very hard indeed, in many cases, if people were to be prohibited from keeping any at all, as suggested by the hon. member for the Murray.

The clause was then agreed to.

Clause 2.—“Municipal Council to “make by-laws providing for the place “and manner in which goats shall be “destroyed:”

Agreed to.

Clause 3.—“By-laws to be laid before “the Legislative Council:”

Agreed to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it had been pointed out to him that it would be as well to extend the power here conferred upon the Municipality of Geraldton to other Municipalities, should they wish it. He would therefore move, That the following new clause be added to the Bill:—“It “shall be lawful for the Governor in “Council, at the request of any Municipal Council within the limits of the “Colony, to extend the provisions of this “Act to such Municipality by Proclamation in the *Government Gazette*:”

The clause was agreed to without comment.

Preamble and title, agreed to, and Bill reported.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

THE SPEAKER announced the receipt of the following Messages from His Excellency the Governor:—

MESSAGE (No. 5): CONTROL OF LOAN MONEYS.

"In reply to your Address No. 2, the Governor informs Your Honorable Council that he is now considering the question of giving the Legislature a more direct control of the expenditure of Loan Moneys.

"At the same time the Governor deems it right to observe that, while he expressed last Session his readiness to co-operate with you in this matter, provided means could be found for giving the Council a control over loan expenditure without paralysing the action of the Government, he is not aware of any 'undertaking' on the part of the Government of the character to which you allude.

"Extracts from the communications which passed last Session are enclosed for convenience of reference.

"A further communication will be addressed to Your Honorable Council on the subject in due course.

"Government House, Perth, 4th August, 1881."

[Enclosure.]

'Extract from Governor's Message to Council, No. 16, of 5th April, 1881.'

"The Governor therefore proposes to Your Honorable Council to amend the Bill by striking out Clause 3. If means can be found for giving Your Honorable Council that control over loan expenditure which you desire, without at the same time paralysing the action of the Government, and causing public inconvenience and delay, the Governor will be happy to co-operate with you for such a purpose. This, however, is not an easy matter to accomplish, and certainly it is one which should be dealt with on its merits in a separate Bill, in order that it may be more maturely considered in the light of the practice adopted elsewhere, and that the coming into operation of the Loan Bill may not be endangered or delayed."

'Extract from Address in reply to Governor's Message, No. 16, of 5th April, 1881.'

"The Council, however, is most anxious to meet Your Excellency's views so far as it can do so consistently with the duty which it owes to those whom it represents, and, in view of Your Excellency's assurance that you will be prepared to co-operate with this Council for the purpose of securing to it, if possible, that control over Loan expenditure which it desires, begs to state that it is willing to amend the Loan Bill by omitting Clause 3, with a view to considering it hereafter in a separate measure."

'Extract from Governor's Speech to Council, 7th April, 1881.'

"I am much obliged to you for removing from the Loan Bill the section which I felt a difficulty in assenting to without further inquiry and consideration. While the question of further legislation on the point alluded to is pending, I will take care that Your Honorable Council is consulted on all questions of Loan expenditure, so far as it may be possible to do so without delaying the works."

Ordered to be considered on Wednesday, August 10th.

MESSAGE (No. 6): EMPLOYMENT OF CROWN AGENTS.

"In reply to your Address No. 6, the Governor forwards to Your Honorable Council an Extract from the Secretary of State's Despatch No. 41, of the 13th May, 1870.

"Government House, Perth, 8th August, 1881."

[Enclosure.]

'Extract from Despatch Earl Kimberley to Governor Weld, No. 41, 13th July, 1870.'

"In answer to your second question, I have to inform you that the Government of Western Australia, if it should cease to be a Crown Colony, would be at liberty to employ any other Agency in lieu of the Crown Agents, though it would probably be found that none can do the work so cheaply and so well as the Crown Agents."

Ordered to be considered on Wednesday, August 10th.

MESSAGE (No. 7): TIMBER CONCESSIONS TO AN ENGLISH COMPANY.

"The Governor forwards to the Honorable the Legislative Council copies of a correspondence with Mr. Morrison, of Guildford, on the subject of certain concessions asked for on behalf of a Company proposed to be formed in

"England for working the Timber Trade in this Colony.

"The questions for the consideration of the Legislative Council in these papers are those alluded to in paragraphs 7 and 8 of the letter addressed by the Commissioner of Crown Lands to Mr. Morrison on 14th February, and the Governor would be glad to receive the views of Your Honorable Council on those points.

"The remaining conditions of the proposed lease are of a character which the Government can deal with; at the same time the Governor would be glad to receive the views of the Legislative Council on the question generally, and more particularly as to the length of tenure demanded.

"Government House, Perth, 8th August, 1881."

Ordered to be taken into consideration on Wednesday, August 10th.

MESSAGE (No. 8) : ERECTION OF SMELTING WORKS.

"The Governor forwards to the Honorable the Legislative Council a correspondence with Messrs. Schaw and LeFevre, with reference to the erection of Smelting Works in the Victoria District. The Governor will be glad to receive the opinion of the Legislative Council on this question, more particularly as to the Bonus which the promoters of the undertaking demand.

"Government House, Perth, 8th August, 1881."

Ordered to be considered on Friday, August 12th.

MESSAGE (No. 9) : FORWARDING AN AUDIT BILL.

"The Governor forwards, herewith, a Bill intituled 'An Act to provide for the more effectual Keeping and Auditing of the Public Accounts,' and recommends the same to the favorable consideration of the Honorable the Legislative Council.

"Government House, Perth, 8th August, 1881."

AUDIT BILL.

THE COLONIAL SECRETARY (Lord Gifford) moved the first reading of the

Audit Bill, forwarded with His Excellency's Message (No. 9).

Motion agreed to.

DISEASES IN VINES BILL, 1881.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved the second reading of a Bill to provide for the prevention and eradication of diseases in vines. No doubt hon. members were aware of the vast and enormous ravages which diseases of various kinds had of late years committed amongst vineyards in almost every vine-growing country, and that the vineyards of this Colony had not escaped the infection, though, happily, the ravages had not been as extensive here as in some countries,—a circumstance, however, which was attributable more to good luck than to good management, for, as a matter of fact, nothing seemed to have been attempted here, in a systematic way, to check or to prevent the introduction of diseases among vines. In reality, there seemed to exist considerable doubt as to what were the proper steps to be adopted for the prevention and eradication of the various diseases incidental to vines, and the present Bill in no way attempted to lay down any specific course of procedure. All it proposed to do, was to give to certain persons, who might from time to time be appointed inspectors, for carrying out the object in view, certain powers to be by them exercised as might be deemed necessary. For the purposes of the Bill, however, diseases were divided into two classes—curable and incurable—and the steps to be taken for the eradication of the disease depended in a great measure upon the question of whether a vineyard was, in the opinion of the inspector, infected with a curable or an incurable disease. In the former case, it was left to the discretion of the inspector to call upon the owner of the vineyard to adopt such measures for the eradication of the disease as to him (the inspector) might appear efficient, either by the use of sulphur, or by the pruning or cutting down of the vines, or otherwise as the case seemed to require. With regard to diseases which, in the opinion of the inspector, were incurable, more heroic measures were to be resorted to, and an inspector, duly authorised in that behalf by the Commissioner of Crown Lands,

would be empowered to call upon the owner of the vineyard to uproot all vines which the inspector might deem to be incurably diseased, and to destroy them on the spot by fire. It was also provided that no vines shall be planted or permitted to grow in any vineyard which had been so treated, for a period of five years after the preventive measures referred to had been applied. Of course the provisions of the Bill were purely tentative, and time alone would show whether it would be found a workable measure, and such as would efficiently accomplish the object in view. He thought, however, every hon. member would agree with him to this extent—that some steps were required to be taken in the direction contemplated by the Bill, which, he might add, contained provisions very similar to those in force in the colony of South Australia.

MR. STEERE had no doubt whatever that there existed a necessity for the introduction of some such measure as this, in order to prevent, if possible, the spread of the disease which was ruining the vineyards of the Colony; but, he must say, there seemed to him something very objectionable about the Bill in its present shape. The whole working of it depended upon the appointment of certain inspectors, who having, in the first place, reported to the Commissioner of Crown Lands that, in their opinion, a vineyard was infected, were to be empowered to take such steps as might seem to them necessary for the cure or eradication of the disease, even to the extent of destroying the whole of a man's vineyard. It was not known who these inspectors might be—probably in the towns they would be some policeman or inspector of nuisances—and he doubted whether such persons, or indeed any other person in the Colony, possessed such a knowledge of vine diseases as to enable them to say whether a disease was "curable." So far as he was aware, there was no one in the world who could do so. In France—a country which had suffered greatly from the ravages of disease amongst its vineyards, and where the subject had received the most careful attention of scientific and practical men for years past—the disease had puzzled the most skilful vigneron, and, when it was supposed and pronounced to be

utterly incurable, it suddenly became susceptible of curative treatment, without any assignable cause or reason. Under these circumstances it appeared to him highly objectionable to place such a power in the hands of any inspector as was contemplated in the present Bill—as regards determining whether a disease was curable or not—and he thought that the Bill, in this respect, would have to be modified.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the proposal to divide the diseases into two classes, curable and incurable, was his own, and he had framed the clause, as he thought, with the object of meeting, if possible, the very argument used by the hon. member for the Swan. In South Australia, there was no classification whatever of the diseases which affected vines, and the inspectors there—whether scientific men or policemen, he did not know—were left to exercise their own discretion as to the remedies to be applied; whether the disease was curable or not. That, it appeared to him, was to give these men very wide powers indeed, and the clause introduced into the present Bill, dividing the diseases into two classes, was framed expressly for the purpose of limiting such powers. Possibly the hon. member might be correct in stating that, at present, no one was able to distinguish between a disease that is curable and one that is incurable; but that might not always be the case, and he thought it would be as well to provide for such a contingency.

MR. RANDELL felt somewhat inclined to move that the Bill be read a second time that day six months, but perhaps that would be too strong a course to adopt with regard to the measure. He felt much disappointed, however, with the reasons urged for the introduction of a Bill conferring such large powers as this conferred, and he certainly should expect to hear some very weighty arguments introduced in favor of adding such a measure to our Statute Book, before he should give his voice in favor of the Bill becoming law. He was glad that the hon. member for Swan had drawn attention to one very serious objection to the Bill, namely, the proposal to give to men who might possibly be unable to decide whether a disease

was curable or incurable, such powers as were here contemplated. But, it appeared to him, there was another blot in the Bill—whether copied from the South Australian statute or not did not affect the point: he alluded to the clause which provided that, once a vineyard had been infected, the owner is to be prohibited from conducting any experiments again on that land for a period of five years. It appeared to him that such a stringent provision as that, if carried into force, would strike at the root of the industry of vine culture, to a very serious degree. He should like to receive some further information as to the extent of the ravages alleged to have been committed by the vine disease in this Colony, also as to the reasons for believing that the disease was propagated from one vineyard to another. These were points upon which he thought the House ought to be satisfied, before giving its adhesion to so prohibitory and arbitrary a measure as this. It was not his intention to oppose the second reading of the Bill, but he felt convinced it would have to undergo considerable modification before it came out of Committee.

MR. SHENTON said the Bill would have his cordial support. He thought the time had arrived for taking some effectual steps, by means of legislation, for eradicating a disease that was destroying the vineyards of the Colony in all directions. He believed there were only two diseases at present known to infect vines; one was the oidium and the other the phylloxera vastatrix. The former could be cured by the use of sulphur, as had been abundantly shown by experiments conducted in this Colony and elsewhere; but, as regards the latter, so far as he had read of the disease, no effectual cure had been discovered for it. Fortunately, this Colony was, so far, free from this terrible pest, and the only disease they had to contend against was the oidium. This was a disease which there was no doubt was infectious, and was readily communicated from vineyard to vineyard, so that whatever preventive measures one man might adopt, his efforts would be entirely in vain, unless his neighbour were also compelled to adopt some precautionary measures.

MR. BURGESS said he was in a position to endorse all that had been said by the hon. member for Toodyay with regard to sulphur being an effectual cure for oidium, and also as to that disease being infectious. He thought, however, the present Bill went somewhat too far. As they had no incurable vine-disease to deal with in this Colony, it appeared to him it would be as well to limit the application of the Bill to the oidium. He thought a very short and simple measure would have answered for that purpose, and probably the present Bill might be so modified in Committee as to meet the case. It appeared to him that it would be much better to require the inspectors to report to the nearest Resident Magistrate, rather than to the Commissioner of Crown Lands, with whom it might be very difficult to communicate from some parts of the Colony. He was not sure whether the best plan with regard to the Bill would not be to refer it to a Select Committee, who might probably be able to modify it, so as to render it more acceptable to the House than it was in its present shape.

The motion for the second reading of the Bill was then agreed to, and the House went into Committee to consider its various clauses in detail.

Clause 1.—“Short title”—agreed to.

Clause 2.—“Governor may from time to time appoint such persons as he may deem fit to be inspectors of vineyards, and such inspectors with their assistants may, without notice, enter upon any vineyard for the purpose of ascertaining whether the vines are infected with any disease or disorder detrimental to their health and growth.”

Agreed to without discussion.

Clause 3.—“Inspectors to report the existence of disease to the Commissioner of Crown Lands, stating whether in their opinion such disease is curable or incurable. If curable, the Commissioner may authorise them to take all such measures as they may deem efficient for the cure and the eradication of the disease, by the application of sulphur or otherwise. If incurable, the inspector may be authorised to call upon the occupier of the infected vineyard to uproot all vines which the inspector may deem to be diseased, and to burn them on the spot.”

MR. BURGES moved, as an amendment, the introduction of another clause in lieu of the foregoing, providing that if an inspector is of opinion that any disease exists in any vineyard he shall report the same to the nearest Stipendiary Magistrate, who may authorise the inspector to call upon the owner or occupier of such vineyard to take all such measures as the inspector may deem efficient for the cure or eradication of such disease.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) pointed out that the same powers were conferred on the inspector, under the amended clause, as were conferred upon him by the original section, whether he reported to the Commissioner or to the Magistrate; but the clause as it stood went further than the amendment, and he trusted the Committee would see the advisability of giving this ulterior power to the inspectors, with regard to dealing with an incurable disease, for, although it might be true that no such disease at present existed in the Colony, there was no knowing when it might be introduced, and, until it was introduced, the clause, so far as it related to that class of diseases, would be inoperative. So far as he could see, the only curtailment contemplated in the amendment, of the power which the original clause proposed to give the inspectors, was the power to order the destruction of the diseased grape-vines by fire—a very desirable and necessary power, if they ever hoped to stamp out an incurable disease.

MR. STEERE said his great objection to the clause was that it was proposed to give to men, possessed possibly of little or no scientific knowledge, the power to decide whether a disease was curable or incurable.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the hon. member had raised an objection which went to the very root of the Bill. He seemed to think we should never have any inspectors capable of discerning whether a disease was curable or not. The hon. member might be right. If so, what was the good of their pretending to legislate on the subject at all?

MR. MARMION suggested that the owner of a vineyard whose vines were destroyed should have the right of

appeal, in the event of his feeling aggrieved with the decision of the inspector, as to the curability or incurability of the disease.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Appeal to whom?

MR. MARMION: That's the difficulty if there is no one in the Colony capable of deciding whether a disease is curable or not.

MR. BROWN pointed out that the Bill made no provision whatever, in any case, or under any circumstances, for compensating the owner of a vineyard whose property was destroyed by direction of the inspector. Cases of great hardship might arise, unless some provision were made for giving compensation, under certain circumstances,—though not necessarily in all instances.

THE COLONIAL SECRETARY (Lord Gifford) said the Government had brought in the Bill simply in deference to the wishes of a deputation of vineyard proprietors who waited upon His Excellency a few weeks ago, and who were totally opposed to any compensation being awarded to the owner of any vineyard whose vines were destroyed by order of an inspector. With regard to these inspectors, he might say that it was not the intention to appoint any person or persons permanently to act in that capacity, but, from time to time, as occasion might arise, to nominate some experienced vigneron to visit and report upon the vineyards in his locality. The Bill was put forward entirely as a tentative measure.

MR. STEERE thought, with the hon. member Mr. Burges, that it would be better to have the inspectors to report to the nearest Resident Magistrate, rather than to the Commissioner of Crown Lands, who might be a long distance from the locality where the vineyard which had to be reported was situated, or who might even be out of the Colony, whereas the Magistrate or his *locum tenens* would always be on the spot. In order to give hon. members further time to consider the amendment he would move, "That Progress be reported, and leave asked to sit again next day."

MR. BROWN moved, as an amendment, "That the Bill be referred to a Select Committee, consisting of the Attorney General, Mr. Burges, Mr.

"Hamersley, Mr. Steere, and Mr. Venn, "with power to call for persons and "papers, and to report on Friday, 12th "August."

Question—That the Bill be referred to a Select Committee—put and passed.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) required that the Committee be formed in accordance with Standing Order No. 69.

The members having delivered the lists of names to serve on such Committee, in accordance with the Standing Order, the Clerk reported to the Speaker the following names of members as having the greatest number of votes:—Mr. Burges, Mr. Steere, Mr. Hamersley, Mr. Brown, and Mr. Shenton.

LOAN ACT, 1878, RE-APPROPRIATION BILL.

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

THE COLONIAL SECRETARY (Lord Gifford) said this was not the first time the Bill had been before the House, but the money raised on that occasion it was now proposed to expend upon other works or services than those for which it had been borrowed, and therefore it was necessary to introduce a Bill to legalise its re-appropriation. During the Session of 1878, an Act was passed authorising the raising of a loan of £200,000, of which sum it was proposed to expend £123,000 in the construction of the first section of the Eastern Railway, and surveys for its extension; £17,000 for the completion of the Northern Railway, £50,000 for roads, and £10,000 for public works, including cost of steam tug. This tug it was estimated would cost about £5,000, and the reason it was considered advisable to procure it was because there was some idea at that time that the P. & O. steamers might be induced to call at Fremantle, and that the tug would be available for the landing and embarkation of passengers. It was also considered that it would be useful in facilitating communication between Rottnest Island and the mainland. The expectation as to the steamers calling at Fremantle had, as hon. members were aware, not been realised, and the idea of procuring a steam tug was abandoned, although the money voted for its pur-

chase had been raised. That money, therefore, was available for other purposes, and the object of the present Bill was to authorise the Government to expend the amount upon the works enumerated in the Schedule to the Bill. With regard to the other moiety of the £10,000 raised on the occasion referred to, there seemed to exist no definite idea in the minds of hon. members as to what particular works the money was intended to be expended upon, only some hazy notion that the object in view was to extend the buildings occupied as public offices. That such was the actual intention of the Government at the time was evident, from a despatch written in August, 1878, a month after the passing of the Bill, and when sending it home for the sanction of the Secretary of State. In that despatch, Governor Ord mentioned that he had thought it right to include in the Bill, in addition to the loan required for railway purposes, a sum of £5,000 for a steam tug—the amount now proposed to be re-appropriated—and another sum of £5,000 for public works, with a view to complete a block of offices for which £3,000 had already been applied out of current revenue. With regard to the services to which the £5,000 originally voted for a steam tug was proposed to be appropriated, according to the Schedule of the Bill now before the House, the first item, it would be observed, was a sum of £2,000 for certain public buildings at Roebourne, the necessity for which was admitted on all hands. With this amount it was proposed to build a bonded warehouse at Cossack, which was very much required, and which it was estimated would cost about £300. It was also proposed to expend another £300 in repairing the court house at Roebourne, and £100 on the police quarters, £200 for a hospital, and £1,100 for the purpose of building a new Residency, which, as hon. members were aware, was very much required. The late Government Resident had to take up his quarters in the court house, and the present holder of that office was living in a wretched place, utterly unfit for an officer holding the position of a Government Resident. He was not prepared to say that the money asked for would suffice to complete these buildings, but it was proposed at present only to do

what they could, and to add to the buildings as they could afford to do so. The next item in the Schedule was a sum of £700 for Albany sand patch. It would perhaps be in the recollection of some hon. members that some years ago an attempt was made to check the drifting sand in this locality, but the attempt seemed to have been on a very inadequate scale, and it was now proposed to do the work more systematically and more thoroughly, and to this end, and in order to reduce the cost of the work, it was proposed to send down a party of prisoners in charge of a competent warder to perform the necessary labor. The difficulties to be contended with were very great, as the sand patch extended a distance of about three miles, and was about three-quarters of a mile broad. The next item was a sum of £700, for a foot or low-level bridge at Guildford, which had been long ago promised to the people of that town—a promise which had been reiterated by successive Governors, and as the present Administration now saw its way clear to obtain the necessary funds for the bridge out of this loan money, they proposed to fulfil that promise. It was originally proposed that a double bridge should be placed along the present line of railway—one for the train and one for foot passengers, but it had been found that this would be very expensive, and that greater accommodation would be afforded to the inhabitants if a low-level bridge were erected—one that would admit of wheeled vehicles going across it—in the place of the old ferry. Although the proposed bridge would be a low-level one, care would be taken that it should offer no obstruction to the navigation of the river. He next came to the item of "Fremantle Court House, £800." Hon. members were aware that the present temple of justice at the port was in a most dilapidated, and even unsafe, state, and the accommodation afforded was altogether insufficient for the requirements of a town like Fremantle. The next item, "Crane for Albany, £250," he intended to strike out. The last item—"Extension of Bunbury Jetty, £500"—was a work very much needed indeed. The amount proposed to be expended was not a great deal, nor could much be accomplished with it; but the proposed extension

would help to meet the requirements of the increasing shipping trade of the district. Some hon. members would probably be inclined to complain that, in the re-appropriation of this loan, the district of Geraldton had been left out in the cold; but it must be borne in mind that the railway up there had been a source of great expense, which had to be covered by loan after loan, and the Government did not feel justified in adding any of this money to the huge amount already expended upon this particular work, in that district. He might, however, say, and it would be a source of consolation to the hon. members who represented the district—that a sum of £1,000 had been placed on the Estimates for a new hospital for Geraldton, which would give the Victoria District a fair share of the loaves and fishes. He begged to move the second reading of the Bill.

MR. BROWN said the right hon. gentleman had thought it necessary, he supposed, in the interests of the Bill, to refer to Geraldton. He seemed to have it rankling in his mind that the Government had been guilty of committing a sin of omission as regards that district, in not providing something for it out of the sum now proposed to be re-appropriated. The reason assigned by the noble lord why Geraldton had not come in for any part of this sum was because of the great expense it had already been to the Government. It had not been his intention to have spoken on the motion for the second reading of this Bill at all, but he could not allow that statement to pass unchallenged. With all due deference to the noble lord, he begged to state that what he said was in one sense correct, and in one sense only—correct in so far that the railway at the North had been a source of great expense. But the right hon. gentleman did not point out that the Victoria District had paid back all the expenditure which had been made in connection with it, and, as a matter of fact, had been no expense at all to the general public. The noble lord had omitted to state that the Victoria District had recouped everything expended not only upon its railway, but also upon other public works in the district which that House had been gracious enough to vote for it. It had done more than that, it had paid for every public officer em-

ployed in the district, and, in reality, had been no expense whatever to the Colony in the sense referred to by the noble lord. The Government, it was true, admitted that there was ground for the appeal made by the people of the Victoria District in respect of a hospital, and other public works, and no doubt the Government had done their best to supply the wants of the district; but it was a favourite argument in that House to say that so much money had already been expended on the Victoria District, that it had no further claim to any consideration, in this respect. But he would say this, and he would say it without fear of contradiction—at all events, the statement could be proved, if contradicted—that, although large sums had been expended up there, yet, in proportion to the amount contributed by the district to the general revenue, the sums expended there had been proportionately smaller than what had been expended in Perth, and in every other part of the Colony. He thought it was his duty to point that out, in justice to the district itself, and it was his intention to move for returns which would show that in what he stated he was correct. With regard to the present Bill, he approved of every item of expenditure which it contemplated.

MR. MARMION said he did not think, after further consideration, that he would adopt the course which he had intended to adopt towards the Bill, namely, move that it be read a second time that day six months; but it certainly appeared to him a most extraordinary diversion of money originally intended to benefit the port of Fremantle. It was openly acknowledged—no one denied it—it was impossible to gainsay it—that this £5,000 was raised for the specific purpose of obtaining a steam tug to facilitate the shipping and unshipping of goods and passengers at the port of Fremantle, and, to that extent, to benefit that port; though undoubtedly—if the expectations which were entertained with regard to the mail steamers calling at Fremantle had been realised—the Colony generally would have been greatly benefited by this expenditure. He did not know that, personally, he had been then, or that he was now, very closely wedded to the necessity of purchasing such a vessel as

it was originally intended to purchase with this money,—not because of the first cost of such a craft, but because he had always been of opinion that it would be a very expensive vessel to keep up, and that like other things which had been introduced into the Colony, at public expense, it might possibly turn out to be a white elephant. At the same time, he must come back to the point that this vote was originally intended to benefit the shipping interest, and more particularly that of Fremantle. He had no objection—as the idea of obtaining a steam tug had been abandoned—to the money being re-appropriated for a similar purpose, but in a different manner, and he thought it was a duty which he owed to his constituency, when the schedule of the Bill came to be discussed, to move that the whole schedule be struck out, and that in lieu thereof provision should be made for the extension of the South Jetty at Fremantle, and also for moorings and for mooring buoys. He thought he should be able to give very strong reasons in support of such a proposition, and, he trusted, such reasons as would carry weight with the majority of hon. members in that House.

MR. STEERE said, although he was not present in the House when the Loan Act of 1878 was passed, he had read the debates, and he believed he was right in stating that what gave rise to the insertion of this £5,000 for a steam tug, in the Bill, was that the then existing contract with the P. & O. Company was about to terminate, and a fresh contract about to be entered into, and the Government of this Colony was, from information received, under the belief that the company, under their new contract, might be induced to call at Fremantle, if greater facilities for landing mails and passengers were provided. Of course, the mail steamers would not be in and out of Fremantle every day, and the steam tug would then have been available for affording facilities to the shipping at the port; but to say that it was proposed to purchase the tug, and that this money had therefore been voted, solely in the interests of Fremantle was certainly more than he could gather from the debates. No doubt if the P. & O. Company had been induced to make Fremantle a port of call, the expenditure

of this £5,000 upon a steam tug would have been a very desirable expenditure; but, without such being the case, and to have got this tug simply for the purpose of towing vessels in and out, would have been, in his opinion, a very unwise expenditure, and a very expensive play-thing indeed for the Colony. As to the present Bill, he approved of the manner in which it was proposed to re-distribute this money, for he thought it was but fair that some of those districts who had derived no benefit whatever from the great bulk of this loan should have what was on all hands acknowledged to be their due.

The motion for the second reading of the Bill was then agreed to.

SUPPLEMENTARY ESTIMATES FOR 1881.

On the Order of the Day for the further consideration of these Estimates in Committee, the item *Works and Buildings*, £1,963 10s., was reverted to.

THE COLONIAL SECRETARY (Lord Gifford) said that since this item was under discussion the other evening, he had been in conversation with the Commissioner of Railways, with reference to the amount set down under the head of "Working Expenses of Railway (£1000)," and, after going into figures with the Commissioner, he was prepared to increase the vote from £1,000 to £1,700. The Commissioner was perfectly convinced that with this increased vote he would be able to accomplish the work of the year. He would therefore formally move, That the sum of £1,000 be struck out and £1,700 inserted in lieu thereof.

Agreed to.

The vote, as amended, was then put and passed.

Pensions, Item £88 5s. 8d.; *Miscellaneous*, Item £9,030 5s. 8d.; *Unpaid Claims*, Item £605 12s.:

Agreed to without discussion.

Question—That the sum of £14,016 1s. 11d., as amended, stand as the total of the Supplementary Estimates—put and passed.

Estimates reported.

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

LEGISLATIVE COUNCIL,

Tuesday, 9th August, 1881.

Petition—Fencing Bill: first reading—Appropriation Bill (Supplementary), 1881: first reading—Administration of Estates Bill—Loan Act, 1878, Re-appropriation Bill: in committee—Oyster Fisheries Bill, 1881—Adjournment.

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

PRAYERS.

PETITION.

THE COLONIAL SECRETARY (Lord Gifford) laid on the Table a Petition from the settlers of the Blackwood, relative to the removal of the Magistrate of that district.

FENCING BILL, 1881.

MR. STEERE, in accordance with notice, moved for leave to introduce a Bill to regulate the Fencing of Land in Western Australia.

Leave given, and Bill read a first time.

APPROPRIATION BILL (SUPPLEMENTARY), 1881.

THE COLONIAL SECRETARY (Lord Gifford) moved the first reading of a Bill to provide for the payment of certain additional and unforeseen expenses incurred in the year 1881, over and above the Estimates for that year.

Motion agreed to, and Bill read a first time.

ADMINISTRATION OF ESTATES BILL, 1881.

MR. STONE, in accordance with notice, moved the second reading of a Bill to consolidate and amend the law relating to the administration of the estates of deceased persons, and to alter the succession to real estate in cases of intestacy. The Bill proposed to repeal, or partially repeal, five of the existing Ordinances relating to the administration of estates, and to consolidate the provisions of such Ordinances, by incorporating them with the present Bill, which, as regards some of the repealed Ordinances, he might say, merely re-enacted their provisions, without in any way altering their scope or intention, but clothing them in simpler and more concise language, in order to render