

an arbitrary act committed without consideration of the interest of, or any previous application from the people who were subjected to it. The people were besides being subjected to laws which they could not obey. In many instances fences had been erected in these hundreds at very great expense, and a breach of the law was committed which would render the parties liable for the first offence to 10*l.*, for the second 20*l.*, for the third 50*l.*, and so on. In other cases huts had been erected, and wells of water sunk on these hundreds, where without such they could not make use of the land. He certainly thought that the declaration of hundreds should not be made without application being previously made from the people to have them proclaimed. With these few remarks he would move the motion.

The Hon. the CHIEF SECRETARY said the Government would have no objection to furnish these returns, and as soon as they were prepared they would be laid on the table of the Council.

The motion was then put, and carried.

The Hon. S. DAVENPORT, in tabling the motion following on the notice paper, did so on the ground of the statement of the Chief Secretary on a previous occasion. The hon. member had said that the Government could not satisfy themselves as to the legality of the declaration of these hundreds. He thought it necessary therefore to take such steps as would make the Government do something to ascertain the legality of the proclamation of hundreds; and if illegal then such steps should be taken as would rescind the proclamation of hundreds which would come into operation on the 28th of next month. He did not see how the Government could put themselves in such a position as to take the question quietly, as it was one of the most vital importance. The question, however, was not one which could in any way affect the stability of the present Government. It would be remembered by those who were acquainted with the annals of the South Australian Parliament, that a Ministry had come in and a Ministry had gone out, and that in consequence of a legal proclamation made by them. The question was not, therefore, one which could in any way affect the position of the present Government. In moving this motion, therefore, he desired to relieve the present Government from any embarrassment on that score. It was extremely necessary that the law in reference to these hundreds should be clear. At the present day the cardinal principle of law-making was to have these laws so clearly defined as to be understood by all. We generally formed laws for the protection of life and property, and not for its destruction. When changes were introduced into the law they were generally made with a due regard to the benefit of the community generally; and laws should not be made which could not be properly carried out by the Government, and those that had to do with it. It was disgraceful to the country that hundreds should have been declared in the manner which they had been. Supposing a *Gazette* notice was to appear next Thursday, constituting hundreds between North and South Adelaide; suppose a hundred extending 25° east of north, severing one part from the river, and the cattle were run out on these hundreds, where were no fences or anything, and any cattle from North Adelaide straying across the imaginary line—for it could be only after all an imaginary line—they would be liable to be impounded, and litigation and the expenses of litigation would be sure to follow. These cattle would of course have to go to the river for water, and of course they would go according to the nature of the ground, and in doing so they might easily pass the line, and so break the law. On the Murray this was often the case where cattle were straying in search of water; and the course they took often depended on the wind and the nature of the ground, and they might very easily trespass, and were liable to impoundment, without there being any actual damage. The proclamations altogether were most uncalled for, and totally at variance with the intention of the law of 1846. That law was only intended as an easement to the pastoral interest, and to provide certain commonage rights. He would therefore move—

“That a Select Committee be appointed to consider and report upon the objects and utility of hundreds; their effect on public good and private interests; what circumstances justify their proclamation; what laws they bring into operation; and how these are enforced; also, to investigate the grounds upon which tenures under the Crown have been set aside by the introduction of hundreds, and to recommend to the House a course for adoption towards rescinding illegal or unnecessary hundreds, and for regulating their constitution and management in future.”

He would not further take up the time of the Council, but would leave the motion in their hands.

The Hon. JOHN BAKER seconded the motion.

The Hon. the CHIEF SECRETARY said that the resolution of the hon. member embodied two points; first, the proclamations, and, secondly, the legality of these proclamations. As a whole, he had no objection to the resolution, but he would suggest to the hon. member that he was asking for more than, during the session, he was likely to obtain. He should suggest that the hon. member should confine the labors of the Committee for the present to the mere question of legality. He feared if the hon. member succeeded in carrying the resolution as it

stood, he would not obtain the information which he sought for. The Government would support the resolution, because they believed that the information obtained would be most useful, not only to the hon. member, but also to themselves. The question of legality was a point which it was highly desirable should be settled. At present the sole right which the Government had in declaring hundreds, was the prerogative of Her Majesty. The mere proclamation of a hundred in a district, gave to parties rights which they would not otherwise possess. While the present Government felt that the prerogative of the Crown was the only right which they possessed of declaring hundreds, they would not feel justified in proclaiming other hundreds without further and more definite information. There would, therefore, be a great benefit arising from the resolutions; but in the first instance he thought the Committee should be directed to the mere question of legality, and afterwards the Committee could be instructed to take evidence and report on the other matters referred to.

The Hon. J. BAKER would suggest, as an amendment, that the Committee should take evidence and have power to report from time to time. They could thus report first on the question of legality, and then on the other matters contained in the resolution. A Committee acting in this way would, while taking evidence on one point, be able to elicit much information in reference to the other matters. He would, therefore, suggest this course. Of course the hon. the Chief Secretary was better able to say than any other member when the Council would be likely to get through the work of the session, and from what he had then heard, he, Mr. Baker, imagined they would be done sooner than had been contemplated.

The CHIEF SECRETARY said there was no inconsistency in what he had then stated. He believed, as he had said on a previous occasion, that the Council would sit for another month, but that period he felt sure would not be sufficient for the Committee to finish the work laid down in the resolution.

The Hon. J. BAKER did not want to impute anything like inconsistency to the hon. member. He merely tore out the suggestion respecting the Committee, because he believed it highly essential that the Legislature should take steps to put the question of hundreds on a proper footing.

The Hon. S. DAVENPORT would be happy to adopt the suggestion of the hon. member, and would therefore move the addition of the words, “with power to take evidence and report from time to time on the different points contained in the resolution.”

The motion was carried.

The Committee was then balloted for, the result being as follows: Messrs. Baker, Youngusband, Forster, Ayers, and Davenport (mover).

MESSAGE.

The Hon. Captain HALL moved that a message be forwarded to the House of Assembly, requesting that the Hon. the Commissioner of Crown Lands (Mr. Bagot), and Mr. Browne, be allowed to attend and give evidence before the Select Committee then sitting, in reference to the aborigines.

LAW OF PROPERTY AMENDMENT BILL.

The Hon. J. MORPHEIT moved the third reading of the Law of Property Amendment Bill which was carried.

The Bill was then read a third time and passed, and ordered to be forwarded to the House of Assembly with a message informing the House that the Council had agreed to the Bill with amendments.

AUXILIARY RIFLE CORPS BILL.

The Hon. Major O'HALLORAN moved the third reading of the Auxiliary Rifle Corps Bill, which was carried.

The Bill was then read a third time and passed, and ordered to be forwarded to the House of Assembly with a message informing the House that the Council had agreed to the Bill with amendments.

DOG ACT.

The CHIEF SECRETARY moved the second reading of a Bill intitled an Act to repeal an Act No. 5, of 1852, intitled, “An Act for abating the nuisance and damage to property occasioned by the great number of dogs which are loose in the province of South Australia, and to make other provisions in lieu thereof.” It would be seen that this was not the first time the Legislature had been called upon to take steps to abate the nuisances arising from the vast number of dogs which were allowed to run loose throughout the province, and that a somewhat similar measure had been passed in 1852. This Act had, however, become almost a dead letter, in consequence of there being no penalty inflicted upon dogs that were not registered; and the onus of killing such animals devolved upon no one in particular. Of course before a dog would be killed, it was necessary to adopt the instruction of Mrs. Glase, “Catch your hare before you kill it”—and in the first place you had to catch it, and however singular it might appear, dogs had somewhat of an aversion to being caught especially when they had any suspicion of the design of the parties who were trying to catch them. (Laughter.) When caught, also, another difficulty arose. Dogs did not bear their captivity with the most lamb-like patience—(laughter)—and they were frequently so restive under the