of the moment that he should refuse to accept them.

Progess was then reported, and leave given to sit again next day.

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

## LEGISLATIVE COUNCIL,

*Friday, 31st August, 1883.*

Timber concessions to Mr. M. C. Davies—Aboriginal Native Offenders Bill: Report of Select Committee; Bill committed—Kingston Spit Buoy: consideration of Report of Select Committee—Capitation Grant, Orphanages—Means of Egress from Public Buildings—Private Bonded Warehouses Bill: first reading—Police Station at Beeringarra and Mail Service to Coolally—Steam Service between Fremantle and Singapore, and from London—Intercolonial Convention at Sydney: Appointment of Delegates—Adjournment.

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

PRAYERS.

### TIMBER CONCESSIONS TO MR. M. C. DAVIES.

MR. CAREY, in accordance with notice, asked the Colonial Secretary on what terms and for what period Mr. M. C. Davies' special timber license at Hamelin and Augusta (Vasse District) had been extended for a period of 42 years, specifying if in the new lease provision had been made by the Government for the right of sale, or granting special occupation lands, within the boundaries of this special timber license, and without reference to the lessee or his agent.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the special timber license held by Mr. Davies was over an area of about 40,000 acres, at a rental of £150 a year. Sales or S.O.Ls. were subject to right of lessee to cut timber found on the land during the currency of the license.

### ABORIGINAL NATIVE OFFENDERS BILL —REPORT OF SELECT COMMITTEE.

MR. STEERE brought under the notice of the House the following report of the select committee to whom the Aboriginal Native Offenders Bill was referred, on the 15th of August:

"Your Committee, having discussed the provisions of the Bill which has been referred to them by your honorable House, with an earnest desire to endeavor to arrive at some satisfactory solution of the differences of opinion which exist as to the principles which should be adopted in dealing with a measure for the summary trial of aboriginal offenders, have by a majority adopted the following principles, which they think might be accepted by your honorable House as a guide in framing the above measure:—

1. That a magistrate with one or more justices should be enabled to give two years' imprisonment.
2. That two justices should be enabled to give one year's imprisonment.
3. That there shall be no cumulative sentences.
4. That a magistrate with one or more justices, or a magistrate alone, be empowered to flog in lieu of imprisonment (a similar provision being embodied in the law now in force).

"The committee is of opinion that, should your honorable House concur in the foregoing suggestions, the Bill for dealing with the summary trial of native offenders should be drafted in accordance therewith.

JAS. G. LEE-STEERE, Chairman.

I concur, except as to point 4.

ALFRED P. HENSMAN.

"We dissent from the above recommendations, and are of opinion that summary jurisdiction to sentence aboriginal natives to imprisonment or to whipping should be vested in Her Majesty's justices of the peace without regard to their official status, as is all other summary jurisdiction carrying with it the power to imprison or to whip in England and in Australia.

"To provide that a paid official shall have power alone to award summarily a punishment that any number of unpaid justices shall be debarred from awarding independently of an unpaid justice, as is proposed by the committee, would constitute an unwise departure from the course of English and Australian legislation, which goes no further than to allow a paid justice to exercise the power of two or more unpaid justices. The proposal constitutes an insult offered to the intelligence and integrity of Her Majesty's justices of the peace throughout the the colony of Western Australia, and if carried into law would be subversive of that independence of thought and action which should always accompany judicial decisions.

"Under the proposal of the majority of the committee, the graver cases would have to be

tried before a tribunal upon which one of the justices was a paid official; this course would necessitate needless expenditure to the Crown, and loss to the complainants in bringing the offenders to justice, and thereby be a temptation to sufferers from offences by aboriginal natives to deal with the offenders outside the provisions of the law,—a result which, in the interests of the natives, we desire to guard against.

"With the view of rendering the application of the law more prompt, easy, and inexpensive to all concerned, we suggest, in lieu of the recommendations of the majority of the committee, that—

1. A paid justice, or two or more unpaid justices, be empowered to award two years' imprisonment or two dozen lashes.
2. One justice, no other being within 20 miles, one year's imprisonment.

"We may remark, in conclusion, that Messrs. Steere and Burt, during the discussions in select committee, expressed their preference for our proposals, but offered, in case the Government would not agree to them, to join the Government in those which now, through the action of the members named, constitute the recommendations of the majority. — Maitland Brown; McKenzie Grant.

"I prefer the compromise contained in the paragraphs numbered 1 and 2, included in the above rider, to that determined upon by the majority of the committee.—T. Cockburn-Campbell."

Mr. STEERE said it would be seen by the report that the select committee had endeavored as far as possible to reconcile the differences of opinion which existed between opposite sections of the House, as shown in the course of the debates which had taken place on the Bill. The report spoke for itself, and, in order to test the feeling of the House on the subject, and to see whether a majority of hon. members were prepared to proceed with the Bill upon the lines indicated in the report, he would now move the following resolution: "That the "Council concurs in the report of the "majority of the select committee appointed to report and consider upon the "Bill intituled an Act to consolidate and "amend the laws providing for the summary trial and punishment of Aboriginal Native Offenders in certain cases, "and is prepared favorably to consider a "Bill drafted in accordance therewith."

The ATTORNEY GENERAL (Hon. A. P. Hensman), in seconding the resolution, said he had no doubt every hon. member was anxious to arrive at a satisfactory conclusion as regards this matter, which had been debated with some energy, and possibly in one or two cases with some warmth; but he was sure it would be conceded that throughout the discussion, both in the House and in select committee, they were all animated by an honest desire to arrive, if possible, at a right conclusion in the matter, and to settle it in a way which would be satisfactory to the House and to the country.

Mr. BROWN said he had an amendment to propose, which was as follows: "That this Council, having considered the "report of the select committee on the "Aboriginal Native Offenders Bill, pre"fers the recommendations of the mi"nority to those of the majority, and is "prepared favorably to support a Bill "drafted in accordance therewith." The hon. member said it was perfectly true, as stated by the Attorney General, that the subject had been pretty considerably debated, but the hon. gentleman forgot to add that the sense of the House had been taken with regard to it, and that the sense of the House had strongly declared against the Bill that was brought in by the Government, and that it also indicated equally as strongly the lines upon which it desired legislation to follow. A most unusual course, however, was subsequently taken by the Government,—that of referring the Bill to a select committee, although it had been so long under the consideration of the House; and, as he had been entrusted with the duty of opposing the Bill by a majority of hon. members, he thought he had been wrong in not objecting to the course taken by the Government on that occasion. But his sole object in not doing so was to afford the Government every opportunity, in fairness, of placing its views before the House. If hon. members knew what they were about when the Bill was previously under discussion in committee they could scarcely, he thought, consistently vote for the resolution now submitted by the hon. member for the Swan, for one very objectionable principle in the Bill as originally framed was continued in the recommendations of the so-called majority of the select committee,—he used the term "so-called majority" advisedly. The principle he alluded to was the principle of entrusting paid magistrates with sum-

mary powers which were not entrusted to honorary magistrates. This provision was unique. It did not occur in any other portion of Her Majesty's dominions that he was aware of—it did not occur at any rate in England, nor in any other Australian colony; and it only occurred here in cases where magistrates dealt summarily with offences committed by aboriginal natives. Now, why on earth should we not here follow the usual course of English legislation, the usual course of Western Australian legislation, except when dealing with native offenders? If we gave the administrators of the law summary powers at all, why should we in doing so travel outside the honorary justices of the peace, who were sworn to do justice between Her Majesty and her subjects, without fear or favor? The House, by a majority, the other day said there was no reason why we should do so; but the majority, the so-called majority, of the select committee whose report was now under consideration recommended that in cases calling for the higher sentence, it should only be given by a magistrate who is a paid official of the Crown. For what reason? Because that paid official would be more under the thumb of the Government than the honorary justices of the colony,—otherwise why should the Government so strongly oppose the proposals made to the House, and which the House had already affirmed, that there should be no distinction between our magistracy in this respect? They could give no reason for it. There *could* be no reason for it, except that which he had already stated. He had been a paid magistrate himself, and he could say from experience that these paid magistrates were placed under a strong temptation to obey the Government of the day, irrespective of the law. He knew this—that for six months, when he held that position, he had dismissal held over his head because he dared to administer the law as he thought it ought to be administered, and because he refused to follow the instructions of the Government; and he meant to say that for years past the paid magistracy of the colony had been expected to carry out the law in accordance with the views and the instructions of the Government, irrespective of their own individual ideas of what was right. No one could deny that. It was the treatment which for years past the paid magistrates of the colony had received at the hands of the Government of the colony. [Mr. FORREST: No, no.] He therefore did not wonder that a Government which desired to keep all power in their own hands should desire to legislate on the lines which this Bill followed. He would say no more on that subject. The amendment he had put forward was an amendment which would commit those who voted for it to this,—that with the view of rendering the law more prompt, easy, and inexpensive to all concerned, one justice (no other being within twenty miles) may give one year's imprisonment, and that a paid justice, or two or more unpaid justices, shall be empowered to award two years' imprisonment, or two dozen lashes. That reminded him of some remarks which had been made with reference to this subject in the press—he alluded especially to the *Daily News*, which had represented him as the "Only Flagellator," and as being the first man in Western Australia who had recommended that natives should be flogged. He might here state, for the information of the *Daily News*, that this was the law of the land already, and it had been the law of the land for the past four-and-thirty years. He did not think, however, it was a law which was likely to be applied to any great extent; and, for his own part, he did not care much for it. He was therefore sorry to find himself represented as one who desired to treat our aboriginal natives in any way harshly. At any rate, the statement made by the paper referred to, that he was the first to advocate corporal punishment for natives, was utterly untrue, for, as he had already said, it had been the law of the land for over thirty years past, and, it being the law of the land, the Government must have approved of it. It would be observed, on reference to the select committee's report, that two hon. members (Mr. Burt and Mr. Steere), while expressing their preference for the proposals he and those acting in concert with him had put forward, offered to join the Government in the recommendations of the majority. All honor to them, he would say, for making a concession to the Government or anybody

else, which they considered would be in the interests of the country; but, in asking the House to decide between the resolution and the amendment, he would ask them to bear this fact in mind—that these two hon. members preferred the recommendations of the minority to the recommendations of the so-called majority, and that they simply joined the Government in order, if possible, to arrive at some solution of an awkward difficulty. But he would ask the House to assert its independency, and to decide once for all between the resolution and the amendment now before it,—decide whether a paid justice shall exercise a summary power which Her Majesty's honorary justices should not be entrusted with.

Mr. WITTENOOM seconded the amendment.

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he strongly supported the recommendations of the majority of the select committee. He thought if an Act were passed based upon those recommendations it would be a very good Act, and one that would work well, and be all that is required. It appeared to him there had been a great deal too much made out of this question altogether. The hon. member for the Gascoyne took a very great interest in it, and got very excited over it. He could not help thinking that the part which the hon. member took in this matter last session still reacted upon him, and that there was something of the old leaven left in him. [Mr. Brown: It's to be hoped there is.] The hon. member must admit that every endeavor had been made in select committee to conciliate conflicting opinions as far as possible, and, for his own part, he thought a very fair compromise had been suggested by the Government. The powers of the honorary justices would be doubled if these recommendations were agreed to, for they would be able to give one year's imprisonment instead of six months, which was the maximum punishment they could now award,—and he thought there were very few cases which would come before these justices in which they would be likely to give a native more than twelve months, even if they had the power to do so. He did not think the remarks made by the hon. member for the Gascoyne as to the attitude of the Government towards the paid magistracy were quite fair. All the House could gain from the hon. member's own experience as a paid magistrate was that he appeared to have had some quarrel with the Government of the day, and the conclusion which the hon. member arrived at was that the stipendiary magistrates are not allowed to act independently in administering the law, but are expected to do as the Government thinks proper. He (Mr. Forrest) thought every other magistrate in the colony would bear him out when he said that such was not their experience; but, he supposed, the hon. member for the Gascoyne, being a rather independent character, and having had a quarrel with the Government of the day, had come in conflict with them. But that was no reason why other paid magistrates should do so. [Mr. Brown: Perhaps some of them would not care for it.] He could not help thinking that in his rider to this report the hon. member had been somewhat irregular, when he referred to the discussions which took place among the members of the select committee. [The Attorney General: Hear, hear.] The hon. member had gone a little out of his way to refer to the views expressed by individual members of the committee (Messrs. Steere and Burt) on this subject. He thought those two gentlemen would be quite able to explain their conduct, and, although he had not had much experience on select committees, he could hardly think it was an usual thing, or a correct thing, for opinions expressed by individual members of such committees, in the course of discussion, to be retailed to the House, when they happened to be in a minority.

Mr. CROWTHER said the hon. gentleman who had just sat down stated that he thought the hon. member for Gascoyne had a little of the old leaven of last session left in him. That was very likely, and, for his own part, he was sorry it had not leavened the whole lump. He confessed that, considering the nature of the constitution under which we live, the Government were entitled to gratitude for the concession they had shown themselves prepared to make to the feelings of the House in this matter; at the same time he was still at a loss to know

why gentlemen who had no legal training or professional education should, simply because they happened to be paid, be entrusted with powers which other gentlemen who were not paid but who possessed quite as much intelligence and honesty, and possibly a great deal more experience, should not be entrusted with, when on the Commission of the Peace. The Commissioner of Crown Lands went on to say that the hon. member for the Gascoyne had made some unfair remarks as to the attitude of the Government towards the paid magistracy. It had been said that the Government would not trust the honorary justices. He did not know whether they would trust them or whether they would not, he only knew that they did not trust them; while, as regards the paid magistrates, even, as a straw indicated the current of a stream, so did the desires of the Government very often indicate the opinions of most of the paid magistrates in this colony. Some time ago we had a Governor who in the exercise of his wisdom made a raid upon the publicans, and there was not a policeman nor scarcely a magistrate, who suddenly did not become imbued with the necessity of strictly enforcing the provisions of the publican's Act; scarcely a publican in the colony dared keep his doors open unless he conciliated the gentlemen in blue with a fee, to induce them to wink at any little irregularity. Another Governor came whose views were not the views of his predecessor, but who believed that in a free country the liberty of the subject should not be hedged in by more vexatious restrictions than was necessary; and, lo and behold, every guardian of the law, from the policemen downwards and magistrate upwards, became suddenly imbued with the same idea. Then again the wind changed to the East—to the same quarter as it had been in before; whereupon the gentlemen in blue again came to look upon publicans as people who were deeply in league with the gentleman in black. There was no use denying it, people who were paid by the Government and who were dependent on the Government, took their cue, unconsciously perhaps, but took their cue, nevertheless, from the head of the Government. He could quite understand, if our magistrates were selected from amongst those who had been trained to the law, why the Government should think they ought to be entrusted with greater powers than a magistrate who had received no legal training; but, in a colony like this, where the paid magistracy were selected from the same class as the honorary justices, and where none of them had received any training to qualify them for the administration of the law, he certainly failed to see why a man who to-day was only looked upon as fit to be entrusted with certain powers should to-morrow, because he got £250 a-year and parted his hair in the middle, be entrusted with much greater powers. He should be glad, however, if the hon. member for the Gascoyne could be brought to accept the terms of the compromise offered by the Government in this matter; but if he did not, and divided the House, he should feel bound to go with him.

Mr. MARMION said he was still of opinion that all justices, whether dealing with natives or with whites, should be entrusted with the same summary powers, to the extent of giving one year's imprisonment and no more. He was very sorry indeed that a compromise had not been arrived at which would meet the wishes of all parties, still, if the hon. member for the Gascoyne pushed the matter to a division, he should be compelled to go with him. At the same time, he did not pledge himself to support the views put forward by the hon. member himself, nor those put forward by the majority of the select committee. As he had already said, he wished to see the same powers given to any two justices as were bestowed upon the paid magistrate of the Crown, and, if we could not level up, he should be better satisfied to level down,—sooner than accept the propositions put forward by the majority of the select committee.

Mr. RANDELL said probably some hon. members might think this question had already been sufficiently discussed during the session, and that nothing now remained but to vote for it one way or the other; but he thought the subject was one which ought to be carefully considered from every point of view. He was inclined to take the same view of the question as some other hon. members had taken on a former occasion—that

neither paid nor unpaid magistrates should be allowed to give more than one year's imprisonment. He did not think it was desirable in the interests of the settlers themselves, nor of the natives, that any magistrate should be permitted to give a longer sentence than that. He thought we should take it into consideration that it was special legislation we were dealing with in this instance, and that it was only in some districts of the colony that such legislation was required at all. They were all aware that in those districts there was a considerable feeling on this subject; the settlers were smarting from losses they had sustained at the hands of the natives, and he thought it would be a very unwise thing on the part of the House to entrust magistrates who themselves were settlers of the districts with these large powers. This phase of the question appeared to have been ignored, or at any rate it had been very lightly touched upon. There were interests involved which placed the question on a different footing from what it would otherwise have been placed, if these interests did not exist. In England, where summary powers were exercised by justices, cases were frequently brought to light showing how dangerous it was to place such powers in the hands of gentlemen who were interested, or who were imbued with a strong feeling on the subject, — he alluded particularly to country justices, who sometimes inflicted punishments which were outrages against common sense and against humanity, for offences which the majority of people would consider very trifling. In the same way, looking at the strong feeling which existed in these "disturbed" districts with reference to offences committed against the settlers by the natives, he should be very unwilling to entrust to the justices of these districts—however highly they might be spoken of, and however highly he might think of them himself—he should be very unwilling to entrust them with large powers of punishment when they had to deal with natives. He thought this was a view of the matter worthy of their most serious consideration. It appeared to him that the question had assumed a new phase since the hon. member for Geraldton had submitted a resolution, which the House had affirmed, and which His Excellency the Governor had expressed his readiness to give effect to—the resolution in favor of establishing a regular mail service through these "disturbed" districts. He could hardly imagine that this country could now be in the disturbed state it was in twelve months ago, otherwise the hon. member would never have brought forward a proposal for establishing a four-in-hand mail service through it, going, he believed, through the very heart of what not so long ago was looked upon as a part of our territory where it was dangerous for a white settler to penetrate. He thought it spoke volumes as to what had been accomplished in the district—he did not know by what means, or through what ends—he was only speaking of facts as they now presented themselves. Under these circumstances, the necessity no longer existed for the exceptional repressive measures which were attempted to be enforced against the natives of these districts. He thought the compromise now offered was as much as the hon. member for the Gascoyne could fairly ask at the hands of the House, and he did hope the House would not be prepared to entrust the settlers of these districts who were on the commission of the peace with the enlarged powers that were sought to be obtained for them. He believed the compromise suggested by a majority of the select committee, and accepted by the Government, would be one which would be in the interests both of the settlers and of the natives. He was sure the House and the country sympathised with these settlers in their losses and their troubles, and were quite willing to do what was just in the matter; and he could not help thinking that in giving the honorary justices power to inflict a sentence of twelve months imprisonment, instead of six as at present, the House would be going as far as it ought to go in this direction. There was one suggestion, embodied both in the recommendations of the "majority" and of the "minority," to which he was entirely opposed, and, although it was the law of the country at the present time, it was a law against which a great deal might be said. Perhaps to a great extent sentiment was mingled with it, but it was a right sentiment and a humane sentiment; and notwithstanding what had

been written and published in a certain newspaper by "An Old Colonist," and notwithstanding what might be said in its favor in that House, he should never alter his mind with reference to this question of flogging. He certainly would never agree to entrust in the hands of the unpaid magistrates of these districts the power to inflict corporal punishment upon the natives,—he was not willing to allow a paid magistrate to do it. He thought it would be wrong of us, now that we had an opportunity of altering the law on this subject, to consent again to have this blot upon our legislation to remain, and to allow the lash to be applied in the case of these native offenders. Twelve months imprisonment was surely sufficient for them, without inflicting upon them this cruelty, and he might say—savage though they were—this indignity. There were only two classes of offenders, the garrotter and the wife-beater, the brutes who assaulted defenceless women, who he thought ought to be subjected to the lash; and if this Bill went into committee he should certainly oppose the retention on our statute book of the summary power of inflicting corporal punishment upon native offenders. In conclusion, he had only to add that it was his intention to vote for the original resolution, with the majority of the select committee, as he thought, under all the circumstances of the case, the proposals they put forward were such as would (with the exception referred to) meet the views of a large section of the population of the colony, and also meet all the ends of justice.

THE COLONIAL SECRETARY (Hon. M. Fraser) said hon. members were aware that under our present constitution certain powers were delegated to the Executive Government—and with those powers certain responsibilities—relating to the rejection or the affirmation of measures or provisions which had met with the approval of that House. Hon. members might ask what that had to do with the question now under consideration? To his mind it had a great deal to do with it. He would ask what was the difference of opinion which existed now between the two sections of the House, who regarded the report under consideration from an opposite point of view? So far as he understood it the difference was this: certain hon. members maintained that the independent and unpaid justices of the peace should have all those powers and privileges which the Executive Government only accorded to the paid servants of the colony. And it was here where the simile he had started with came in. Although it was within the province of any independent and irresponsible member of that House to bring forward any proposal, however monstrous, however immoderate, it would not do for those who sat on the Executive bench,—and who were responsible, if not directly to the country, to another power—to adopt such a proposal. And that was just the difference between the paid and the unpaid, the official and the non-official, members of the commission of the peace. A paid magistrate, responsible to the Government for all his actions, would necessarily be more guarded in exercising the powers vested in him, would be more likely to restrain and repress any personal feeling or proclivities, than a magistrate who was not a Government servant in the sense of being a paid servant of the Crown. There was just as much difference between the one and the other as there was between the independent members of that House and the official members; the former were subject to no restraints, being free to indulge their proclivities to the top of their bent, whereas the latter to a certain extent were restrained from doing so, by a sense of their position and of their official responsibilities, and a knowledge, as in the case of the paid magistrate, that for any eccentricity of conduct, or any flagrant act of impropriety, they would be called to account, and brought to task. Therefore he maintained, without wishing to disparage or to say anything derogatory of the honorary justices, that the Government were justified in asserting the principle that a paid magistrate ought to have certain rights and powers beyond those of the unpaid magistrate. He thought even the hon. member for Gascoyne would go with him to this extent—that however independent the honorary justices may be in their opinions, and however conscientious may be their convictions, their decisions were not always in accordance with statute law. Unless this Bill

were modified so as to accord in some respect with the recommendations of the majority of the committee, the Bill would not in the opinion of the Government be one which would be beneficial for the colony, or one which ought to become law.

Mr. STEERE said he agreed with what had fallen from the Surveyor General that, to say the least of it, it was unusual for the minority on a select committee to express the opinions held by individual members of the committee, as had been done in this report. But although, as was stated in the report, Mr. Burt and himself had, during the discussions in select committee, expressed their preference for certain proposals, they thought at the same time it would be for the public benefit if they were so far to give way as to accept the compromise offered by the Government; for he apprehended the result would otherwise be that we should have no Bill at all passed at this session dealing with this question. [Mr. Brown: Oh, yes, we should.] Of course a Bill of some kind might be passed by a majority in the House, but he did not suppose—nor did he suppose the hon. member himself thought so—that the Bill would receive the assent of His Excellency the Governor. [Mr. Brown: I do.] Then he disagreed with the hon. member, he did not think it would receive the Governor's assent; and we should then be in the unfortunate position of having the law on the subject remaining in its present unsatisfactory and uncertain state. That was the reason which had actuated him, and which he believed had actuated the hon. member Mr. Burt, in coming to the terms which they did with the Government,—terms which he thought would be accepted by the House, in that spirit of compromise which ought to govern all political assemblies, and which must be recognised if they were desirous of promoting the general interests and welfare of the country at large.

The amendment submitted by the hon. member for the Gascoyne was then put and negatived, upon a division, the numbers being—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 10 |
| Noes | ... | ... | 13 |
| Majority against | ... | | 3 |

| Ayes: | Noes. |
|---|---|
| Sir T. C. Campbell | Hon. M. Fraser |
| Mr. Carey | Hon. J. H. Thomas |
| Mr. Crowther | Hon. J. Forrest |
| Mr. Grant | Mr. Burges |
| Mr. Higham | Mr. Burt |
| Mr. Marmion | Mr. Glyde |
| Mr. McRae | Mr. Hamersley |
| Mr. Venn | Mr. S. S. Parker |
| Mr. Wittenoom | Mr. S. H. Parker |
| Mr. Brown (*Teller*) | Mr. Randell |
| | Mr. Shenton |
| | Mr. Steere |
| | Hon. A. P. Hensman (*Teller*) |

The original motion was then put and passed.

Mr. STEERE moved that the House should then go into committee for the further consideration of the Bill. If no opposition was offered, he saw no objection to their going into committee at once: it would only entail a few verbal amendments so as to bring the Bill into harmony with the views of the majority.

Mr. SPEAKER said it was not exactly regular to go into committee on a Bill without notice, but, if there was no objection, and all the members being present, it might be done. Was it the wish of the House to go into committee upon the Bill now?

No opposition being raised, the Bill was committed.

IN COMMITTEE.

Clause 5: Offences not summarily triable:

The ATTORNEY GENERAL (Hon. A. P. Hensman): When in committee on this Bill the other day we struck out clause 4, and I propose, when we get to the end of the Bill, to move a new clause to replace it. With regard to the clause now before the committee I have to move that the words "or justice or justices," in the 10th line, be struck out, and the words "and justices or magistrate or justices or justice" inserted in lieu thereof. The clause, it will be observed, deals with offenders not summarily triable, and, in this respect, it differs somewhat from the amendments proposed by the hon. member for the Gascoyne.

Mr. BROWN: I may state at once that I put forward these amendments to meet the present state of the law, but as the majority of the hon. members of this House have decided against adopting my views I shall not press these amendments, but will do all I can to assist the majority in remodelling the Bill on the

lines which to the majority seem acceptable.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I am very much obliged to the hon. member for his frank avowal.

The amendment was then put and agreed to, and the clause as amended adopted.

Clause 6—A magistrate shall send certain cases for trial:

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I propose to strike this out, and hereafter to introduce a new clause in lieu of it, to meet the requirements of the altered Bill.

Clause struck out.

Clause 7—"It shall be lawful for any "two or more justices of the peace, not "interested in the subject matter of the "complaint, to inquire into and try in a "summary manner any felony or mis-"demeanor (except any of the offences "mentioned in the fifth section of this "Act) with which any aboriginal native "shall be charged before them, and if "the said native shall be proved to "the satisfaction of such justices, or "of the major part of them, to have "committed such offence, or if he shall "voluntarily confess the same, it shall be "lawful for the said justices to sentence "such native to be imprisoned, with or "without hard labor, in any gaol or other "place lawfully appointed for the con-"finement of such offenders, for any "term not exceeding six months. Pro-"vided always, that if such native shall "be charged before such justices with "having committed two or more offences "the sentence or sentences for both or "all of the said offences shall not exceed "in the whole the term of nine months:"

MR. BROWN said this clause virtually provided that a native, no matter how many offences he had committed, shall not receive more punishment than the native who had only committed one offence of the same nature. For his own part he was in favor of the existing law, which allowed the infliction of cumulative sentences. He had no objection to offences which were committed at one and at the same time being regarded as one offence, but he could conceive cases where it would be very desirable to give cumulative sentences. He should not object to a limit being placed upon the total amount of punishment to be awarded in the shape of cumulative sentences,—say eighteen months; but he certainly could not assent to the principle that a native who had been setting the law at defiance for a long time and who committed depredation after depredation, should, when at last captured, only receive the same punishment as the native who only committed one offence, and who perhaps had been caught *in flagrante delicto*.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) understood the hon. member to have said that he was prepared to submit to the views of the majority, and this was only carrying out the recommendations of the select committee. It did not follow that the punishment for a single offence would be the maximum punishment which the law allowed a magistrate to inflict. He proposed to alter the maximum from nine months to one year, in accordance with the recommendation of the majority, and to move several other verbal amendments to carry out the views of the select committee. [The hon. and learned gentleman then moved a number of amendments in the clause, all of which were agreed to *sub silentio*. *Vide* "Votes and Proceedings," p. 140].

Clause 8—One justice may under certain circumstances summarily try certain offences:

Agreed to, without comment.

Clause 9—Justices to send certain cases for trial:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said, as he had a great many verbal amendments to make in this clause, he would move that it be struck out altogether, with the view of introducing another one in lieu of it.

This was agreed to, and the clause struck out.

Clause 10—Record and report of conviction to be sent to Colonial Secretary's Office:

Agreed to, with a verbal amendment.

Clause 11—Incorporation of certain Acts:

Agreed to, without discussion.

Clause 12—Burden of proof:

Agreed to, without discussion.

Clause 13—A magistrate may be ordered by the Governor to act in any district:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that the following words be added to the clause: "Save as aforesaid, a magistrate shall continue to act only within the district to which he shall have been appointed."

Agreed to, without comment, and the clause as amended put and passed.

Clause 14—Date on which the Act shall come into force:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said it would be necessary to fill in the blanks in this clause, fixing the date on which the Act shall come into operation. He thought it was desirable that sufficient time should be given to enable magistrates to make themselves acquainted with its provisions, while, on the other hand, it was desirable they should put the Act in force at as early a date as convenient.

MR. BROWN suggested it should come into operation at the beginning of next year.

This was agreed to, the blank being filled up by the insertion of the words "1st of January, 1884."

New clause:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the insertion of the following new clause in lieu of clause 4, struck out:

"It shall be lawful for a magistrate, "together with one or more justices of "the peace not interested in the subject "matter of the complaint, to inquire into "and try in a summary manner any "felony or misdemeanor committed with- "in the district of the said magistrate "(except any of those offences mentioned "in the fifth section of this Act) with "which any aboriginal native shall be "charged before them; and if the said "native shall be proved to the satisfac- "tion of the said Court to have committed "the offence charged, or shall voluntarily "confess the same, it shall be lawful for "the said Court to sentence such native "to be imprisoned, with or without hard "labor, in any gaol or other place law- "fully appointed for the confinement of "such offenders, for any term not exceed- "ing two years. Provided always, that "if any aboriginal native shall be charged "before such Court as aforesaid with "having committed two or more offences, "the sentence or sentences for both or "all of such offences shall not exceed in "the whole the term of two years. Pro- "vided further, that it shall not be law- "ful for a magistrate alone to exercise "the powers given by this section."

MR. BROWN thought it would be desirable they should have this clause before them in print, prior to passing it. It seemed to him to run somewhat in the same form as the section in the 12th Vict., No. 18, which gave power to two justices, one of whom shall be a magistrate, to deal with native offenders. The hon. and learned Attorney General had told them that the section in question was so plain that a child could understand it, and that it was quite clear a Resident Magistrate sitting alone could exercise the jurisdiction of that tribunal. It appeared to him (Mr. Brown) that this clause was similarly worded. He did not think it was the intention of any hon. member that a paid magistrate sitting alone should have the power to give these sentences. It would be easy enough to add a few words to the clause, making it perfectly clear,—unless the Attorney General could show that he was wrong in what he said.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I think the hon. member is in error. The original Act provided that it should be lawful for two or more justices, one of whom shall be a magistrate, to do certain things. The amended Act empowers one magistrate to do that which two justices were previously empowered to do. But the words here are very simple—"it shall be lawful for a magistrate together with one or more justices" to do these things. It does not give this power to a magistrate sitting alone, nor to one or more justices, but to a magistrate sitting together with one or more justices. It is a special tribunal.

MR. BROWN: So it was under the other Act, but the Attorney General told us that a magistrate could alone exercise the power of justices.

MR. S. H. PARKER thought it was most objectionable to proceed with an important Bill like this, without seeing the amended clause in print. He thought the proper course would be to have the Bill re-printed, with the proposed amendments incorporated with it,—unless the Attorney General was prepared to accept the sole responsibility of the thing being

in order. He was not prepared himself to take any responsibility in the matter.

THE CHAIRMAN OF COMMITTEES suggested that the new clause be formally passed, in order to admit of the introduction of the other new clause which it was proposed by the Government to insert, so that the two new clauses might be printed with the amended Bill prior to its recommittal.

This was agreed to.

New clause put and passed.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) then moved that the following new clause be added to the Bill:

"It shall be lawful for any magistrate, "and justice or magistrate alone, or "justices or justice as aforesaid, receiv- "ing any complaint or charge against "an aboriginal native of any offence "hereby made summarily triable by him "or them, or inquiring into the matter "of such complaint or charge, if the cir- "cumstances of the case shall seem to "them or him to require a more formal "hearing, or a more exemplary punish- "ment than can be given under this Act, "to decline to exercise the summary "jurisdiction aforesaid, and instead "thereof to take the evidence of the "witnesses and to send such case for "trial, according to its nature or magni- "tude, either before the Supreme Court "or the Court of General Quarter Sessions "of the district in which the offence "charged was committed; or, if the "offence is not charged to have been com- "mitted within a General Quarter Ses- "sions district, then before the Court "of General Quarter Sessions which "shall be nearest to the place where the "said offence is charged to have been "committed, and to take proper recogni- "zances for the appearance of all parties "and witnesses at the trial, and to "return the same to the Supreme Court "or Court of Quarter Sessions respec- "tively."

The clause was formally agreed to.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the present law of the land admitted of natives being punished by flogging, and as he thought it was desirable to alter the law in this respect, or rather to modify it, he proposed to add the following new clause to the present Bill: "It shall be lawful "for a magistrate sitting together with "one or more justices of the peace not "interested as aforesaid, or for a magis- "trate alone, before whom any male "offender shall be convicted under this "Act, to order and award, in lieu of "any such imprisonment as aforesaid, "that such offender be punished by "whipping not exceeding two dozen "lashes or strokes. Provided always, "that in every sentence of whipping the "instrument to be used and the number "of lashes or strokes to be given shall "be specified, and that such punishment "shall be inflicted in private in the pres- "ence of the said magistrate, and in "accordance with the prison regulations "for the time being in force." It would be observed that the whipping was to be in lieu of imprisonment, and he hoped it would not be too severe. He did not suppose it would, as the flogging would be in accordance with the prison regulations. His idea was this: these natives were to a great extent like children, and, for minor offences, it would be much kinder, and at the same time more efficacious, to chastise them than to send them to prison. He was as much opposed as anyone to flogging; he had seen it done, and he never wished to see it again; he thought it was simply a piece of brutality, as it was carried out in prison. But he did not intend that these natives should be flogged with a cat-o'-nine-tails, but simply whipped like one would whip a bad child. He was sure, from his knowledge of the natives, that a mild whipping would prove a far more efficacious punishment than imprisonment, in a great many cases.

MR. GRANT said he was in accord with the Surveyor General in this instance. He knew from experience that corporal punishment would be more efficacious, especially in the case of juvenile natives, than imprisonment. Very often the offences committed were such as were not worth while punishing by imprisonment, and a little wholesome chastisement with a whip would be far better for the native and for the country. He was only sorry it was not proposed to give this power to the justices, in outlying districts. What was to be done with youthful offenders, perhaps ten or fifteen years old, who stole a little rations? One did not like to send him perhaps hundreds of miles away to be

tried by a paid magistrate. Why not let any justice of the peace order him a good whipping?

Mr. RANDELL said he must oppose the introduction of this clause altogether. If they were correctly informed, whipping natives occasionally took place now, and he should be sorry to see it legalised. The application of personal chastisement was opposed to the ruling principle of the English law, in dealing with inferior races.

Mr. BROWN said he had the same objection to the clause, as now worded, as the hon. member for the North had. If whipping was to prove of any service at all it would be when applied to the punishment of minor offences, and the clause hampered it with so many conditions that in the majority of instances it could not be carried out, if they limited the power of ordering this sort of punishment to paid magistrates. At present the justices were entrusted with this power.

Mr. MARMION would be sorry to give his support to such a clause as this. It was said that the law now admitted of flogging being administered to these natives; if so, the law was a dead letter, and the sooner it was abolished the better. The mere fact of its being within the power of our honorary justices to inflict such a punishment, and their refraining from exercising that power, went far to prove that they were not guilty of the excesses which people were ready to lay at their door.

Mr. WITTENOOM did not think many of our justices were aware that they had this power, otherwise it would have been resorted to very often. He believed that whipping would do these natives a great deal of good, as it would prevent many a bad boy from growing up to be a bad man.

The clause was then put and negatived.

Clause 3 (which had been postponed): Agreed to, without discussion.

Schedule, preamble, and title—agreed to.

Bill reported.

## KINGSTON SPIT BUOY: REPORT OF SELECT COMMITTEE.

Mr. STEERE, in calling the attention of the House to the report of the select committee appointed to consider the report of the Commission (appointed March 21st, 1883) to inquire into the circumstances connected with the loss or removal of the Kingston Spit Buoy, off Rottnest island, said the Commission referred to, as hon. members were aware, had occasion in the course of their inquiry to deal with the Harbor Master's department, and it was chiefly in relation to that department that the select committee of the House had been appointed. Hon. members had probably read the report of the select committee, and he had no doubt would agree in the main with the conclusions they had arrived at, and that the Harbor Master's department required reorganising. The commission which had been appointed to inquire into the working of the Customs department at Fremantle had arrived at the same conclusion as the select committee as to one thing, namely, the desirability of appointing a nautical man to carry out the provisions of the Passenger Act. That Commission in their report said: "Looking at the fact that human "life and property are at stake, the "Committee consider that the duty of "enforcing the provisions of the Passen-"ger Acts could be more efficiently per-"formed by a nautical man, but they are "not prepared to make any recommenda-"tion on that behalf,"—he did not know exactly why, unless it was for the reason that they did not wish to do so before the Harbor Master's department was reorganised. He thought himself it was most desirable that these duties should be performed by a nautical man; at present they were partly performed by the Collector of Customs and partly by the Inspector of Police. The jetties at Fremantle also ought to be under the charge of the Harbor Master—perhaps not the jetties at the outports. It certainly was a most remarkable arrangement under which the jetties at Fremantle were at present, being under the control of the police. When a vessel wanted to shift her berth it could only be done with the permission of the police; and in any reorganisation of the Harbor Master's department it was very desirable indeed that the care of the jetties at Fremantle should be under the sole supervision of the Harbor Master. It also seemed advisable to the committee that the Harbor

Master—who was also the president of the Board of Examiners—should possess such a certificate of competency as would enable him to grant certificates to masters of vessels proceeding beyond the boundaries of this colony, so as to meet the requirements of the Board of Trade. The present Harbor Master, he believed, held no such certificate. As to the necessity of reorganising the department, the Commission appointed to inquire into the loss of the Kingston Spit Buoy had arrived at the same conclusions as the select committee on that point; and the Colonial Secretary made a very strong minute on the subject, which was attached to the report of the Commission. The Colonial Secretary said: "The report, with the evidence gathered by the "Committee of Inquiry, discloses a "lamentable want of order and discipline "in the management of the Harbor and "Light department, and points conclusively to the desirability—I may "add, in my opinion, to the necessity—"for its reorganisation on a superior "basis." After that very strong expression of opinion on the part of the leader of the Government in the House, the select committee thought there was no necessity for them to say more than to recommend that a reorganisation should take place. It would be observed that the committee came to the conclusion that there would be no necessity to increase the staff of the department, as it was considered the present staff was quite sufficient to carry on the work. He begged to move the following resolution: "That the Council "approves of the recommendations contained in the report of the select committee appointed to consider the report "of the Commission appointed to inquire "into and report upon the loss or removal "of the Kingston Spit Buoy, off Rottnest; and is of opinion that the Government should take such steps as it "may deem necessary to give effect to "such recommendations."

MR. SHENTON said that, speaking on behalf of the shipping interests, he did hope the Government would take some steps to reorganise this most important department of the public service. The shipping business at Fremantle had been increasing very rapidly of late years, and before long a number of large vessels, especially steamers, would be calling there, and it was absolutely necessary the department should be placed on a superior footing than it was at present. In all other parts of the world the chief of this department was a gentleman of superior attainments, one to whom the masters of vessels when in any difficulty looked as their friend and adviser. He also thought it was very desirable that the head of the department should be a magistrate, which would save a great deal of annoyance and expense to shipmasters, as a great many disputes between them and their men might be settled on board ship, without the necessity of bringing the men ashore. He did not think himself there was any necessity whatever to increase the staff, and as the department was more than self-supporting—pilotage, light, and tonnage dues for the current year being estimated at £4,500, while the departmental expenditure was only estimated at £3,820—there would be no necessity to increase the vote, in view of the proposed reorganisation. He quite agreed with the hon. member for the Swan as to the desirability of placing the jetties under the control of this department, and also, if possible, that the Harbor Master should be the officer to carry out the provisions of the Passenger Act, which at present was almost a dead letter, being managed by civilians who had little or no nautical skill or knowledge. He hoped the Government would see their way clear to carry out the recommendations of the committee.

MR. RANDELL said the House would see that the question under consideration was to a large extent a question of departmental detail, and the select committee he thought very properly left it to the Executive to reorganise the department, the committee being content with making certain recommendations. That there was need of reorganisation there was no doubt, and, with regard to the appointment of a Harbor Master, if he might be permitted to throw out a suggestion—should it be considered necessary to appoint a new officer—he hoped he would be a man who would be able to enter into the feelings, and wishes, and needs of the mercantile community and the shipping interests generally. He thought it desirable the selections should be made out of the mercantile marine,—

an intelligent captain holding a competent certificate. He thought it would be highly inadvisable to have a gentleman appointed from the Navy, whose training and habits of thought would very probably cause considerable friction between him and those whom he came in contact with, in the discharge of his duties. We wanted a man who would work harmoniously with ship masters who visited the port, and also with the mercantile community generally.

Mr. MARMION said, although he was a member of the select committee who had made these recommendations, he thought there was one matter which it would be somewhat difficult to carry out, with a due regard to fair play, which he was sure the Government would wish to see done to all parties. The committee, it would be observed, recommended that there should be no increase made to the present staff, and at the same time they recommended that a Harbor Master should be appointed possessing somewhat different qualifications from the officer at present holding that appointment. He need hardly point out that the appointment of anyone else to fill the position now held by this officer must have the result at all events of lowering him in his present position, and must indeed necessitate his dismissal or else a decrease in his salary. It might be said if a man was unfitted to hold an office in the public service he might fairly be discharged or at any rate reduced: as a general rule no doubt that might be taken for granted. But the facts surrounding this officer's case were different. He had filled the office for many years, and it was only lately it had been brought to the knowledge of the House and of the Government that a person more fitted for the position might be appointed. The knowledge that he did not hold the certificates which it was now considered desirable a Harbor Master should hold, was known to the Government when he was appointed to the office he now held, and, unless there was some good cause beyond this for appointing another officer in his place, he thought the present holder of the office was entitled to the consideration of the Government, and that he should not suffer to a great degree at their hands when the proposed reorganisation took place.

The resolution was then put and agreed to, *nem. con.*

## ORPHANAGES: CAPITATION GRANT.

Mr. CAREY, in accordance with notice, moved, "That an humble address be "presented to His Excellency the Gov- "ernor, praying that he will be pleased "to have inquiry made before the next "Session of this Council as to the "desirability or otherwise of increasing "the amount paid per head as a grant to "the Orphanages, and, if desirable, to "have a sum of money placed on the "Supplementary Estimates for 1884 to "effect this object." The hon. member said the subject had already been before the House, upon a motion made by the hon. member for Toodyay, but it was then stated that the managers of the Orphanages had not themselves applied for any increase, and he had brought the present motion forward in order that the Government might make some inquiry during the recess as to whether it would not be desirable to increase the present capitation grant. He would ask the House to take a common sense view of the question: was it reasonable to suppose these children could be supported for 8d. a day? The Orphanages at present relied mainly for their support on public benevolence, and this was a source of revenue which very much fluctuated.

Mr. SPEAKER: Has not this question been dealt with before, this session?

Mr. CAREY: Not in this form. I do not ask for anything this year. The previous motion was a direct request for 2d. a head extra; this is merely to ask the Government to institute an inquiry into the matter.

Mr. SPEAKER: Somebody had better move that the hon. member be heard. This appears to me substantially the same as the previous motion.

Mr. MARMION moved that the hon. member for the Vasse be heard.

Motion put and passed.

Mr. CAREY said it would be observed that he did not name any particular sum, but left all in the hands of the Government, to decide what should be done, after due inquiry. Everybody must admit that these Orphanages had a strong claim for State assistance, their object

being to bring up these poor waifs and strays of humanity to be good and useful citizens. In order to remove any difficulty on the score of the present motion being substantially the same as that which had been submitted by the hon. member for Toodyay, he would strike out the following words at the end of it: "and, if desirable, to have a "sum of money placed on the Supple- "mentary Estimates for 1884, to effect "this object." The motion would thus resolve itself into a request for the Government to make inquiry as to whether or not the capitation grant for the Orphanages ought to be increased.

MR. CROWTHER opposed the motion. He thought the House and the country ought to have sufficient confidence in the administration of these Orphanages, otherwise they ought to come forward with a motion couched in much plainer terms than this. A very similar motion, having the same object in view, had already been negatived. However dissatisfied some people might be with the management of these institutions, the fact remained that the House, year after year, voted the grants in aid of them without hesitation or misgiving.

MR. STEERE was very much in accord with the hon. member for Greenough. The motion asked the Government to see whether it was not necessary these Orphanages ought to receive more State aid than they did at present. He did not know what more was wanted on this point than what was stated in the House the other evening, when they were told by an hon. member who was one of the directors of the Protestant Orphanage—and Protestants constituted two-thirds of the community—that so far as that institution was concerned they did not require any more State aid. It appeared to him that this was only another way of bringing forward a question which had already been dealt with by the House this session, and negatived, and he could not help thinking that it was a very objectionable way of bringing forward the same question a second time.

MR. MARMION said he should not have spoken on the subject but for a remark which had fallen from the hon. member for the Swan—that two-thirds of the community being Protestants, and one of the directors of the Protestant Orphanages having stated that those institutions required no more State aid than they were now receiving, there could be no stronger proof that this motion was uncalled for. As he (Mr. Marmion) happened to be the only representative in the House of the remaining one-third, he might say that, so far as he was concerned, he had not been even aware that the motion of the hon. member for Toodyay was on the notice paper, and he knew nothing whatever about it until the subject was mentioned in the House. He had never been asked by anyone outside to support this motion, and therefore whatever he might say or think would be simply expressive of his own personal views on the matter. It might happen—he did not say that it did so happen—that two-thirds of the community did not feel the shoe pinch as regards the support of their Orphanages, and it might be that the remaining third did feel it. The other day, His Honor the Speaker, as the representative of the wealthier portion of the community who might be in a position to largely assist the Orphanages of their own denomination, went so far as to say that they needed no further support out of public funds. That might be so, as regards the wealthier two-thirds. But it might happen—he was not in a position to say that it did happen—that the other one-third, who did not possess as much wealth as their better-to-do neighbors, might stand in need of additional State aid towards the support of their Orphanages. If such was the case, was it because they happened to be a less influential minority, or because they did not happen to belong to the more influential majority, that their interests should be forgotten, and that the members of that House should deny to them the privileges which the more favored two-thirds of the community already possessed? No possible harm could come out of the motion, and as it was possible that much good might come out of it, it would have his support.

MR. GRANT said he was quite in accord with the mover of this resolution that an inquiry ought to be instituted as to the necessity of increasing these grants. There was another reason why he thought the matter should be looked into, which was this: people were con-

tinually being pestered by children and others making collections for bazaars and fancy fairs in aid of these institutions, which appeared to him to show that they lacked sufficient funds for carrying them on. If so, why not let the State take its full share of the responsibility of maintaining these orphans. He thought we were doing wrong in encouraging these children to solicit collections in this way.

Mr. RANDELL felt sorry to be compelled to oppose the motion. He thought it was very objectionable that a resolution which had already been negatived should be again brought forward during the same session. An additional argument against the motion had been given by the hon. member for Fremantle, who stated that no representation had ever been made to him by the managers of the Roman Catholic Orphanages as to there being any necessity for increasing the grant. It was never intended that these institutions should be entirely supported out of public charity. It was against his principles altogether to ask the State to step in and stop the flow of private benevolence. The public had generally supported these Orphanages in the past, irrespective of creed, and there was nothing to show that this support was likely to be withheld in the future, unless indeed the increase of State aid resulted in a corresponding diminution of private charity.

The COLONIAL SECRETARY (Hon. M. Fraser) said it was well known that under our free constitution access to the Executive Government and to His Excellency himself was allowed to all parties, irrespective of sect or creed, and, as this motion was apparently put forward in the interests of the minority, it was quite competent for the minority to ask the Government to institute this inquiry. All sections of the community had a perfect right to have their grievances brought under the attention of the Executive Government.

Mr. SPEAKER: I must say again that I do not think this resolution is in order, and no hon. member is better aware of it than the hon. member who brought it forward. As no one, however, has raised any opposition to the question being put, I am loath to interfere in the matter myself, and the question will therefore be put to the House.

The motion was then put and affirmed.

## MEANS OF EGRESS FROM PUBLIC BUILDINGS.

Mr. MARMION, in accordance with notice, moved, "That in the opinion of "this Council it is highly desirable that "the Government should during the "recess consider the provisions of a "measure dealing with the public build-"ings of the colony, and with all edifices "used for public meetings and gather-"ings of people for purposes of public "worship, improvement, amusement, or "recreation, and to provide that all such "buildings and edifices shall be so con-"structed or arranged as to permit the "fullest possible freedom of access to "and egress from such places, with a "view to prevent such dreadful casual-"ties as have occurred in other parts of "the world; and that such provisions "should be included in a Bill to be "brought in by the Government at the "next session of Council." The hon. member said it was unnecessary for him to dilate upon the importance of this subject. The resolution spoke for itself. Dreadful casualties had occurred in other parts of the world, owing to there being no adequate means of egress from public buildings, and the subject was one which he thought was well worthy of the attention of our own Government.

The COLONIAL SECRETARY (Hon. M. Fraser) drew attention to the fact that His Excellency the Governor, in the speech with which he opened the session, had referred to the necessity which existed for a Building Act for the towns of the colony, but, as it would be requisite in the first instance to refer the draft of the Bill to the various municipal bodies for their observations, His Excellency thought it might not be feasible to pass the measure this session. It might be desirable that the attention of the Government should also be drawn to the subject referred to in this resolution, and, for his own part, he saw no objection to the resolution.

The motion was then put and carried.

## PRIVATE BONDED WAREHOUSES BILL.

The ATTORNEY GENERAL (Hon. A. P. Hensman) moved the first reading

of a Bill to authorise the establishment of private warehouses for goods subject to Customs duties.

Motion agreed to.

Bill read a first time.

## POLICE STATION AT BEERINGARRA, ON THE UPPER MURCHISON.

MR. WITTENOOM, in accordance with notice, moved, "That an humble "address be presented to His Excellency "the Governor, praying that he would be "pleased to place the sum of £500 on "the Estimates for 1884, for erecting a "police station at Beeringarra on the "Upper Murchison, as recommended by "the Superintendent of Police." The hon. member said that on looking over the Estimates he found no provision whatever made for this work, which appeared to him a very necessary one. In this view he was supported by the Superintendent of Police, who in his report said: "I would now recommend that a police station, similar to the one at Mount Wittenoom, should be erected at the junction of the Gascoyne and Lyons rivers, and at Beeringarra, and that a Police force, consisting of two constables, two native assistants, and six horses, should be located at each. This arrangement would entail the appointment of two additional constables, and the purchase of a few horses." It was very certain that if the proposal of the Superintendent of Police were carried out, it would require an additional sum being placed on the Estimates. No doubt, in the long run, it would be a great saving to the country, as the police at present had to travel an enormous distance to deposit their native prisoners, before they were free to look for other depredators.

THE COLONIAL SECRETARY (Hon. M. Fraser) would remind the House that they had not yet got to the end of the Estimates, and it was doubtful whether there would be any margin left for this service. At any rate, he thought it would be prudent to defer the question until it was decided whether a staff of police would be stationed at this place.

MR. CROWTHER thought all that would be necessary at present was one room.

MR. BROWN would be glad if the Government could see its way clear to comply with this request. If there were no funds available, it could not be helped, but there could be no doubt it was a very desirable work.

The motion was then put and passed.

MR. WITTENOOM then moved, That an humble address be presented to His Excellency the Governor, praying that he would be pleased to place the sum of £50 on the Estimates for a mail, to run once a month from Northampton to Coalally, thence to the mouth of the Murchison river, returning by Lynton, and calling at the intermediate stations.

Upon the question being put, the committee divided, with the following result:—

| | | |
|---|---|---|
| Ayes | ... ... | 4 |
| Noes | ... ... | 12 |
| Majority against | ... | 8 |

| Ayes. | Noes. |
|---|---|
| Mr. Brown | Hon. M. Fraser |
| Mr. Burges | Hon. A. P. Hensman |
| Mr. Carey | Hon. J. H. Thomas |
| Mr. Wittenoom (*Teller.*) | Hon. J. Forrest |
| | Mr. Glyde |
| | Mr. Grant |
| | Mr. Marmion |
| | Mr. McRae |
| | Mr. Randell |
| | Mr. Shenton |
| | Mr. Venn |
| | Mr. Steere (*Teller.*) |

The motion was therefore negatived.

## STEAM SERVICE BETWEEN FREMANTLE AND SINGAPORE, AND FROM LONDON.

MR. CROWTHER read a letter received from Messrs. W. D. Moore & Co., with reference to the proposed establishment of a steam service between Fremantle and Singapore, by Messrs. Bethell & Co., and Messrs. Trinder, Anderson & Co., London, who, he said, had combined their forces, and, acting in conjunction with the principal merchants here and a Singapore firm, had submitted a proposal for a direct service between this colony and the Straits Settlements, and a direct service from London hence. The promoters believed that if they received a fair subsidy from this Government for a limited period, the line might be established and carried out. He need hardly point out what an advantage such a line would be to our Northern settlements, as the steamers would call at our Northern ports on their way to and from Singapore. It was proposed to make six trips a year to and from Singapore, for

which a subsidy not exceeding £1,000 a year was asked, and to make four trips a year to and from London, for which a subsidy of £150 per trip was asked, and a remission of all port charges. The proposals, as he had already said, had the support of the principal mercantile firms in the colony, and the service would no doubt be satisfactorily conducted, to the great benefit and convenience of the public. He did not think he need dilate on that point, as the scheme must commend itself to the House. A few days ago another offer for a service from London was placed before the House by a South Australian firm, but by the mail which arrived from England yesterday intelligence was received that this scheme had fallen through, so that the offer now before the House would not clash with any other offer, and it resolved itself into a question of Hobson's choice. Among the other advantages which the scheme would offer to our Northern settlers, by establishing direct communication with Singapore, was the fact that it would bring them within one month or six weeks quicker communication with England than at present, in addition to the fact that the Straits Settlements afforded a grand outlet for our stock and produce. Another great advantage which would accrue was that this service would enable people from India and the East to visit our colony at a comparatively small cost, and give them an opportunity of seeing our Northern country on their way down. We were now subsidising a coastal service which only extended to the North-West during nine months of the year, and, if this new service were established, this subsidy might be saved, as there would be no necessity to subsidise two sets of steamers. As to the London service, if it did not result in a large passenger traffic, the mere fact of its being known to the world that Western Australia was a regular calling place for a line of English steamers would do the colony good, and the advertisement itself would be worth the subsidy. He now begged to move: "That in the "opinion of this Council, it is desirable "that the Government should offer a "subsidy, not exceeding one thousand "pounds (£1000) per annum, for three "years, with remission of harbor dues, "to any firm that will undertake to run "a line of steamers from Fremantle to "Singapore (those ports being the ter-"mini), and calling at Champion Bay, "Cossack, and, when inducement offers, "at any port or ports in the Kimberley "District, and *vice versa*, not less than "six trips to be made each way in every "year. Also a subsidy of £150 per trip "each way for steamers sailing direct "from London and calling at Fremantle "*en route* to and from the Eastern Col-"onies, such subsidy to be for a term of "two years, and for not less than four "trips per annum each way. And that "an humble address be presented to His "Excellency the Governor, praying that "he will be pleased to place the necessary "sum on the Estimates to carry out the "wishes of this House."

Mr. SHENTON said that for the last five years we had been vainly endeavoring to obtain an offer of the kind now before the House. Years ago, when Mr. Padbury represented the Swan, he used to make it his annual motion, this question of establishing steam communication with the Straits Settlements, but always without avail. They also knew that endeavors had been made to induce the P. and O. Co.'s steamers to call at Fremantle on their way to and from the Eastern colonies, but without avail. The inducements offered the last time to the P. and O. Co. were a remission of dues and an agreement on the part of the colony to provide a steam tender, free of cost to the company. That offer proved of no avail. For the last two years several persons interested in shipping matters in the colony had been corresponding mail after mail with some of the leading brokers in England with a view to induce them to get steamers to call at Fremantle, but up to the present they had not succeeded in doing so; and the only way in which we were likely to get this done was by a combination of brokers in England and a combination of merchants in the colony, so as to secure for the service the carrying trade of the colony. The subsidy asked for was very small, while, on the other hand, the convenience and advantages to the colony from these combined services would be very great indeed. People wishing to come here from England could do so direct, and be landed at Fremantle, with-

out any of the discomforts and extra expense connected with the P. and O. service, which entailed a delay of several days at Albany,—a delay which prevented many people from coming on to Fremantle, and so gave the colony the go-by. It would also cause a considerable reduction in the freight of goods, as compared with the P. and O. Co.'s charges, and the public must benefit from this reduction. As to the Singapore trade, he considered this service one of the most important questions which had been before the House this session. What we wanted above all things was to be placed in direct communication with the great highway of the world, and this was what this service would do for us. Steamers called at Singapore, almost daily, from all parts of the world, and communication once established with Singapore would place us in communication with every part of the globe. No doubt such a service would lead to the influx of large numbers of invalids and other visitors from India. Another important advantage would be the means it would afford our Northern settlers to send their stock away to Java, Singapore, and other places, where there was a large market for live stock, if quick transit were available. We were now paying a good round sum for a service to the North West, for a line of steamers which for three months of the year did not run at all, and the settlers were consequently debarred from visiting our part of the colony at the most desirable season of the year. The steamers of the proposed new service would run all the year round, and he had no doubt that at the end of two years we should be able to dispense with a subsidy altogether; at any rate there would be no necessity to subsidise two lines. He regarded the proposal as one of the most important measures which had been put forward for some time for advancing the interests of the colony.

Mr. MARMION thought it would be as well for the colony to give the proposal a trial,—though he confessed he did not view it in the same sanguine light as the hon. member for Toodyay. As to the London service, he did not anticipate it would bring us many passengers, in view of the superior accommodation provided by the mail steamers, and he thought there would not be quite so much trade with Singapore as some hon. members seemed to anticipate. This, however, was only his own personal opinion, and, in deference to the views of those who expected such great things from the service, it was perhaps only fair that the Government should offer this small subsidy for two or three years. He only hoped it would have the good result that was expected by the advocates of the service. He certainly hoped these companies were not under the impression that these subsidies were going to last for ever. He thought it was quite possible that, if the colony waited a little longer, it might get for nothing that which it was now asked to provide a subsidy for; at the same time, the experiment was worth trying.

Mr. GRANT did not think anything could be more advantageous to the North than this service. They had a considerable trade now, by means of sailing vessels, with Singapore and the East, and the trade was growing annually. If this steam service were established it would grow tenfold, and become of considerable magnitude. He thought, considering the way Messrs Lilly & Co. were doing their work, this would be a very good thing for the colony generally.

The COLONIAL SECRETARY (Hon. M. Fraser) said if he thought the offering of this small subsidy would affect the question one way or the other, he should feel inclined to support it; but it appeared to him, when a firm asked for such a paltry subsidy as £150 for a trip from London, that firm had made up its mind to run these steamers, whether or not. It was either a mere flare, or a foregone conclusion, and he believed himself the latter was the case, and that we should have these steamers, subsidy or no subsidy. No one knew better than himself the good that steam communication would do to the colony, but he thought we had lived out the day when it was necessary we should offer subsidies, and he hoped when the present contract with our coastal steamers was done away with, we should be able to get the service carried out on very much easier terms. Hon. members must also bear in mind that we had almost come to the end of our tether with the Estimates, and, at the last moment, when the clock was on the stroke of 12, in more than one sense,

the House was asked to incur further expenditure.

Mr. SHENTON was surprised at the remarks which had just fallen from the hon. gentleman who was supposed to represent the views of the Government in that House. The hon. gentleman condemned the scheme because of the paltry subsidy asked for. He was in a position to state that the promoters had originally asked three times as much as the sum mentioned in the resolution, but after a good deal of consultation and of telegraphic communication they had been induced to reduce the amount. The subsidy now asked for was even far less than Messrs. W. D. Moore & Co. were authorised by the brokers to ask for, but, knowing that an objection would be raised to any larger amount, those who wished to see the service undertaken had decided to limit the subsidy to the sum specified in the resolution. If the hon. gentleman considered this a paltry affair, how was it that the Government for a paltry service of three trips a year to Kimberley, and, without consulting that House at all, had agreed to pay £750 a year, for a service that was not carried out to the satisfaction of the public or anybody else. The promoters of this important service, connecting us with our Northern settlements and Singapore, only asked for £250 a year more.

The COLONIAL SECRETARY (Hon. M. Fraser) said that at first Messrs. W. D. Moore & Co. refused less than £2000 a year subsidy, but, now finding they could probably get a reduced subsidy, but not what they first asked for, they were content, so that it seemed to him it was just a question of throwing so much money into the sea. We should get the steam service all the same. What was £1000 a year for such firms as these? It was a very different thing with our coastal service.

Mr. CROWTHER hoped, that for the sake of consistency, the hon. gentleman would divide the House. The other day the hon. gentleman was one who voted £2,500 for a mail service from Geraldton to Cossack, and could anybody in his senses compare the importance of that service with this steam service? Could they be spoken of in the same breath—a coach service from Champion Bay to the Murchison, and a steam service from Fremantle to Singapore, and from London to Fremantle? As to the paltriness of the subsidy asked for, the concession was greater than it appeared at first sight, by reason of the remission of dues. We had tried it for a great many years without a subsidy, and failed: supposing we now tried it with a subsidy. If that subsidy was small, so much the better for the colony.

Mr. MARMION said the subsidy asked for was small certainly, but if the promoters were satisfied with it that was no reason why we should cavil at the smallness of the amount. He did not suppose it was the intention of the hon. gentleman opposite to oppose the wishes of the majority of the House in a matter like this, which all admitted would be of benefit to the colony, and was a progressive measure.

The COLONIAL SECRETARY (Hon. M. Fraser) said if he thought the colony would derive any benefit by voting this subsidy, and not otherwise, it would have his support: what he contended was, that we could have the benefit without the subsidy, and that in voting it we were simply voting away public money. The amount was so small it could never influence a powerful combination like this, or induce them to start a service which would cost thousands of pounds a year to maintain.

The resolution was then put and passed.

## DELEGATES TO INTERCOLONIAL CONVENTION (MESSAGE No. 29).

Mr. VENN, with leave, without notice, moved the following resolution: "This "Council, having considered His Excel- "lency's Message No. 29, desires to "express its gratification at the appoint- "ment of Mr. E. A. Stone as a repre- "sentative of Western Australia at the "Convention to assemble at Sydney on "the 25th proximo, to consider the "proposed annexation of certain Islands "of the Pacific, and constitution of Fede- "ral Government; and is of opinion "that, with the view of securing to West- "ern Australia a full share of representa- "tion at such Convention, it would be "well to appoint from the colony three "other gentlemen to act in concert with "Mr. Stone." The hon. member thought

it would be very desirable that the colony should be fully represented at a Conference which proposed dealing with the question of Federation. The other colonies, he believed, intended sending four delegates, and he thought Western Australia should do the same.

MR. BROWN seconded the motion. He said no doubt, so far as the question of annexation was concerned, the question was one that did not directly interest this colony much; at the same time he thought we ought to show our neighbors that our sympathies were with them. But in the larger question of Federation we were largely and directly interested, and he thought we ought to be fully represented at the Convention. No doubt the question of expense was one which ought not to be lost sight of, but possibly there were gentlemen in the colony who would deem it an honor to represent it at this Convention, free of expense to the colony.

MR. STEERE hardly thought it was necessary to send more than one delegate. He did not suppose the general question of Federation would be largely discussed at this conference, which was mainly convened to deal with the question of annexation. Moreover the action of the delegates would not bind their respective Governments, and whatever decisions were arrived at would finally have to be submitted for the ratification of the various colonial Legislatures.

THE COLONIAL SECRETARY (Hon. M. Fraser) said, that in the proceedings of Conferences in which he had taken part as the representative of the colony, his own single vote had had the same weight as the combined votes of the representatives of colonies who sent more than one delegate, the voting generally being in the name of the colony represented, and not according to the number of representatives it had. He thought the interests of Western Australia might be safely entrusted to the gentleman whom His Excellency had nominated—Mr. E. A. Stone.

The motion, upon being put, was negatived.

The House adjourned half an hour after midnight.

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## LEGISLATIVE COUNCIL,

*Saturday, 1st September, 1883.*

Correspondence relative to Water-boring operations in the Eucla District—District Revenue and Responsible Government—Personal Explanation (Mr. Carey)—Estimates: further consideration of—Land Grant Railway Schemes: Consideration of Report of Second Select Committee—Adjournment.

THE SPEAKER took the Chair at eleven o'clock, a.m.

PRAYERS.

### CORRESPONDENCE RELATIVE TO WATER BORING OPERATIONS, EUCLA DISTRICT.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid on the table some correspondence received through Mr. Canning, of the Bank of New South Wales, relative to water-boring operations carried on in the Eucla district by the Western Australian Association and the Eucla Land and Pastoral Associations, and containing an application for a grant in aid of the operations of these companies.

### DISTRICT REVENUE AND RESPONSIBLE GOVERNMENT.

MR. GRANT, in accordance with notice, asked if it was the intention of the Government to keep a separate account of the revenue raised and expended in each district of the colony, as recommended by the Secretary of State in his despatch relating to the terms and conditions upon which Her Majesty's Government would grant to this colony the right of self-government?

THE COLONIAL SECRETARY (Hon. M. Fraser) said it was the intention of the Government to do so, as far as practicable.

### PERSONAL EXPLANATION.

On the order of the day for going into committee of supply,

MR. CAREY said he availed himself of the opportunity of referring to a matter with regard to which he should like to put himself straight with the House. He referred to the discussion which took place on Thursday with respect to the land regulations; he thought that hon. members had misunderstood him, and he should like to explain that he had