

bills, gas bills, etc., such as enabling the undertaker to break up the streets for the purpose of laying down wires. Provision is made for the cutting off of supply when default is made in payment of rent and for recovery of such rent. Provision is made for arbitration in certain cases. Part II., section 45, provides that when any dispute or difference authorised by this Act to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator, to whom such dispute or difference shall be referred. I may say that the whole purpose and object of the Bill is really contained in the preamble. I trust the House will find the bill acceptable.

MR. RANDELL: I desire on my own part to express my thanks for the promptitude with which the Government have taken up the resolution of the House by complying with it and introducing this bill. So far as I understand it the bill will, I think, meet all the necessities of the case. I take the opportunity of saying, with regard to clause 11, which permits the breaking up of streets, that I trust the Municipal Council will see that the streets are placed in the same good order and condition as before broken up. This has certainly not been done in the city of Perth, and I hope the matter, having been mentioned in this place, will reach city councillors, and urge them to do their duty. I allude more particularly to the disgraceful way in which the streets have been broken up and left by the waterworks.

MR. MOLLOY: In respect of what has been said by the hon. member for the Moore, as regards the Municipal Council doing their duty in seeing that the streets are put in proper repair, I may say that this duty has been fulfilled. Speaking as a member of the Municipal Council, I may say that I have repeatedly brought this matter forward. The members of the Council have done their duty, although I cannot say that the work has been performed.

MR. A. FORREST: I am glad that the hon. member for the Moore has brought this matter forward, because the Waterworks Company appear to be doing just as they like in tearing up the streets and

leaving them broken up. They do not stop at streets, but entrances to private property are left in a disgraceful state. I speak feelingly. I trust, therefore, that the hon. member for Perth will not only direct discussion to this matter in the Municipal Council, but will do his best to see that the work is performed.

Question—put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9-20 p.m.

Legislative Council,

Friday, 26th February, 1892.

Railway accommodation at Cottesloe and Buckland Hill:—Railway siding at Bullen's: cost of—Obstruction in Swan River—Married Women's Property Bill: first reading—Goldfields Act Amendment Bill: first reading—Bankruptcy Bill: third reading—Masters and Servants Act Amendment Bill: third reading—Western Australian Turf Club Bill: third reading—Aborigines Protection Act Amendment Bill: re-committal—Protection of Women and Girls Bill: second reading—Public Health Act Amendment Bill: second reading—Game Bill: Legislative Assembly's amendments—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 3 o'clock.

PRAYERS.

RAILWAY ACCOMMODATION AT COTTESLOE AND BUCKLAND HILL.

THE HON. E. T. HOOLEY, in accordance with notice, asked the Colonial Secretary, whether it is the intention of the Government to ignore the wants of the landholders at Cottesloe and Buckland Hill as to railway accommodation.

THE COLONIAL SECRETARY (Hon. G. Shenton) replied: The Government desire to assist, as far as possible, the residents of Buckland Hill and Cottesloe. The name of the station at Jarrod Street is to be "Cottesloe," instead of "Grove," as previously intended.

COST OF RAILWAY SIDINGS AT BULLEN'S.

THE HON. E. T. HOOLEY, in accordance with notice, moved "That a return be laid upon the table of the House showing a detailed estimate of the relative cost of railway sidings at Bullen's and Cottesloe." He said that he had tabled the motion simply to obtain as much information as possible with reference to this siding. In the early part of last year he attended a land sale, when a number of suburban lots were put up, and which were sold considerably above the upset price. The Commissioner of Crown Lands was at the sale, and he pointed out to those present the desirability of buying lots adjoining the railway. Many persons purchased with a view of building summer residences, on the strength of the Commissioner's statement, which led people to believe that they would be entitled to railway accommodation. He, himself, had purchased a block, with the idea of building a summer residence. Miss Jameson had already started to build, and many others would also build if they could only get the facilities. Some short time ago a very influential deputation waited on the Commissioner of Railways and presented a petition in favor of a station. Those who attended were very courteously received, and were informed that the Government would consider the matter. Subsequently they were informed that the station would be erected in the vicinity of Bullen's. That the people residing near Bullen's were entitled to a station he did not question; but at the same time it was manifestly unfair on the part of the Government, even if it were not dishonest, to take money for land, and then deprive the people of the advantages of the railway accommodation they expected to get. He believed the estimate for the siding at Bullen's was £1,700, and to spend this sum was simply madness. A sum of £200 would be all that was required to provide a platform and a siding, which should be constructed in the simplest manner possible. Something like the platform now existing at Bullen's, he thought, would be sufficient. Out of £1,700 available, such a sum as he had mentioned might surely be appropriated for the erection of a platform and siding at Salvado Street, for this was the

spot that would be mostly used as a summer resort. People would go there to bathe, as it was close to the beach, whereas at Bullen's the sea was three-quarters of a mile away. It had been argued that to make so many stopping places would interfere with the convenience of passengers between Perth and Fremantle; but they must remember that railways were not constructed for the benefit of any particular towns, but for the good of the public generally. Then it was said that there was no traffic from Salvado Street, but when the Bunbury line was under consideration, it was said that the railway would increase the traffic, and so here if the people were given facilities they would build, and thus bring about a travelling population. He now moved the resolution standing in his name.

THE HON. J. MORRISON seconded the motion.

Question—put and passed.

OBSTRUCTION IN SWAN RIVER.

THE HON. R. W. HARDEY, in accordance with notice, moved, "That in the opinion of this House it is necessary, for the safety of the public, to at once erect beacons on a large sunken rock in the Swan River, situate about two miles above the Perth-Bunbury railway bridge." He said he felt sure that very few knew there was such a dangerous reef in the Swan River as that referred to in the motion he had brought before the House. Perhaps some who were constantly on the river might know of its existence; but, considering a number of strangers were coming to the colony, it was necessary, in the interests of safety, to indicate its position. He believed the rock was quite a third of an acre in extent, and, except at very low water, it was covered. He did not think there should be any objection to the motion, and therefore he would not detain the House longer.

THE HON. E. T. HOOLEY seconded the motion.

THE HON. G. W. LEAKE said he would support the motion with the hope that this would be a beginning of the clearing of the obstructions to the navigation of the Swan. Here we had as beautiful a river as was to be found in Australia; but it was practically closed

to navigation by trees and other obstacles, and particularly snags. A very small sum would effect this object, and he would vote for the motion.

Question—put and passed.

MARRIED WOMEN'S PROPERTY BILL.

This bill was received from the Legislative Assembly, and was read a first time.

GOLDFIELDS ACT AMENDMENT BILL.

This bill was received from the Legislative Assembly, and was read a first time.

BANKRUPTCY BILL.

This bill was read a third time and passed.

MASTERS AND SERVANTS ACT AMENDMENT BILL.

This bill was read a third time and passed.

W. A. TURF CLUB BILL.

This bill was read a third time and passed.

ABORIGINES PROTECTION ACT AMENDMENT BILL.

The Order of the Day for the third reading of this bill having been read,—

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the bill be now read a third time.

THE HON. R. E. BUSH moved, as an amendment, That the bill be recommitted.

THE HON. T. BURGESS seconded the amendment.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that if hon. members had amendments to bring forward on the third reading of a bill it was usual to give notice of them.

THE PRESIDENT said it was usual to give notice if it was intended to propose the recommitment of the bill; but it was not necessary.

THE HON. J. MORRISON: Perhaps the hon. member will give some reason why he wishes the bill recommitted.

THE HON. R. E. BUSH said his only excuse for not giving notice was want of experience in the usages of the House.

He was willing to postpone the matter if the House thought fit.

THE PRESIDENT said that the only way out of the difficulty now was to go into committee; then let the amendment be moved and report progress.

THE COLONIAL SECRETARY (Hon. G. Shenton): What is the amendment?

THE HON. R. E. BUSH said he proposed in clause 2 of the bill to substitute "six months" for "three months."

THE COLONIAL SECRETARY (Hon. G. Shenton): We might discuss that now.

THE HON. R. E. BUSH said his reasons for wishing to make the amendment were that he thought a native who committed a breach of contract should be liable to a heavier punishment than could be awarded under the bill. Hon. members, he was sure, could not realise the immense loss that was occasioned to the settlers through the breaches of contract on the part of the natives. The breach he chiefly referred to was in the case of native shepherds who, after signing a contract to mind a flock of sheep, ran away and left them. It might happen that these natives were not visited by the white overseer for a couple of days, and in the meantime they abscond. The sheep consequently got scattered all over the country, and the settler suffered a great loss. Such conduct as this, he felt sure, would not be checked by such a lenient punishment as three months' imprisonment. If they increased it to six months, the justices had a discretion and need not give the full term unless the case was a bad one.

THE HON. T. BURGESS said he had much pleasure in supporting the recommitment of the bill for the purpose of making this amendment. From his experience he knew that these natives were often employed on the same terms as Europeans, and were treated in the most liberal manner. In many instances wages were paid to them, and if a native undertook these duties, well knowing what they were, he having signed a contract before the necessary authority, he should be amenable to punishment if he did not fulfil them. A European shepherd was liable to six months' imprisonment—

THE COLONIAL SECRETARY (Hon. G. Shenton): Under the old Act; but under the new Act it is only three months.

THE HON. T. BURGESS said he was aware of that; but unless there was some considerable check placed on the natives, the settlers would not employ them. This amendment did not necessarily involve imprisonment for six months, because the term was in the discretion of the court. Frequently natives absconded without any notice whatever and left the property of their masters to take care of itself. A white man did not do this, and therefore that was a very good reason why some more severe punishment should be provided in the case of the natives.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that he must, on behalf of the Government, oppose the amendment, and if it were passed it was a question whether the bill would not have to be withdrawn altogether. In drafting this bill the Government provided the same punishment for the black as they did for the white, and they were not prepared to go further. A white man thoroughly understood what he was about when he signed a contract; but with the black it was impossible that he could have the same knowledge as the white. The Government were not prepared to make one punishment for the white and another for the black. It was therefore for hon. members to consider whether they would accept the bill as it stood, or whether it should be withdrawn. The proposition of the hon. member was not equitable in any way whatever, and he must resist it.

THE HON. J. W. HACKETT said that the hon. the Colonial Secretary had placed the House in a difficulty. His feeling on the subject was in accord with that of the Hon. Mr. Bush, for three months' imprisonment with or without hard labor, was a totally inadequate punishment for a servant who deserted his master's employment. The Government, however, seemed to think that they had gone far enough to meet the employers of natives, and they evidently were not prepared to differentiate between the white and the black. Under these circumstances, and it being the intention of the Government to withdraw the bill if the amendment were passed, he felt he had no alternative but to vote with the Colonial Secretary, although he would do so with regret, because, being acquainted with the North,

he knew that the punishment provided by the bill would be little better than nugatory.

THE HON. G. W. LEAKE said he would vote with the Colonial Secretary, for he thought the proposition, if carried, would be very oppressive to the native. These natives were engaged at the very minimum of price. They received a little food and a modicum of clothing and nothing more. A number of sheep were placed in their hands, without any supervision over them, and then, because their habits and instincts might lead them away, they were to get six months' imprisonment for what was called breach of contract. Could it, he asked, be called a contract where the provisions were such as to show no community between the parties? The native was, as he had said, engaged at a minimum of cost to look after the valuable property of his master, and for what was called a breach of that contract he was to get six months' imprisonment, while the white man, who was aware, to a far greater extent, of the obligations he had entered into, was only to get three months for the same offence. It was absurd to call these engagements contracts, for in many cases the native did not and could not understand what he was agreeing to.

THE HON. J. W. HACKETT: You are entirely forgetting the provisions of the *Aborigines Protection Act*.

THE HON. G. W. LEAKE: Am I?

THE HON. J. W. HACKETT: The 19th section gives every protection to the native.

THE HON. G. W. LEAKE: I am obliged to the hon. gentleman who takes care of my mind.

THE HON. J. W. HACKETT: Your memory.

THE HON. G. W. LEAKE: I am obliged to the hon. member; but I will trouble him to leave me alone. I shall vote against this amendment.

THE HON. J. W. HACKETT: You have let the aboriginal contract alone.

THE HON. J. MORRISON said it would be a good thing if the Hon. Mr. Leake and others had more knowledge of the working of natives. Imprisonment was far worse to them than tying them up to a cart wheel, giving them a thrashing and telling them to go on with their work. He thought the alteration

which had been suggested was the right thing to do, for natives were not like white men who broke contracts. To give them three months would mean nothing at all, for it took a month to catch them, a month to take them to the prison, and a month to return them. He would support the amendment; although he would sooner see the imprisonment struck out altogether and the punishment of whipping substituted for it.

THE HON. E. T. HOOLEY said he was sorry to have heard the remarks of the Hon. Mr. Leake on this question. Those who had known that gentleman for many years valued his opinion on subjects he was conversant with; but he did not understand this question. If he did, he (Mr. Hooley) was sure the hon. gentleman would not have expressed himself as he had done. In many instances three months' punishment would be totally inadequate, and no harm could be done by giving the justices discretion to inflict a maximum sentence of six months.

THE HON. R. W. HARDEY said he would support the Colonial Secretary, because to his mind it would be grossly unjust to have one law for the whites and another for the blacks.

THE HON. J. W. HACKETT: Will you repeal the Aboriginal Offenders Act, which provides for the whipping of natives?

The committee divided on the amendment, with the following result:—

Ayes	4
Noes	4

AYES.	NOES.
The Hon. T. Burges	The Hon. J. W. Hackett
The Hon. E. T. Hooley	The Hon. R. W. Hardey
The Hon. J. Morrison	The Hon. G. W. Leake
The Hon. R. E. Bush	The Hon. G. Shenton
(Teller).	(Teller).

THE PRESIDENT: The numbers being equal, I shall give my casting vote, in strict accordance with constitutional practice—to afford an opportunity for further consideration—in favor of the ayes.

Question—put and passed.

IN COMMITTEE.

THE HON. R. E. BUSH moved, That the word "three," in the ninth line of clause 2, be struck out, and the word "six" inserted in lieu thereof.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That progress be reported, and leave asked to sit again.

Question—put and passed.

PROTECTION OF WOMEN AND GIRLS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): I beg, sir, to move the second reading of this bill. The second clause deals with the procuration of girls and women under the age of 21 years, and the next clauses deal with the age of consent. The second part of the bill deals with incest, and the third part contains a number of miscellaneous provisions. I do not think it necessary to go into the details of such a bill as this, as hon. members can see them for themselves. I now formally move the second reading.

Question—put and passed.

PUBLIC HEALTH ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have now to move the second reading of this bill. A very similar measure was brought forward at the last session of this House, and it was thrown out. The bill simply provides for a transfer of the powers of the Boards of Health to Municipal Councils. The fifth clause abolishes various local boards as from 31st March, and the seventh clause provides that the assets and liabilities of boards abolished are to be taken over by the new boards. I move the second reading.

THE HON. G. W. LEAKE: This bill was introduced into this House last session, and was rejected. The state of facts which warranted its rejection then has not been altered, and I shall propose that it be thrown out again. At the present time the boards are unconnected with the municipalities, and it is part of their duty to see that owners of tenements, who are also members of municipalities, do not shirk their duties. As I prefer to see the law stand as it is, I shall move that this bill be read a second time this day six months. I am aware that in a small community like Albany it is difficult to get persons to move in

health matters; but I think if these local boards were told by the Government that it was their duty to see that the town was kept clean, they would do it. The town of Albany is as foul as it is possible to be, simply because the Health Board cannot be got to do their duty, nor will there be any different state of things if the control is handed over to the Municipality. Perth and Fremantle are better off in this respect; but Albany is absolutely foul and pestilential. I move that the bill be read again this day six months.

THE HON. J. MORRISON: I formally second the amendment.

The amendment was negatived, and the bill read a second time.

GAME BILL.

LEGISLATIVE ASSEMBLY'S AMENDMENTS.

IN COMMITTEE.

THE HON. J. W. HACKETT: At the previous sitting of the House, I moved an alternative to our original amendment. I think I should have said that we do not insist upon our amendment, but suggest the following: "That all the words between 'any' in the 4th line of clause 9 and 'to' in the 7th line be struck out and the following inserted in lieu thereof, 'police constable or the owner of such imported bird or animal or his authorised agent, or the owner or occupier of the land from which such native game has been taken, or his authorised agent, who may demand the same respectively, it shall be lawful for such police constable, or such owner, occupier, or authorised agent, with any assistance he may require.'" After this is passed I presume we shall formulate our reasons.

THE PRESIDENT: The whole question has become extremely complicated. At the time the Colonial Secretary moved that this House did not insist on its amendment, I was unaware that the hon. member intended to alter it; but when we came to place the matter on the Minutes we saw the difficulty, and it will be seen that an alteration has been made in the wording so as to enable the amendment to be put forward.

THE HON. J. W. HACKETT: I now move the amendment I have already read, and for the reasons, it will be within

the recollection of the House, I stated at the last sitting, and they are practically the same as those to which the House has already agreed to on two previous occasions.

Amendment—put and passed.

THE PRESIDENT resumed the chair, and reported that the Committee had again considered Message No. 19 from the Legislative Assembly, and had agreed to the amendments proposed by the Assembly to the Council's amendments in clauses 1 and 5, and had suggested a further amendment in clause 9; whereupon the Council adopted such Report.

Ordered—That a Committee consisting of the Hons. J. W. HACKETT, E. T. HOOLEY, and T. BURGESS be appointed to prepare and bring up reasons for the further amendment proposed in clause 9.

THE HON. J. W. HACKETT brought up the reasons prepared by the Committee, which were read as follows:—

"Because the Council considers the powers originally granted are excessive, and may be so abused as to injuriously affect the liberties and rights of individuals, and are such as are likely to lead to breaches of the peace; and because the object of the Act will be sufficiently secured by the amendment now suggested by the Council."

Question—That the above reasons be agreed to—put and passed.

ADJOURNMENT.

The Council, at 4.5 o'clock p.m., adjourned until Tuesday, 1st March, at 3 o'clock p.m.