

but these prospectors were not paid. Take the cost of horses and camels and other equipments supplied by the Government, and deduct it from the £5,000 which had been offered as a reward, and let these real discoverers of gold at Kimberley receive the balance of the money.

MR. R. F. SHOLL really thought that the men who first discovered gold at Kimberley and brought it down here were Halland Slattery. He believed they acted upon Mr. Hardman's recommendation. This matter had, however, been dealt with and disposed of, but he thought these persons were more entitled to the reward for discovering the Kimberley goldfields, than the person to whom the House had that session voted £250 as being the discoverer of the tinfields.

Motion—put and negatived.

ADJOURNMENT.

The House adjourned at ten minutes past 4 o'clock, p.m.

Legislative Council,

Monday, 7th March, 1892.

New Members—Game Bill: Legislative Council's Amendment—Police Bill: error in—Harbor Improvements at Geraldton—Harbor Improvements at Cossack—Distillation Act: proposed amendment of—Goldfields Act Amendment Bill: third reading—Wonnerup Roads Bill: third reading—Governors of High School Bill: second reading: committee—Augmentation of Ministerial Salaries Bill: second reading: committee—Customs Bill: committee—Electric Lighting Bill: committee—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 8 o'clock, p.m.

PRAYERS.

NEW MEMBERS.

The Hons. George Glyde and Daniel Keen Congdon, having been introduced, took and subscribed the oath required by the 22nd section of the Constitution Act.

GAME BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—

Message No. 38.

Mr. President,

"The Legislative Assembly acquaints the Legislative Council that it is unable to agree to the amendment made by the Council to the Assembly's amendment on the Council's original amendment in clause 9 of the Game Bill, as contained in Message No. 23 from the Legislative Council.

"Amendment of the Legislative Council to which the Legislative Assembly has disagreed:—

"That all the words between 'any,' 'in the fourth line, and 'to,' in the 'seventh line, be struck out, and the following words 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.'

"JAS. G. LEE STEERE,
"Speaker."

Ordered—That the Message be taken into consideration on Tuesday, 8th March.

POLICE BILL: ERROR IN.

THE PRESIDENT: Before this House proceeds to business, I have a short statement to make regarding the Police Bill. Hon. members are aware that one of the duties of the Clerk of Parliaments is, before presenting a bill to the Governor for Her Majesty's assent, to certify that it is the bill as it passed both Houses. During the examination of this bill, the Clerk of Parliaments discovered that amongst the amendments made by the Legislative Assembly, one was omitted to be sent up to this House for its concurrence. Consequently the Clerk of Parliaments is unable to give the proper certificate which he has to do before he

presents it to His Excellency. This is a contingency which has not been, unfortunately, provided for by our Standing Orders, and there is nothing to show what is to be done under such circumstances. One House has made an amendment which it has omitted to send to the other House; consequently we have to come to this House and make a statement in order that we may get over the difficulty in the best manner we can. Such occurrences have taken place on several occasions in the House of Commons, but the cases stated will not help us in the least, because they were cases in which the discovery was made after Her Majesty's assent. The consequence was that the law courts had to consider whether they were valid or otherwise. In some cases they were declared valid, because no matter of principle was involved. In other instances bills have had to be introduced altering them. It seems that there is no Standing Order of any kind to guide us in this matter. I have come to the conclusion that we should establish a precedent of our own in this case, until we can frame a Standing Order to meet such cases. I will tell the House, in the first place, what the amendment is that was omitted. It is in section 96 of the bill. The Assembly struck out subsection 18, which reads—"Every occupier of a house or other tenement who shall not keep sufficiently swept and cleansed all footways, ditches, and watercourses adjoining to the premises occupied by him; and if any tenement be empty or unoccupied the owner thereof shall be deemed the occupier with reference to this enactment." It is out of order for me to refer to a debate which took place in the other House, but if hon. members will refer to *Hansard* No. 5, page 351, they will find the reasons which actuated the Assembly in striking out this clause. Seeing that it is impossible for us to amend the bill after the concurrence of the House, what I propose is that the hon. Colonial Secretary, if he chooses to do so, should give notice of motion for to-morrow that this House concurs in this particular amendment, and asks the Clerk of Parliaments to place it before His Excellency for Her Majesty's assent. This is the simplest manner I can think of for overcoming the difficulty.

THE HON. J. W. HACKETT: I think the most expedient course would be to defer the consideration of the matter until to-morrow. This will give us time to consider the position. We have not had this amendment before us at all, and a reference to *Hansard* is no substitute for a formal message. I would suggest that a formal message be sent up to this House from the Legislative Assembly in the usual and prescribed form.

THE PRESIDENT: There can be no irregularity, because there is no rule to meet the case. The same thing has occurred in England several times, but after assent, and therefore there is no rule for our guidance. The bill cannot now be submitted to His Excellency by the Clerk of Parliaments until this matter is decided. This seems to me to be the easiest way to get out of it, but we can, of course, refer it to the other House, and let them get out of it the best way they can. It is no fault of ours. I may say if the House objects to take the course I propose, it will be the duty of the Clerk of Parliaments simply to report the matter to the Legislative Assembly, and it will be for them to decide what course they will take.

The matter then dropped.

HARBOR IMPROVEMENTS AT GERALDTON.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have now to move that this House concurs in the resolution respecting the proposed harbor improvements at Geraldton transmitted by Message No. 36 from the Legislative Assembly. He said: At the previous meeting of this House, I laid on the table the plans of a scheme for improvement to the harbor at Geraldton, as proposed by Sir John Coode, which has been adopted by the Government, under the advice of the present Engineer-in-Chief. That jetty will start from Durlacher Street, and will end in about 15ft. of water on completion. Certain portions of land will be required to be resumed, in order to complete the approach to the jetty, and to provide wharf accommodation. If this scheme is carried out, the railway will be in direct communication with the main line, and will not run through the streets of Geraldton, as it does at present. A certain amount will

have to be paid for compensation for land, because, unfortunately, in this portion of the town, the Government do not hold the necessary quantity of land this scheme requires. On the Loan Estimates the sum of £25,000 was provided for this work, and that sum was Sir John Coode's estimate, and under the provisions of the Audit Act the Government now ask this House to agree with the resolution of the Assembly and to approve of the Public Works plan No. 1496.

THE HON. J. W. HACKETT: Does that include compensation?

THE COLONIAL SECRETARY (Hon. G. Shenton): That is the information that is given. I believe it is the intention of the Government, if the scheme is carried out, that certain lands they hold now, and which will not be required, will be disposed of, and the proceeds devoted to the expenses incurred.

THE HON. J. A. WRIGHT: Will that be legal?

THE COLONIAL SECRETARY (Hon. G. Shenton): The Government can sell if they like. The proceeds will, of course, have to go to revenue, and the sum will have to be voted directly.

THE HON. J. A. WRIGHT: I think it will be necessary to bring in a bill in order to make these things regular. A resolution in this House does not bind people in Champion Bay who object to sell their land, and it appears to me that you must bring in an Act to enforce it. It appears that according to the Audit Act, and the general manner in which business is done in Parliament, that an Act is required in order to enable these works to be done. If an Act were brought in we should be able to discuss the matter on its merits and not upon the very meagre information now before us. We are all agreed that harbor works at Geraldton are urgently needed, but there is a great amount of difference as to the suitability of the site. For my part I am opposed to the position of the jetty as proposed in the plan. This is a question of resumption of land, and no simple resolution will bind the owners thereof to sell.

THE HON. J. W. HACKETT: I have no intention of opposing this resolution, but I do agree with my hon. friend on my right that the information given us is meagre in the extreme. Even as to the

form in which it is laid down I venture to suggest that it would have been more in accordance with the objects of this resolution if expressed in somewhat different words. The hon. the Colonial Secretary has laid on the table of the House these plans for new harbor works at Geraldton in accordance with directions given in clause 20 of the Audit Act, which enacts that resolutions must be passed by both Houses approving of the plans and sections which are to be laid before them of any harbor works which the Government propose to undertake. Now plans and sections clearly include an estimate of what these plans will cost. When the approval of this House was given to the Audit Act, it was insisted upon that in the case of these harbor works there should be a statement, more or less full, of the entire cost of each work to which this House committed itself in giving approval to large public works. It was pointed out that in the case of railways a bill had to go through all its stages in the Lower House and also in this House. It was pointed out that we had no such safeguard as regards harbor works, and it was therefore agreed after certain negotiations which partook rather of the nature of a struggle,—a struggle conducted with perfect amity on both sides, and in which there was extraordinary forbearance—that upon our agreeing to surrender the power which, I always think we had legally—the power of splitting up the Loan Bill into its items—that we should have full voice with regard to larger works, such as railways and breakwaters. I put this on the same footing as railway works. I ask my hon. friend the Colonial Secretary whether the meagre information given with regard to the harbor works at Geraldton would be sufficient for a railway? There are several matters bound up with this question which may lead to questions which we cannot foresee, and in giving our consent to this resolution, we may commit ourselves beyond what we intend to do this evening. For my part I would like to have some estimate, not only of the cost of the jetty, but of the land which it is proposed to resume; also the cost of the deviation of the railway, unless we get an assurance that in fixing the deviation for that rail-

way, the Government will be obliged to introduce a bill. With such an assurance we ought to be satisfied. I am also under the impression that it is the intention of the Government to bring in a bill this session which will enable them to resume land in any place where they deem it necessary. I have no desire whatever, nor has my hon. friend, to postpone the commencement of a very necessary work which the whole district believes to be necessary; but, with regard to this work, there are many opinions, and I believe the feeling in opposition to the locality and direction of this work is stronger in the district which is intended to be benefited by it than elsewhere. I might suggest that the debate be adjourned until to-morrow, when my hon. friend the Colonial Secretary will be able to refer to some of the points which I have raised, and set some of my doubts at rest.

THE COLONIAL SECRETARY (Hon. G. Shenton): I am perfectly willing to agree to an adjournment.

THE HON. J. W. HACKETT: I move the adjournment of the debate.

Question—put and passed.

HARBOR IMPROVEMENTS AT COSSACK.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have to move, "That this House approves of the scheme for harbor improvements at Cossack." The proposed works at Cossack are in accordance with a plan prepared by Mr. Martin, who was sent up by the Government specially to report on this important work. When he was there he met the principal residents of Cossack, and they agreed that this was the best way of spending the money at disposal. Hon. members will see from the plan it is proposed to construct a wharf consisting of a quay wall with approaches thereto, including foundation works, tramways, deviation, permanent way, and buildings. It will be remembered that upon the Loan Estimates a sum of £10,000 was set aside for the present work. It is not proposed to spend the whole of this amount, but a sum will be left for the extension of the work as occasion may require. Hon. members will see every detail is given on this plan, which was drawn up by Mr. Martin, the engineer, on the spot.

THE HON. J. A. WRIGHT: For the same reasons as were given by my hon. friend Mr. Hackett, I shall move the adjournment of the debate. We have here a much balder statement than that given for the Geraldton works. In that case we all of us know, or, at all events, those of us who sat in the old Council, knew what the estimate was, and the items of that estimate. Here we are told vaguely that the cost will not exceed the amount voted. I perfectly agree that the work is absolutely necessary, but let us do things in order; let us have estimates before us, and know how things are to be done.

THE COLONIAL SECRETARY (Hon. G. Shenton): I do not see the same necessity to adjourn as in the case of the Geraldton works. The whole of the details prepared by the engineers are to be found on these plans. I do not think my hon. friend ought to take exception to the plans of a department of which a short time ago he had charge. Everything that is required by the conditions of the Audit Act are complied with in the plans laid upon the table. There is a difference between this and the Geraldton works, because a large amount may be required for compensation for land resumed in the case of Geraldton; but in this case there is no compensation to pay, and the estimate for construction is £7,000.

THE HON. J. A. WRIGHT: That is the first we have heard of the estimate.

THE COLONIAL SECRETARY (Hon. G. Shenton): It is on the plan.

THE HON. J. A. WRIGHT: I never saw an estimate on a plan before.

THE COLONIAL SECRETARY (Hon. G. Shenton): Perhaps the hon. member has a superior knowledge than the gentleman who has the department in charge now.

Question—That the debate be adjourned—put and passed.

DISTILLATION ACT—PROPOSED AMENDMENT OF.

THE HON. J. G. H. AMHERST: I am perfectly certain that all hon. members of this House who have the interest of the colony at heart will support me in endeavoring to remove certain restrictions upon an industry which will, in the future, prove one of the most valuable in this colony. I may say my friend Mr.

Hardy, the well-known vigneron of South Australia, when he was here, had some talk with me upon this subject. He told me it was absolutely necessary for every wine-grower to have on his premises a still for the purpose of using up the refuse of grapes and producing a certain spirit which would be of very great use in wine making for stopping fermentation; also for fortifying wines in order that they may be made fit for exportation. He read our Act and advised me to move some amendment to it. At the present moment it is not my intention to go further than to say that, in the opinion of this House, it is desirable to make some amendment to that Act. Then, during the recess, those who have the interest of wine-growing at heart should meet together, taking the South Australian Act as a guide, and considering whether the Distilleries Act could not be in some way amended to facilitate the carrying on of this industry. I can see myself that a large amount of valuable produce which otherwise might be utilised, has to go to waste. I beg to move, therefore, formally, "That in the opinion of this House it is desirable, during the recess, that the Government take steps by amending the Distilleries Act, 35 Vic., No. 6, or otherwise, to facilitate the distillation of spirits, by the proprietors of vineyards to be used by them for the general purposes of wine making, and thus to prevent the waste that now occurs in an industry which is rapidly becoming of great importance to the colony."

THE HON. R. W. HARDEY: I have great pleasure in seconding the motion of the hon. member who has just sat down. It has often occurred to me that our Distilleries Act requires a good deal of amendment, for, as far as I can see, it is a very cumbersome one, and there is no doubt that we do, as far as I can learn from men who are authorities on the subject, require a certain amount of spirit at our disposal as vignerons to mature our wines and to improve them in many ways. Mr. Hardy, of South Australia, has been quoted. I also saw him, and had a conversation with him on this subject. He informed me that we should never make a thoroughly good wine here until we had spirit at our disposal to make our wines what they should be. There is no

doubt whatever that we do throw away every year a large quantity of produce which could be utilised for the manufacture of spirits, and thus for the improvement of our wines, and I hope that the Government will see their way during the recess to make such amendments as will be for the benefit of the wine-growing industry of this colony generally.

THE HON. J. W. HACKETT: I feel entirely in accord with my hon. friends who have sat down as to the necessity of moving in the direction indicated. At the same time I might suggest that this motion is capable of alteration for the better. We cannot ask the Government to assume to themselves legislative power during the recess, which this motion asks us to request them to do. I think the motion might be altered to the effect that we ask the Government to consider the advisability, &c. There is another alteration which I think would be advisable—I am merely making these remarks to help my hon. friend. The sole object of the amendment is stated to be to facilitate the distillation of spirits by proprietors. Now, the hon. gentleman who has been referred to, Mr. Hardy, of South Australia, expressly urged that it would be advantageous to the making of wine if the making of spirits were separated from the proprietorship of vineyards—that it should be made a distinct business. I would advise that the words "proprietors of vineyards" be struck out so that it would read, "That in the opinion of this House it is desirable, during the recess, that the Government consider the advisability of amending the Distilleries Act, 35 Vic., No. 6, or otherwise, to facilitate the distillation of spirits, to be used for the general purposes of wine making, and thus prevent the waste that now occurs in an industry which is rapidly becoming of great importance to the colony." Otherwise it would read as if we desired the Government to pass, not only a half measure, but what might turn out to be a mistaken one.

THE HON. J. G. H. AMHERST: I am perfectly willing to accept the amendment of my hon. friend Mr. Hackett.

THE COLONIAL SECRETARY (Hon. G. Shenton): There can be no objection on the part of the Government in complying with this motion. Hon. members

referred to Mr. Hardy, who was round here, and who is one of the greatest authorities upon the subject of wine growing in Australia. He expressed the opinion to me that it was necessary for the making of wine in this colony that there should be some alteration in the present distillation laws. I promise hon. members this subject shall engage the attention of the Government during the recess.

Question, as amended—put and passed.

GOLDFIELDS ACT AMENDMENT BILL.

THIRD READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): I now rise to move the third reading of the Goldfields Act Amendment Bill.

THE HON. J. MORRISON: Hon. members will remember that when we were in committee on this bill, I stated several reasons I had for objecting to this bill, one being the making the refusal to grant miner's rights to Asiatics perpetual. I understood from my hon. friend Mr. Hackett that instead of moving that the bill be withdrawn or read this day six months upon the third reading, that it would be advisable to extend the provisions of the Act for a fixed period of five years. I beg, therefore, to move that the bill be recommitted for the purpose of adding in section 2 the words "for a further period of five years." In course of time we may require some alteration of this Act, and it is one of those very awkward bills, those dealing with the labor questions which, if we pass it as it is at present, no Government—I am taking the condition of the labor question in the other colonies as a guide—would take upon themselves, however necessary it might be, to repeal an Act like this. I think this limitation of five years would be a protection to any Government that might be in power, as, however great the necessity for so doing, any Government would find great difficulty in repealing it. I therefore move that the bill be recommitted.

THE HON. R. E. BUSH seconded the motion.

THE COLONIAL SECRETARY (Hon. G. Shenton): I must oppose the recommitment of this bill. I gave reasons when we were in committee yesterday why it was undesirable to hamper this bill with

restrictions. It is much better to leave it as it is brought forward by the Government, so that if necessity arose at any time it could be repealed. It is not necessary to take up the time of the House in discussing this matter. The Government cannot accept the amendment of the hon. member.

Question—That the bill be recommitted—put and negatived.

Bill read a third time and *passed*.

WONNERUP ROADS BILL.

This bill was read a third time and *passed*.

GOVERNORS OF HIGH SCHOOL BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have to move the second reading of the Governors of High School Appointment Bill. It is a bill which was brought up by the select committee appointed to consider the question and draw up a bill. The provisions of the measure are that the number of governors shall be six, who shall be appointed by the Governor in Executive Council. Two of these governors shall go out of office every two years. There is a clause as to resignations and the filling of vacancies. Another clause provides that the by-laws and annual report shall be presented to Parliament. Hon. members will find the bill, as framed by the select committee, will meet the necessities of the case much better than the original bill.

Question—put and passed.

IN COMMITTEE.

The bill was then considered in committee and agreed to without amendment.

AUGMENTATION OF MINISTERIAL SALARIES BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): In moving the second reading of this bill, I may state that the amount which appears in this bill was originally provided for on the Estimates. It was found, however, that it would require a special Act; therefore we now come before hon. members.

Question—put and passed.

IN COMMITTEE.

The bill was then considered in committee and agreed to without amendment.

CUSTOMS BILL.

IN COMMITTEE.

Clauses 1 to 69: Agreed to without amendment.

Clause 70—"The market value for duty of goods subject to an *ad valorem* duty shall be the fair and real market value of such goods in the usual and ordinary acceptance of the term, at the cash value of such goods, and so *bonâ fide* paid for in all transactions in relation to such article; and all invoices representing cash values shall be subject to such additions as to the collector appears just and reasonable to bring up the amount to the true and fair market value, as required by this section, and market value shall include the cost of packing and transit to the port of exportation":

THE HON. E. T. HOOLEY: I think in this clause the Collector of Customs has very great powers, which I think should not be given to any man without the right of appeal. It is not to be supposed that the Collector of Customs could be aware of the value of all kinds of goods, and I do not think it at all just that he should have the power of appraising the value of these goods. The Act provides that the invoice must be genuine, and must be sworn to, and if the Collector of Customs has any doubts about the matter, he has the power of putting the case before experts. I propose to strike out the words between "article" in the 8th line and to the second word "market" in the 14th line.

THE COLONIAL SECRETARY (Hon. G. Shenton): I must oppose this amendment. This matter has been thoroughly and carefully considered by the Government and already a concession has been given in this bill which does not exist in the Customs Bills of the other colonies, and therefore the Government cannot go any further in the matter. As to the value of goods I must inform the hon. member that the Collector of Customs is only one. Reference to clause 4 of the Act shows that there is always an appeal from the head of any

department to the Minister. It states at the beginning of the Act that a Minister is to control the Customs, and therefore he is the head of the Customs, and if an injustice is done by the Collector he can be appealed against.

THE HON. T. BURGESS: I am rather inclined to support the hon. member, because this clause seems to give the Collector of Customs power that may be used in a very unjust manner and cause considerable trouble to importers. The Colonial Secretary has just told us there is an appeal to the Minister. It appears to me that there are three officers concerned in this Customs Act. There are the Governor, the Minister, and the Collector of Customs—all distinct authorities, and a provision is made in this clause to give the Collector of Customs power to add a sum to the invoices which have already been sworn to. I do not know that such a power exists in the Customs Acts of the other colonies, but it does appear to me to be an unnecessary power to leave in the hands of a Customs Officer, that the invoice having been produced and certified and sworn to, he should have the power to dispute this invoice and compel the importer to pay duty on a higher value than the amount actually down on the invoice. I cannot see the necessity of the clause. This clause, to my mind, is unnecessary, and would make the bill difficult and cumbersome, and I think it would be wise of the Government to make some alteration.

THE COLONIAL SECRETARY (Hon. G. Shenton): If all people who had to deal with the Customs were honest people, there would be no necessity for inserting this clause in the bill, but it is well known that there have been very many invoices introduced, which were far from being genuine. I can speak with some knowledge as to that practice of the Custom House. I have had great experience as to the passing of entries and the payment of duty in the Custom House, and I cannot see any hardship in this clause at all. If a fair invoice is produced, I do not see that anybody need fear. In reference to what has fallen from the last speaker as to the Collector of Customs there must be a large amount of discretionary power given to the Collector, but if anyone feels aggrieved, and if he can show that

there has been a case of hardship, the Minister, on appeal, would set right the person aggrieved. I am speaking personally—not as a member of the Government, but as a large importer—and I cannot see any hardship in the bill before the House.

THE HON. G. GLYDE: I am inclined to support the Government, after hearing the explanation of the Colonial Secretary. The Customs Department is a very large one, and requires strictly looking into. When power is given to refer to the Minister, I think all honest men should be satisfied; therefore, I favor the Government.

THE HON. D. K. CONGDON: I feel somewhat in doubt over this matter. I have had considerable experience—not approaching that of the Colonial Secretary—in entering goods at the Custom House, and it appears to me that it is not at all times that the Collector takes a fair view of matters, and therefore I have had some doubt as to whether it was advisable for us to give such great discretionary power to the Collector of Customs. Just recently the Collector of Customs insisted upon charging me duty on cardboard boxes which were enclosed in another package, and which were quite unsaleable. I do not think the Government intended that duty should be charged on cardboard boxes which come to protect goods, and I think we should be very careful in giving such large discretionary power as this clause gives. I do not say I should vote against the clause if it goes to a division, but I think it desirable that it should be omitted.

THE COLONIAL SECRETARY (Hon. G. Shenton): Discretionary power is limited by the power of appeal to the Minister; the Minister is supreme.

THE HON. T. BURGESS: There are a great number of Custom House officers distributed over the colony, and it is not so easy always to approach the Minister. From Albany to Perth is a long distance and persons having small grievances may not take the trouble to send all that way. These small grievances may not amount to anything considerable, but they may be very annoying for all that. The difficulty and trouble of recovering these small amounts may be greater than the value, owing to the great distance that the

person aggrieved may be living from head-quarters. I know myself, from my little experience I have had with the Customs authorities, something of the difficulty connected with these matters. For a long time there has been a small amount which ought to have been returned to me and has not been.

THE HON. J. W. HACKETT: They stole a whole package of mine.

THE HON. T. BURGESS: I think some little alteration might be made in this Act. The hon. member, Mr. Congdon, has mentioned that it is in the power of the Collector of Customs to charge duty on cardboard boxes coming inside a case for the protection of goods. If they were for sale it would be a different thing. It seems, to my mind, that if the Collector of Customs insists upon charging duty upon these small articles it is an injustice.

THE COLONIAL SECRETARY (Hon. G. Shenton): The hon. member has evidently not looked at the 5th Schedule of the present Customs Act which only exempts outside packages. If they are inside they would come under the Act.

THE HON. T. BURGESS: These articles are very likely included in the amount of invoice price.

THE COLONIAL SECRETARY (Hon. G. Shenton): If outside packages are exempt from duty, how can you include inside packages?

THE HON. T. BURGESS: Brown paper is used as an inside package. There may be a large quantity of brown paper used. Is that liable to duty?

THE COLONIAL SECRETARY (Hon. G. Shenton): Brown paper is liable to duty.

THE HON. J. A. WRIGHT: This is *argumentum ad absurdum*.

Amendment—put and negatived.

Clause agreed to.

Clauses 71 to 197:

Agreed to.

Clause 198—"All goods liable to payment of duty on exportation, which "shall be water-borne to be shipped, or "which shall be found being removed for "shipment, or in the possession of any "person, being conveyed towards the "coast or frontier of Western Australia, "or any part thereof, or towards any "quay, for the purpose of exportation, "before due entry thereof, and payment "of duty thereon, with intent to evade

"the payment of such duty, contrary to this or any other Customs Act, shall be forfeited: any such goods so water-borne, or found being removed or conveyed as aforesaid, shall be deemed to be water-borne, removed, or conveyed for the purpose of exportation unless the contrary be proved":

THE HON. E. T. HOOLEY: I think there is a very important omission in this clause. I think this clause will press very hard upon some persons in the interior who may charter a vessel to take sandalwood, but cannot tell how much the ship will take. He is unable to pay duty before the cargo is shipped and he knows how much is on board, and yet this clause would render him liable to the forfeiture of his consignment. I think it would be sufficient if he gave due notice to the collector that he intends to ship a certain cargo, but that he does not know the exact amount. I propose to add, after the word "forfeited" in the 14th line, the following words:—"Provided that when the amount of duty cannot be ascertained until after the shipment of such goods, notice to that effect, served upon the Collector, shall protect the shipper until the loading of the vessel is completed."

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That progress be reported.

Question—put and passed.

ELECTRIC LIGHTING BILL.

This bill was considered in committee and agreed to without amendment.

ADJOURNMENT.

The Council at twenty minutes to 10 o'clock, p.m., adjourned until Tuesday, 8th March, at 3 o'clock, p.m.

Legislative Assembly,

Monday, 7th March 1892.

Alleged Breach of Privilege by the *Daily News*—Railways Act, 1878, Further Amendment Bill: first reading—Papers connected with the Midland Railway Company—Correspondence relating to the floating of the Midland Railway Company—Further assistance to the Midland Railway Company—Returns showing number of Government employes and their salaries and emoluments—Returns re Chinese immigration—King George's Sound Garrison Discipline Bill: second reading—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

PRAYERS.

ALLEGED BREACH OF PRIVILEGE.

MR. CANNING: Sir, I believe questions of privilege take precedence of all other motions in this House. It is with regret and with reluctance that I find myself compelled to address the House on the present occasion on a question of privilege, in which I am myself personally concerned. I thought that whatever may be the opinions I have held and the views I have expressed in the House on the various questions that from time to time have come before it, I might at least claim credit for something like sincerity. My own inward consciousness gives me the assurance that I am quite justified in so thinking. Well, sir, I find that whatever my own consciousness or my own opinion may have been, I have not been exempted from a most unwarrantable attack in a newspaper published in this city. In the *Daily News* of last Saturday there is a most unwarrantable and unjustifiable and unfounded attack made upon me; and I consider, sir, that my duty to the community at large, my duty to my constituents, and my duty to myself, calls upon me to repel this attack and to answer it. I think I ought, before proceeding further, to read to this House the article in question, in order that it may fairly judge the issue which I have to set before it. The article is headed "Illegitimate Assistance," and the very heading of the article is an insult to this House. These are its words:—

A very strong feeling of opposition is manifesting itself to the introduction by the Government of a bill for the remission of the rents in certain parts of the drought-stricken districts. Of course, it is quite understood