PERTH GAS COMPANY BILL.
Read a third time and passed.

The House adjourned at half-past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 30th August, 1886.

Vote in aid of Fremantle Grammar School buildings—Correspondence between Rev. J. B. Gribble and the Government—Message (No. 20): Replying to Addresses—Message (No. 21): Appointment of the Hon. J. G. Lee-Steere to be representative of this colony in the Federal Council—Increase of Pension to Mr. George Eliot—Destructive Insects and Substances Act: Importation of Shrubs and Plants—Supreme Court Act, 1880, Amendment Bill: first reading—Federal Council Reference Bill: first reading—Swan River Mechanics' Institute (Mortgage) Bill: first reading—Fremantle Gas and Coke Company Bill—Estimates, 1887: consideration of report—Appropriation Bill, 1887: first reading—Land Regulations: Adoption of committee's report—Aborigines Protection Bill: further considered in committee—Adjournment.

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

PRAYERS.

VOTE IN AID OF FREMANTLE GRAMMAR SCHOOL BUILDINGS.

MR. PEARSE, in accordance with notice, moved, "That an humble address be presented to His Excellency "the Governor, praying that he will be "pleased to place on the Estimates for "the year 1887 the sum of £500, to "enable the Governors of the Fremantle "Grammar School to erect suitable "buildings for the accommodation of "boarders; such amount to be paid conditionally upon a similar amount being "raised by private effort." The hon. member said he had received a petition from the governing body of the school, but he found on reference to the Standing Orders that he was unable to present it to the House. The governors of the school, who had recently erected a very handsome school building, intended, if they obtained this assistance, to proceed with the erection of a suitable building for the accommodation of boarders, which was very much needed. They had up to the present time expended about £1,600 in buildings, towards which they had received no assistance whatever out of public funds. The school was doing a vast amount of good, and was very popular all over the colony. He found that out of 64 boys on the school roll no less than 32 came from country districts,—nearly every district in the colony being represented, from the Ashburton at the North to Albany at the South; so that, in asking for this assistance, hon. members would see he was pleading the cause of a most popular institution. He dared say it might be said, as an argument against this address, that the House was already sudsidising another institution of the same class, and that the colony could not afford to subsidise another. No doubt that institution was doing a vast amount of good in the way of providing higher education for the boys of the colony; but the same remark applied to this Grammar School, and he hoped that in this instance the House would recognise the good old principle of helping those who helped themselves. The governors of this school had shown their readiness to help themselves in every way, and he thought they were fairly deserving of some little encouragement from the State and from that House.

CAPTAIN FAWCETT said he was very pleased to second the motion. He had no boy at this school himself, but he should like to hear from the Government side any argument why this school should not receive some assistance out of public funds as well as the High School, Perth.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said that some years ago the Legislature passed an elaborate Act affirming the principle of State aid to education, and at the present moment we were spending upwards of £11,000 a year in that cause; and he regretted that the Government were unable in any way to support this proposal of the hon. member for Fremantle. The institution alluded to, and in whose behalf the hon. member appealed for this aid, was, he believed, an excellent one in every way; but, none the less, he hardly thought it would be right, in view of the large annual expenditure which the Government already had to incur—an expen-

diture that would have to be increased no doubt, annually, as population increased—that they should accede to this appeal. Nor indeed were they in a position to do so. Moreover, there was this to be said: if they were to grant this £500 to the Fremantle Grammar School they could not consistently refuse similar assistance to any other grammar schools that might be established hereafter, elsewhere. The colony was advancing, and why should they not have grammar schools established at Geraldton, York, Bunbury, Albany, and other centres of population, all of whom would expect to receive Government aid if the Fremantle school obtained it. Were it not that on principle the Government felt they were unable to accede to the prayer of this address, they would have been very pleased to do so. They had already in a measure supported this institution when they granted it a site for the present school buildings, and he thought the House would be with him when he said that they were unable, under any circumstance, to support the present proposal.

Mr. GRANT was somewhat sorry to see the attitude of the Government in this matter. He thought this Grammar School supplied a great want, and deserved every encouragement. The number of boys that attended it from all parts of the colony showed how popular it was, and how necessary it was that accommodation for boarding the boys should be provided. The school was evidently much appreciated by country parents—in fact they preferred sending their children there to anywhere else. As to having to give assistance to other grammar schools if they gave assistance to this establishment, why should they not do so? Why should they not have these grammar schools in all their principal towns? And why should they not be supported by the State as well as other schools?

The House divided upon the motion for the presentation of the address, the numbers being—

Ayes	7
Noes	13
Majority against ...	6

Ayes.	Noes.
Mr. Brockman	Hon. S. Burt
Mr. Crowther	Hon. J. Forrest
Capt. Fawcett	Hon. J. A. Wright
Mr. Grant	Mr. Burges
Mr. Loton	Mr. Harper
Mr. McRae	Mr. Layman
Mr. Pearse (*teller.*)	Mr. Marmion
	Mr. Randell
	Mr. Shenton
	Mr. Sholl
	Mr. Venn
	Mr. Wittenoom
	Hon. M. S. Smith (*teller.*)

CORRESPONDENCE BETWEEN THE REV. J. B. GRIBBLE AND THE GOVERNMENT.

Mr. SHOLL, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, "praying that he would be pleased to "cause to be laid upon the table of the "House all correspondence that had "passed between the Government and "the Rev. J. B. Gribble or any agent of "his; also any other communication "which may throw light upon the value "of the statements published by the "Rev. J. B. Gribble in connection with "his missionary efforts at the Gascoyne." The hon. member said the House was aware that certain scandalous allegations had gone forth to the world, reflecting in a most serious manner upon the settlers of the North-West, and even upon the Government of the colony and the clergy. The members of the Legislative Council also were not free from these imputations, as regards the treatment of natives, and he brought this motion forward in order that if possible some light might be thrown on the subject, and that the settlers and the country at large might have an opportunity of refuting these infamous calumnies. He believed the Government of the colony had been accused of winking at this alleged disgraceful state of affairs, and he thought it was due to the Government, due to the clergy, due to the settlers of the North, and due to that House that an opportunity should be afforded of publicly refuting these scandalous charges, that had been raked up and circulated against them by the person referred to.

Mr. GRANT seconded the motion, without comment.

The ACTING COLONIAL SECRETARY (Hon. M. S. Smith) hardly thought the House could expect that such correspondence as this would be placed on the table; at the same time if

the House was desirous of pressing the matter he did not propose dividing the House upon it. His Excellency, doubtless, would be prepared to receive the address and give a reply to it; but, still, the hon. member, he hoped, would not press the matter.

MR. SHOLL: Well, sir, I think it is really due to the people of this colony, and due to the Government itself, that this correspondence should be laid on the table. This man Gribble—I cannot call him a gentleman—has been vilifying the settlers and vilifying the whole colony in the eyes of the world, and I think the world ought to see how much reliance there is to be placed upon his words. I suppose in the correspondence between him and the Government there must be some specific accusations made, and it is only right and fair that the public who have been maligned should have an opportunity of giving these accusations a specific denial. I have no intention of withdrawing the motion, and I intend to press it.

The motion was then put and passed.

MESSAGE (No. 20): REPLYING TO ADDRESSES.

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

"In reply to Address of the Honorable "the Legislative Council, No. 17, dated "the 29th ultimo, the Governor has the "honor to inform the Council that he has "given directions which will enable the "Inspector of Sheep in the Central Dis-"trict to aid in eradicating Scab in the "Champion Bay and Irwin Districts.

"2. The request contained in Address "No. 19 of Your Honorable House, dated "the 13th instant, respecting the grave "of the late Mr. PembertonWalcott, has "been complied with.

"3. The Governor is in communication "with the Governments of some other "colonies on the subject of public holi-"days affecting the business of the "Custom House; and the Adelaide "Steamship Company have been addres-"sed respecting the dates of arrival at "Albany of their steamers from the "Eastern Colonies. These questions are "referred to in Addresses Nos. 5 and 9, "dated the 30th of June and the 19th "instant, from Your Honorable House.

"4. Action will be taken in accordance "with Address No. 20, dated the 19th "instant, respecting Smelting Works in "the Victoria District; and due con-"sideration will be given to the wishes of "Your Honorable House as expressed in "Addresses Nos. 21, 22, 23, and 24, of "the 23rd and 26th instant, on the sub-"jects of the Admission of Legal Prac-"titioners of the Supreme Court, Steam "communication with Derby and Wynd-"ham, the Erection of a Benevolent "Institution at Freshwater Bay, and the "Buildings and Management of Perth "Hospital.

"Government House, Perth, 30th "August, 1886."

MESSAGE (No. 21): APPOINTMENT OF HON. J. G. LEE-STEERE TO REPRESENT COLONY IN FEDERAL COUNCIL.

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"In conformity with the 5th section "of 'The Federal Council (Adopting) "Act, 1885,' the Governor has the honor "to officially notify to the Honorable the "Legislative Council that he has ap-"pointed the Honorable James George "Lee-Steere to be the Representative of "this Colony in the Federal Council of "Australasia.

"Government House, Perth, 30th "August, 1886."

INCREASE OF PENSION TO MR. GEORGE ELIOT.

MR. WITTENOOM moved "That an "humble address be presented to the "Governor, praying that he would be "pleased to increase the pension of Mr. "George Eliot to the same amount as "he was getting when receiving full pay "(£535); also, to make up the difference "between his present pension (£406 13s. "4d.) and full pay for the last six months "of 1886 (the date of his resignation)." The hon. member said that some little discussion took place the other evening on this subject, and it was found that the amount on the Estimates could not be increased. He therefore took this course of moving an address to the Governor, and he trusted it would receive the

sympathy of the House. Mr. Eliot's case was not an ordinary case; it was a special case, and a case with regard to which he doubted very much whether there was a parallel in the Government service. In the first place Mr. Eliot was one of the few—or, he might say, the only remaining gentleman who arrived in this colony on the first Governor's staff, and who was one of those who helped to form the first Government of Western Australia in its inception; and he remained in the Government service from that until a few months ago. He arrived here on the 1st June, 1829, and only retired last year. He thought that such exceptionally long service deserved special recognition. They found him serving the country for a number of years, in different places, until, seventeen years ago, he got to the important district of Geraldton, of which he became Resident Magistrate. Hon. members must be well aware how difficult, some sixteen or seventeen years ago, the position was of administering the numerous duties attached to that office, when there was no telegraphic communication or steam communication between the district and head quarters, and when the Resident Magistrate was cut off from the capital in every way. With the exception of weekly mails and occasional coasting vessels, he had no opportunity of seeking or obtaining advice from head quarters, so that he had to act entirely on his own judgment; and when they looked how few errors he had made, hon. members would agree that his abilities as a magistrate were exceptional, and that he was entitled to some consideration. The magisterial duties in Geraldton had continued to increase from time to time, and they were both numerous and arduous, and rendered more difficult by reason of the district being so far away. In addition to these magisterial duties, he had other important duties to perform in connection with the Customs Department, and immense sums of money had to pass through his hands. The positions he held were such as required great fidelity, and great care, and great ability, to discharge the duties properly and well; and when they took into consideration the few mistakes he had made, they must all agree that this gentleman had been an excellent officer. Further, he had coupled with his duties at Geraldton, without any further remuneration, the duties connected with the Magistracy of the Greenough and Dongara districts, which he discharged for a long period without any remuneration at all; and, supposing some hon. members might think he was not entitled to full pay, surely his pension should be based on the consideration of these exceptional services. Hon. members might argue that if they agreed to this address it would be forming a precedent, and that there were others, who had been in the public service a long time, and who would soon be retiring, and be entitled to similar consideration. But none of them could urge that they had been situated at long distances away from head quarters, or that their duties had been so multifarious. Most of them had only magisterial duties to perform, and were within easy means of communication with head quarters, when they wanted advice, and none of them he thought had such exceptional claims to consideration as this gentleman. He hoped hon. members would support him in this address, and thus do an act of justice to a most deserving officer.

Mr. CROWTHER had great pleasure in seconding the motion. It required no words from him, after the eloquent appeal of the hon. member who had just sat down, to recommend the motion to the House. He thought the House fully recognised the merits of the officer in question. There was one thing which, he thought, ought to be taken into consideration: had this officer retired from the service some few years ago, he would have been entitled to his full pension; but he felt at the time that he had still health and strength to continue to do the work, and he waived that opportunity of receiving his full retiring allowance.

Mr. BURGES said he wished to record his vote in favor of the address, having known this gentleman for a great many years, and being also aware of the able way he had discharged his duties, and what a valuable officer he had been to the Government. He thought there were special circumstances in Mr. Eliot's case. He had been over 44 years in the service, and during the latter part of his time he had been filling a very important office indeed—an office that could not be compared with that of

the inland magisterial districts. The Geraldton district, since its early days, had been an important magisterial district. The duties of the Resident Magistrate were very multifarious: he had Custom house duties, he had duties connected with the Land Department and the Survey Department, besides his own magisterial work; and this gentleman had fulfilled them in a most able manner, to the great satisfaction of the public, and, he thought, to the entire satisfaction of the Government. As a magistrate, he was peculiarly adapted for the position, being very well up in law, and having to preside at quarter sessions in cases of very great importance, and he always performed the duties of the office without making any mistakes. He thought there were very few magistrates who could have undertaken such arduous duties, or who could have discharged them with more energy and with more satisfaction to the public generally. Latterly he had been doing the magisterial duties of the whole of the Victoria district, from the Irwin to the Murchison; and, as the hon. member for the Greenough had said, he undertook these additional duties when he might have retired on a full pension. But, so long as he was able to do the work he was anxious to continue his services to the country; but, in doing that latterly, he found that his health was giving away. He had to take long journeys from his own home to the Irwin and the Greenough Flats, and he (Mr. Burges) believed that these increasing duties had a great deal to do in breaking down his health. He thought under all these circumstances, every hon. member would admit there were special circumstances connected with that gentleman's services. He hoped the Council would duly recognise those services, and adopt this address. He was worthy of it in every sense.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): Not only I, but every member on the Government benches, fully endorse the views that have been expressed by those hon. members who have spoken as to the merits of the late Government Resident of Geraldton. He was, I may say, almost what I may call a pattern Government Resident, —a man who not only discharged his official duties admirably but at the same time with great tact and judgment, under very difficult circumstances, and who always upheld the dignity of his position. Having said so much, I regret that it now becomes my duty to say that the Government are unable to support the motion, for this reason: the Government have not the power to do so. In calculating these pensions they have to be guided by the law, and that law says that the pension is not to exceed a certain sum, unless there have been some special services. When we come to consider what "special services" are, I think hon. members ought to admit that the Government are right in adhering to a hard and fast line, otherwise we should be constantly being appealed to in the same manner as we have been this evening. A gentleman occupying any official position may serve his country well, ably, and honestly for a great number of years; but long services and good services do not constitute "special" services; and it is for these reasons that I am unable to support this address. I say it with regret, because I am sure the Government would only have been too glad if they could have found some means of finding what may be really termed "special services" in the case of this officer, and thus have increased his income. But they are unable to do so; and I hope the House—although hon. members may regret having to do it—will admit the force of the argument I have made use of.

MR. WITTENOOM said he was sorry he could not agree with the hon. gentleman as to there being no special services in Mr. Eliot's case. He thought, considering the variety and importance of his duties and the position of isolation he was placed in—it was only at the North-West that a magistrate could be placed in a similar position—and the necessity for acting without advice, upon his own judgment, and considering he had been in the service of the colony since its very foundation he might say,—considering all these circumstances it appeared to him that this gentleman had a very strong claim for special services. Of course they all knew that where there was a will there was a way; and, had the Government been willing to do it, he was sure they would have found a way. And if hon. members would vote for the resolu-

tion he believed that a way would yet be found. There would be no difficulty about that.

Question put—that the address be presented.

The House divided, with the following result—

Ayes	...	...	8
Noes	...	...	10
Majority against	...		2

Ayes.	Noes.
Mr. Burges	Hon. S. Burt
Mr. Crowther	Hon. J. A. Wright
Capt. Fawcett	Mr. Brookman
Mr. Grant	Mr. Harper
Mr. Layman	Mr. Loton
Mr. Pearse	Mr. McRae
Mr. Venn	Mr. Parker
Mr. Wittenoom (*Teller*).	Mr. Randell
	Mr. Shenton
	Hon. M. S. Smith (*Teller*)

The motion was therefore negatived.

DESTRUCTIVE INSECTS AND SUBSTANCES ACT: IMPORTATION OF TREES AND PLANTS FROM ABROAD.

Mr. HARPER, in accordance with notice, moved, "That an humble address "be presented to His Excellency the "Governor, praying that he will be pleased "to bring into force the provisions of the "44th Vict., No. 5, to the following ex- "tent, viz.:—That no tree, shrub, plant, or "any portion thereof shall be introduced "into Western Australia, except from the "colony of South Australia; and only "from that colony if accompanied by a "certificate from a duly-qualified inspec- "tor, to the effect that such trees, shrubs, "plants, etc., are free from any noxious "diseases or insects as are declared to be "such under the provisions of the South "Australian Act (48th and 49th Vic., No. "345); provided, however, that this should "not apply to seeds of any description, nor "to potatoes or onions; and further, that "the South Australian Government be in- "vited to assist this colony in its endeavor "to exclude diseases and insects injurious "to plant life, by rigorously enforcing the "provisions of the above cited Act." The hon. member said that at the last session of the Council he tabled a notice dealing with this subject, but he then found that the Act in force would meet the case, provided the Governor, by proclamation, brought it into operation. On making further inquiries, he found that the South Australian Government, fearing damage to their farming and gardening interests by the introduction of dangerous insects, injurious to plant life, introduced a bill last session dealing with the subject, in a very stringent way; and the bill became law. Since then it appeared that a still more dangerous disease to plants than was known at the time had made its appearance in Victoria. With the leave of the House he would read a letter which was published in the *Argus* on the subject:

ANOTHER INSECT SCOURGE.

To the Editor of the Argus.

Sir,—I desire to call attention to a species of coccus known as dorthesia. This destructive pest was first observed in the island of Bourbon. Thence it spread to Mauritius, about 25 years since. In Mauritius it destroyed the orange and lemon trees, many of the ornamental shrubs and acacias, and wrecked most of the beautiful plantations and shrubberies. At Port Louis it still exists in loathsome masses on the handsome Talipot palms.

About 12 years ago it was noticed for the first time in the Botanical gardens, Cape Town, and most probably arrived there from Mauritius with plants sent to the Botanical gardens. During the first summer it spread about three miles into the suburbs along the railway. Its fearfully destructive character now became evident, for the orange trees, the Australian wattles, the pittosporums, and the blackwoods became loaded with this disgusting parasite, and the trees slowly but surely succumbed to its attacks.

Its vast powers of increase and its peculiar structure rendered all attempts to check its progress unavailing. The adult female dorthesia is about one-third of an inch long, and is furnished with a pair of white fluted wings, similar in form to those of the cicada. Underneath these wings the body appears to be one mass of ova, comprising hundreds of individuals. Syringing, &c., failed to reach this ova, and although the adult dorthesia was sometimes reached and killed, the young escaped, and they are so light that a breeze scatters them far and wide.

All trees of the orange kind, such as lemon, citron, shaddock, &c., proved especially suitable food for the dorthesia, and once a tree became infested no amount of syringing or washing prevented its destruction. The disastrous results of its arrival at the Cape are all too evident.

Formerly in Cape Town itself, and throughout the suburbs, the orange tree lent a charm to the gardens that no other tree could give, and in the Western Provice orange-growing form a most important source of wealth, many farmers netting several hundreds a year from their orange groves. Some of these groves, planted by the Huguenots and their descendants, were of great age, and besides being profitable, were objects of great beauty.

To-day this is all changed, and except for a few dead stumps these fragrant groves and this valuable asset in the country's wealth have disappeared.

Not so the dorthesia; it is still advancing steadily, and leaving destruction in its wake; and will continue to do so as long as suitable food is within reach.

This plague appears to enjoy a wide range of food, for I have seen medlars, pear trees, oaks, quinces, and many other trees smothered with it. It crowds the stems and leaf-ribs of the pittosporum, the wattles, the Cape plumbago, and the pomegranate. Strawberry plants become so covered that the fruit cannot be eaten. French beans and many vegetables also suffer from its ravages, besides roses and many garden flowers. Vines are slightly affected.

Now, Sir, this dorthesia has appeared in Melbourne. Yesterday, at Mr. Guilfoyle's request, I accompanied him to the Custom House, and identified the coccus covering the two pittosporums at the entrance as dorthesia. I wrote some weeks ago to the Agricultural department, urging that every precaution should be taken to prevent its introduction, as there was great risk of its being brought from Mauritius.

As it is already here, and it has proved so destructive elsewhere, I think it the duty of the authorities and of the public to use the most strenuous efforts to cope with it before the advent of warm weather. Every particle of vegetation affected by this scourge should be destroyed by burning. It is also desirable that a short bill should be introduced to deal with this and similar noxious insects that may reach these shores.

* * * *

I am, &c.,
E. J. DUNN.

July 29, 1886.

That letter, he thought, was evidence that a most dangerous disease had been admitted into the neighboring colony, and there was no knowing how far it might spread unless stringent measures were taken to prevent its introduction into other colonies. South Australia, as he had already said, had taken steps to protect its own interests, and he thought it was our duty here to do all we could to prevent the introduction of such scourges as these. He had also before him a copy of the recently published report of the Royal Commission on Vegetable Products, appointed by the Victorian Government, which showed how extremely dangerous it was to introduce destructive insects into a country. Among the witnesses examined before the Commission was the Hon. P. L. Van Der Byl, Minister of Agriculture at the Cape of Good Hope, who was recently travelling in Victoria, and who, in reply to a question put to him by the Commission, said that since the introduction of the Australian bug into his colony, it had simply swept thousands of acres of land of oranges, and that now they had no oranges within 150 miles of Cape Town. Asked if they had the oidium in that colony, the witness replied that they had, but that they had now legislated on the subject, and that no plant of any kind was allowed to be introduced into the colony. "No plant?" he was asked. "No plant with soil, or any cutting," was his answer, "except seed, from any part of the world, and by that we checked it." He thought everyone in that House was prepared to claim for this colony that its climate, and its soil, and its position, pointed to the cultivation of fruit as being likely to become a very important industry in the future; but he thought that if we at present neglected to take the necessary steps to prevent the introduction of destructive insects into the colony, all the value of our climate and soil and position would prove of little avail. If steps were taken as he now proposed, he thought we might utilise the machinery that the South Australian Government had already provided in that colony in protecting ourselves. In doing so we would give South Australia, in return, a monopoly of any supplies of plants that we may require; but they would naturally endeavor to keep the trade, and by protecting themselves protect us also. He hoped that at some future session we might see our way to adopt some measure of our own for the eradication of the diseases that afflicted plant life in this colony. He thought it was a growing policy throughout all intelligent communities that where disease could be eradicated it was a judicious thing in the interests of the State that prompt steps should be taken to do so.

MR. BROCKMAN said he had much pleasure in seconding the motion. He thought it behoved us to take these steps, and to do all in our power to keep out disease, and to prevent the introduction of all insects that were known to be injurious to plant life.

The motion was then put and passed.

SUPREME COURT ACT 1880, AMENDMENT BILL.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt), with leave, without notice, moved the first reading of a

Bill to amend the Supreme Court Act, 1880.

Motion agreed to.

Bill read a first time.

FEDERAL COUNCIL REFERENCE BILL.

The ACTING ATTORNEY GENERAL (Hon. S. Burt), with leave, without notice, moved the first reading of a Bill to refer certain matters to the Federal Council of Australasia.

Motion agreed to.

Bill read a first time.

SWAN RIVER MECHANICS' INSTITUTE (MORTGAGE) BILL.

The ACTING ATTORNEY GENERAL (Hon. S. Burt), with leave, without notice, moved the first reading of a Bill to enable the Trustees of the Swan River Mechanics' Institute to raise money on mortgage of certain lands vested in them.

Motion agreed to.

Bill read a first time.

FREMANTLE GAS AND COKE COMPANY BILL.

Read a third time and passed.

ESTIMATES, 1887.

On the order of the day for the consideration of the report of the committee of supply,

The CHAIRMAN OF COMMITTEES reported that the committee had considered the Estimates for the ensuing year, and had agreed to resolutions granting supplies amounting to £360,594 9s. 1d.

The report was adopted.

APPROPRIATION BILL, 1887.

The ACTING COLONIAL SECRETARY (Hon. M. S. Smith), with leave, without notice, moved the first reading of a Bill to appropriate the sum of £360,594 9s. 1d. out of the general revenue of the colony for such services as shall come in course of payment during the year 1887.

Motion agreed to.

Bill read a first time.

LAND REGULATIONS: ADOPTION OF THE COMMITTEE'S REPORT.

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest), in moving the adoption of the report of the committee of the whole House upon the new Land Regulations, said he should like to say a few words before the subject was finally disposed of. In the first place he had to thank the members of the House for the very great care and attention they had bestowed upon these Land Regulations. Some hon. members he had to thank for their support, and others for their opposition—and he thought their obligations were due quite as much to those who had opposed as to those who supported them. He thought himself that the opposition led by his hon. friend the member for Wellington, during the protracted discussions that had taken place, had been productive of very great good; and, although the hon. member had not got what he wanted, there was no doubt that the hon. member's watchful opposition had made them very careful as to what they proposed. He had to thank all hon. members for the great courtesy they had shown towards himself in carrying out his duty of piloting this measure through the House. Hon. members were aware they had an arduous duty, and he thought that those who sat on the select committee of last session would especially feel very much relieved to find these regulations adopted by the House that evening. There had been no less than eighteen debates upon this subject during the session, and there had been twelve divisions, in all of which he was happy to say the Government had been successful. He thought when they all had carefully read and considered these regulations, and came to understand them in all their bearings—not only the members of that House but the people of the colony—they would find that they were very much better regulations than was generally supposed now, by those who had not followed them closely. He did not think they had received any great amount of assistance or support from the country; he did not think the settlers generally had shown much disposition to give them the benefit of their advice or their ideas, to as great an extent as they might have done, and he was sorry to say also that the press of

the colony had generally been adverse to their decisions. But he believed that the more the regulations were considered the more they would be liked. His only regret was that these Land Regulations had not been the regulations of the colony during the past twenty-five years, for he believed, if they had, they would have borne abundant fruit. As it was, of course, they would have a more difficult task to fulfil; but, personally, he had no fear as to the result. They were based, in his opinion, on a good sound principle which it could scarcely be said had found place in the regulations existing in the past—the principle, namely, that only those who will use the land shall have possession of it. The regulations no doubt would be found to have some defects, and those defects would become more apparent as time went on. But he did not himself see any defects that he thought they could alter successfully at the present moment. Time of course might show wherein their defects existed, and it would be the privilege of a future Legislature to remedy those defects. He could only conclude by again thanking hon. members for the support they had given him in bringing the regulations into their present shape; and he hoped —indeed he felt sure—that their united efforts would result in promoting the settlement of the colony and the prosperity of its people. He begged to move that the report be adopted.

MR. PARKER said he had no intention of opposing the adoption of the report, but he thought, inasmuch as the hon. gentleman had stated that all the divisions that had taken place were in favor of the Government, it would only be just as well that he should point out that this success was due to the policy of conciliation and compromise adopted by the hon. gentleman and by the Government generally towards the other side of the House in this matter. He thought the hon. gentleman would agree with him that whenever the hon. gentleman found a debate going against him, or that he was likely to lose a point, he immediately succumbed,—the hon. gentleman immediately realised the situation; and in this way the hon. gentleman succeeded in securing a majority. He did not blame the hon. gentleman; he thought the hon. gentleman was to be commended for his readiness to adopt this policy of conciliation and compromise, which had enabled him to carry this important measure through so successfully, and he thought the thanks of the House and of the country at large were due to the hon. gentleman and to the Government for their efforts to successfully carry these regulations through the House. He only hoped they might have the beneficial results which the hon. gentleman anticipated, and that they might conduce to the settlement of the country and to the increase of population. He hoped that not only would they tend to the opening up of agricultural settlement but also conduce to the welfare and prosperity of our pastoralists. But, to his mind, the one great desideratum, dominating all other considerations, in dealing with this land question, was the encouragement of agriculture,—the cultivation of those products for which the colony was now so largely dependent upon foreign importation, both as regards dairy produce, agricultural produce, and even garden produce; and, should the regulations conduce to the realisation of their hopes in that direction, the labor bestowed upon them would not be labor thrown away, and the regulations themselves would confer an everlasting benefit upon the colony and upon the community at large. The efforts of the hon. gentleman and of the Government in this direction were worthy of all praise, and, so far as the hon. member for Wellington was concerned, he was sure that the hon. member's sole idea was to do that which he conceived best in the interests of the colony. The hon. member's idea all through was that it would be a serious mistake, a fatal mistake, to lock up the lands of the colony and to hand them over to a squatting population. What the hon. member had consistently aimed at, and persistently aimed at, so far as this South-West division of the colony went, was that the land should be thrown open for agricultural settlement; and if the hon. member had not been as successful as he might have wished in accomplishing this object, yet his views and his opposition had very great weight, and they induced the hon. member opposite to alter his policy, and to compromise various points in relation to these regulations. Therefore he thought their

thanks were also due to the hon. member for Wellington for leading, as he did, the opposition to this measure, for if they wanted to arrive at the truth and the real merits of a subject they must not only have a Government able to carry its measures but also a strong Opposition to stimulate discussion and criticism. For this reason they were all pleased, he thought, to accord their thanks to the leader of the Opposition as regards this measure. He only trusted, in conclusion, that the united efforts of both sides of the House had resulted in the framing of regulations that would lead to the future prosperity of the colony.

The report of the committee was then adopted.

ABORIGINES PROTECTION BILL.

The House went into committee on this bill.

Clauses 1 and 2.—Short title and interpretation:

Agreed to.

Clause 3.—Appointment of Aborigines Protection Board:

MR. SHOLL: Is this Board to be a paid Board? If so, what is the estimated cost to the country? Also, is it to have a paid secretary; and, with regard to the bill altogether, are the native protectors to be paid, and what are they likely to be paid? We have had no information on the subject.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): It is not contemplated to pay the members of the Board. It may be necessary hereafter to have a paid secretary, but it is hoped we shall be able to secure the services of a secretary without paying him. The protectors will not be paid; at least, it is not the intention of the Government to pay them at present. We do not know what may take place hereafter.

The clause was then agreed to.

Clauses 4 to 17:

Agreed to, *sub silentio*.

Clause 18—Contracts with aboriginals invalid unless made in certain manner and under certain specified conditions. No contract with any aboriginal under the age of sixteen to be of force:

MR. WITTENOOM moved that the word "sixteen" be struck out, and the word "ten" inserted in lieu thereof. He had already explained why, in the opinion of the select committee, the age at which aboriginal natives might enter into a contract should be reduced from sixteen to ten. At the latter age they were more tractable, and more easily trained in habits of industry, and a native at ten years old knew as much as a white at sixteen.

MR. SHENTON thought ten was too young altogether, though he agreed that sixteen was too old. He should think twelve would be a good age to fix upon.

MR. SHOLL said that from what he knew of native boys they matured very young, and when they were ten years old, up to fifteen, they were of the greatest service to the settlers. They were more tractable, and quicker at picking up, and more likely to stay upon the stations. He thought it would be a pity to throw any obstacles in the way of their being able to earn an honest livelihood, and becoming happy and contented, at as early an age as possible.

MR. MARMION said that without claiming any special knowledge on the subject, he thought it was desirable that we should endeavor to utilise the services of these native youth, while they were still tractable, and amenable to civilising influence. Whatever might be said to the contrary, station-holders must find it to their own benefit to deal well with these natives. That might be a selfish view to take, but still it was only human nature. It might be said that the settlers would be able to utilise these young natives, without entering into an agreement with them; but, he should think very few would care to go to the trouble of training them unless they had some hold upon them; and, without an agreement, a native might leave his employer's service at any moment. It appeared to him that the earlier they could instil notions of utility, thrift, and honesty into the native mind the better for the native and the better for the settlers.

MR. GRANT said he should be very sorry to see native boys, ten years of age, excluded from entering into contracts. Upon the stations he was acquainted with—and he was not without some experience of native labor—they would find all the children of the neighborhood volunteering for work long before they were ten years old,—some

of them as soon as they could waddle; and they were fed and clothed and taken as much care of as any philanthropist could wish. In sickness or want they were just as much nursed and taken care of as if they belonged to the settler's own family. If it should happen that their services could not be secured until they were sixteen years of age, it would be a great disadvantage to these natives themselves. On some stations they were found useful at seven or eight years old minding sheep, or guarding cattle or horses—and they dearly loved to get on horseback; and, in this way, they gradually became domesticated. Surely this was better than they should be roaming about the bush, following their own savage instincts. The result of the clause would be that the settlers would not take the same interest in these youngsters. He thought, in the interests of humanity and of the children themselves, it would be a mistake to deprive them of the power of entering into a contract until they were sixteen years old.

MR. LAYMAN thought sixteen years was too old altogether, if they wanted to do any good with these young blacks. He did not understand why the Government should have fixed upon that age. So far as his experience went, if you wanted to do any good with these natives you must commence at a very early age. You could not commence too soon to break them in. The appointment of native protectors would be an excellent thing, providing due care be exercised in selecting proper men.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said it struck him that hon. members were running rather wild of the mark. The bill did not aim at preventing the settlers from doing all this with these native children, or at staying the exercise of the philanthropy of the hon. member for the North or any other hon. member. These young natives could still be carefully nursed, and clothed, and looked after, as well as they could now. The bill did not profess to say that the settlers should not take them into their service at an earlier age than sixteen. It must be admitted that they were mere children at that age, black or white. It was said that other people might decoy them away, unless they were under a contract. What was to prevent their decoying them away now? People would not take to decoying them away simply because of this bill. All this bill said or did was this: you cannot have them up before a magistrate, under a binding contract, and give them three months. It did not say: you cannot feed them and clothe them, and treat them well. If they reduced the age to ten, and the child broke his agreement, he could be taken before a magistrate who could give him three months—a child ten years old. Was that a desirable state of the law? He did not think hon. members intended or desired it.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the contracting age at present was twenty-one years. No servant could be bound by contract under that age; and they now proposed to reduce it in the case of these natives to sixteen, which he thought was low enough. He hardly thought hon. members wished to bring the penalties of this bill upon a mere child. The object in view was no doubt a good one; but it wouldn't look very well in print, a long debate as to whether the settlers of the colony should be allowed to enter into contracts with native children ten years of age.

MR. BURGES thought they were wasting a good deal of time over this question. If they wanted to secure the services of these children at such an early age they must do so through the intervention of their parents, in the same way as white people apprenticed their children.

MR. McRAE said he had had a great deal of experience of natives, and his experience led him to support the amendment, to reduce the age to ten. These blacks matured very early—at fifteen they were married. He did not think ten was too early an age to engage them.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): No one says you cannot engage them at that age. This bill doesn't say so.

MR. McRAE: They are employed under the Pearl Shell Fishery Act at fifteen years of age, under an agreement.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): The same agreement as you can make now with these children and their parents will still be open to you. If the agreements now

made are any protection, this bill does not take it away. Whatever the law now is in that respect, black or white, or any other color, it will be exactly the same after this bill passes. What this bill says, as regards native children under 16 years of age, is that the law of contract as against them shall not take effect—shall not take effect as regards that native, nor against a third party who decoys him away—unless the contract is made under this Act. This bill does not take away any remedy which employers have now. Did hon. members ever see a white boy sent to prison, for a breach of contract, at ten years of age? Or at sixteen years of age?

MR. SCOTT: How about apprentices?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): There is another part of the bill dealing with apprentices.

MR. GRANT: If the bill does not alter the state of the law I don't see the good of it. So far as I am concerned I would sooner see it struck out altogether—the whole bill.

MR. SCOTT: Seeing that we are going to appoint native protectors, I don't see that reducing the age is likely to lead to any abuses.

MR. RANDELL thought ten years was altogether too tender an age. He did not think anyone would wish to put it in the power of any magistrate to inflict the penalty of imprisonment upon a child of that tender age. They owed something to public opinion—to public opinion in our own colony and to outside public opinion, and he was sure that House would regret if it placed on the statute book of the colony a law which permitted a native child ten years old to be sent to prison for a breach of contract.

MR. SHOLL said the Government were rather inconsistent when they talked about imprisonment. They had been jawing away for the last half-hour about sending these natives to prison, and yet under Clause 31 they themselves provided for imprisonment of three months, for any age. The present impression, right or wrong, was that an agreement could be made with natives of a tender age, and that was the reason why it worked so well. But once it got abroad that an agreement could not be made having any validity, people would soon entice them away.

MR. MARMION thought there was a great deal of nonsense and sentiment entering into the consideration of this question. Was it not well known that the parents of these children were almost invariably employed on the same stations with them? And who was it who fed these natives, young and old, and looked after them, even from their infancy, but the settlers, their employers? Was it not desirable that they should have some legal control over them at as early an age as possible?

MR. LOTON said the question was not at what age settlers should be allowed to employ these natives; the point was simply this: should those who engaged a child ten years of age, and that child did not care to remain in their service, be allowed to bring him before a magistrate and give him three months imprisonment? He hoped the good sense of hon. members would prevent them from adding to the statute book a law applying to a black boy that they would not apply to a white boy.

The committee divided upon the amendment to reduce the age to ten, with the following result:—

Ayes	10
Noes	13
Majority against ...	3

AYES.	NOES.
Mr. Crowther	Hon. M. S. Smith
Capt. Fawcett	Hon. S. Burt
Mr. Grant	Hon. J. Forrest
Mr. Layman	Hon. J. A. Wright
Mr. Marmion	Mr. Brockman
Mr. McRae	Mr. Burges
Mr. Scott	Mr. Harper
Mr. Sholl	Mr. Loton
Mr. Venn	Mr. Parker
Mr. Wittenoom (*Teller.*)	Mr. Pearse
	Mr. Randell
	Hon. J. G. Lee-Steere
	Mr. Shenton (*Teller*)

The amendment was therefore negatived.

MR. SHENTON then moved that the age be reduced from "sixteen" to "fourteen."

A division being again called for, the numbers were—

Ayes	13
Noes	10
Majority for ...	3

Ayes.	Noes.
Hon. M. S. Smith	Mr. Crowther
Hon. S. Burt	Capt. Fawcett
Hon. J. Forrest	Mr. Grant
Hon. J. A. Wright	Mr. Harper
Mr. Brockman	Mr. Marmion
Mr. Burges	Mr. Pearse
Mr. Layman	Mr. Scott
Mr. Loton	Mr. Sholl
Mr. McRae	Mr. Venn
Mr. Parker	Mr. Wittenoom (*Teller.*)
Mr. Randell	
Hon. J. G. Lee-Steere	
Mr. Shenton (*Teller.*)	

The amendment was consequently adopted.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the select committee had recommended that, in some cases, these contracts should be witnessed by other persons than a justice of the peace or native protector, as it might be inconvenient, in cases where there was not a justice or a protector available, to have to take these natives very long distances to have their contracts attested. The Government had endeavored to meet this recommendation of the committee, so far as they thought they would be right in doing, and he proposed introducing a new clause hereafter providing that a contract under this Act might also be witnessed by some other fit and proper person appointed by the Resident Magistrate of the district. In view of that new clause he had now to move that the words "justice of the peace or a protector of aborigines" be struck out of the clause now before the committee, and the words "one of the persons mentioned in the next following section" be inserted in lieu thereof.

MR. WITTENOOM said, while he appreciated the desire of the Government to meet them, he was afraid it was more in words than action that they did so. They only proposed that some one person, besides a justice of the peace or a protector, should be allowed to witness these agreements. What the select committee wanted was that a settler might have the agreement attested by anybody in his neighborhood, who was not interested. He would far prefer the amendment recommended by the select committee, which was to insert these words: "in the event of a justice of the "peace or protector of aborigines not "being available or residing within 20 "miles of an employer, then by some "other person not being in the service of "such employer."

The committee divided upon the amendment of the Acting Attorney General, with the following result:

Ayes	...	...	13
Noes	...	...	10
Majority for	...	...	3

Ayes.	Noes.
Hon. M. S. Smith	Mr. Crowther
Hon. J. Forrest	Captain Fawcett
Hon. J. A. Wright	Mr. Grant
Mr. Brockman	Mr. Marmion
Mr. Burges	Mr. McRae
Mr. Harper	Mr. Pearse
Mr. Layman	Mr. Scott
Mr. Loton	Mr. Sholl
Mr. Parker	Mr. Venn
Mr. Randell	Mr. Wittenoom (*Teller.*)
Mr. Shenton	
Hon. J. G. Lee-Steere	
Hon. S. Burt (*Teller.*)	

The clause as amended was then agreed to.

Clauses 19 to 23:

Agreed to, without discussion.

Clause 24.—"It shall be lawful for "any protector of aborigines to enter "into and upon the dwelling-house or "premises where any aboriginal engaged "under a contract under this Act may "be employed or reside, or may, in the "opinion of such protector, be supposed "to be, and to ascertain whether the "terms of the contract are being ful-"filled by the employer of such aborigin-"al:"

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the select committee had recommended an amendment in this clause. They considered it undesirable that anyone should be allowed to enter the private dwelling-house of a settler in this unceremonious way; and the Government had no objection to amend the clause to that effect. He therefore moved to strike out the words "into and," and the words "dwelling-house or," in the third line. The clause would then read: "It shall be lawful for any protector of aborigines to enter upon the premises," etc.

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

Clause 25.—"No contract with any "aboriginal for any service or employ-"ment shall be of any force or validity "as against such aboriginal, if made "within one month after the expiration "or other determination of any agree-"ment under which such aboriginal shall "have been engaged in the pearl shell

"fishery, by virtue of 'The Pearl Shell "Fishery Regulation Act, 1873:'"

Mr. McRAE thought that an interval of one month was rather too long. He did not know why a native should have to wander about the bush before he could enter into any legal agreement. It might be said that he could take employment without being under a legal agreement; but he did not think any employer would be likely to employ a man over whom he would have no legal control. Natives coming off pearling boats, where they had been well fed and regularly fed, would feel this clause very much, if they had to loiter about for a month before they could enter into any other agreement. These natives were usually employed on the stations shearing at the termination of their pearling agreement; but, of course, if the settlers could not depend upon their services, the natives would simply be thrown upon their own resources. This meant sheep-stealing and other crimes, resulting in imprisonment. He thought, if the Government considered that no native should be allowed to enter into an agreement at the close of the pearling season, that a fortnight's holiday would be quite long enough for them, and a great deal longer than most of them would care for. He therefore moved that the words "one month" be struck out, and "fourteen days" inserted in lieu thereof.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) said he had no objection at all to accept the amendment. The object which was aimed at would be gained equally as well; and, as a month might possibly tend to embarrass settlers, the Government had no desire at all to do that. That was not the object of the bill at all; and, as this seemed a reasonable and fair amendment, he should have pleasure in agreeing to it.

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

Clause 26.—Act not to apply to contract for the pearl shell fishery:

Agreed to, *sub silentio*.

Part III.—Employment of Aboriginal Prisoners.—"And whereas it is expedient "to legalise the detention and custody "of aboriginal native prisoners beyond "the limits of a common gaol or other "usual place of detention of such prisoners, and to employ them in such suitable "labor as the Governor may approve; "be it therefore enacted:—

Clause 27—"That any aboriginal now "under sentence of imprisonment, with or "without hard labor, in any common gaol "or other place of detention in this colony, "or who may hereafter be sentenced to "imprisonment therein, by the Supreme "Court, or any other lawful authority, "may, during the term for which he "shall be sentenced to be imprisoned or "any part thereof, by order of the Gov-"ernor be employed under provisions of "this Act in such suitable labor in the "service of the Government, as the "Governor may direct, outside the limits "of any gaol or usual place of detention: "provided that no such prisoner who has "not been sentenced to hard labor shall "be set to any labor that is severe:"

Mr. SHOLL moved that this clause be struck out. He did not see why natives who might be murderers should be allowed to go about the country, free to commit fresh depredations, They had a case of the sort recently, where one of these native prisoners tried to murder a settler in the Kimberley District. He thought these natives should be kept in gaol until their sentences expired, and not be made pets of by the Government, and set free to commit fresh crimes.

Mr. RANDELL understood there was a general feeling that native prisoners should be employed on public works in the districts where they were convicted, rather than sending them to Rottnest. It appeared to him rather a useful clause. It was not likely that the Government would allow natives of known murderous proclivities to be let loose upon the community.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) did not think that because there had been one case—an atrocious one certainly—of a native prisoner attempting to murder a settler, the whole system should be condemned. It had been the law in Victoria since 1844, and no doubt it had been found a useful provision; and, really, so far as this colony was concerned, it had always been the practice to employ native prisoners in this way, to their own great advantage, on the mainland, as constables and otherwise. They might as well argue against releasing convicts on ticket-of-

leave because crimes were committed by some of them. He thought himself it was a very useful provision indeed.

MR. GRANT said he would support the amendment to strike out the clause. He thought it was a very dangerous thing to liberate these men, and let them loose to commit fresh crimes, some of them double-dyed scoundrels. He could instance more than one case of natives turned loose in this way committing depredations. The result of letting these men out of gaol and allowing them to go about the country was to demoralise the other natives and to cause dissension and enmity between them, as regards their women and in other ways.

MR. BURGES thought the clause was a mistake, and he should support the proposal that it be struck out. Magistrates now could only sentence these natives to short periods of imprisonment, and, if they were to be allowed to be employed outside, it would do away with their punishment altogether. The case was not analogous with that of a ticket-of-leave.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought the clause was a very good clause. The native who attacked Mr. Cowan was not a prisoner; he was one of the most intelligent natives in the colony, and he was taken up there as a servant. Those who had to conduct expeditions in the Kimberley district, the police and surveyors, would find their difficulties increased if they could get no native guides; and unless they could get these natives from Rottnest they could not get them at all. It was very difficult indeed to get a native from the settled districts to go on these expeditions. These native assistants were not likely to be selected because of their murderous proclivities. The practice of employing them in this way had been going on for many years, and he had not heard of any great evils resulting from the practice. The police at Roebourne were recruited by natives, among whom were men guilty of murder—tribal murder, and he believed these men had done good and useful work, and saved the life of more than one European. He did not think they would be running any risk whatever by adopting this clause.

MR. GRANT: The very first blood shed in the Northern District was by a native who was attached to one of these expeditions. One of the most ferocious murders.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Twenty years ago.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) sincerely trusted that hon. members would not interfere with this clause. He had been at the head of the police force for a good many years, and he knew that great difficulty had been experienced in getting native assistants; and he knew for a fact that many native assistants brought over from Rottnest had turned out very good men indeed. Some of them may have misconducted themselves; but one swallow, as they all knew, did not make a summer. As a rule they made very useful servants indeed, and, in selecting them, care was taken as to their antecedents.

MR. McRAE thought the principle was a bad one. What was the use of sentencing these men to long terms of imprisonment, and then releasing them, and allowing them to lead a free and easy life travelling about the country, with plenty of food and a horse to ride on?

MR. LAYMAN thought surely the Government would exercise some discretion in selecting these men. From what he had seen of them, they made very useful servants to the police, and also with the Government mail vans.

The amendment to strike out the clause was negatived on the voices.

Clauses 28, 29, and 30:

Agreed to, *sub silentio*.

Clause 31.—"It shall be lawful for "any Resident Magistrate, on the appli- "cation of the Board, to bind by in- "denture and put out any half-caste or "other aboriginal child, having attained "a suitable age, as an apprentice, until "he shall attain the age of twenty-one "years, to any master or mistress willing "to receive such child in any suitable "trade, business, or employment whatso- "ever, and every such binding shall be "effectual in law, to all intents and "purposes, as if the child had been of "full age, and had bound himself to be "such apprentice: Provided"—etc.

Mr. McRAE said he observed these children could only be apprenticed on the application of the Board. He presumed this Board would sit in Perth. He thought it would be very unreasonable in the case of a Northern native boy, hundreds of miles away, to have to apply to the Board at Perth, for permission to have him apprenticed. He thought the matter might be left in the hands of the Resident Magistrate, who would be in a far better position to know the circumstances of the case than a Board sitting at Perth.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) thought this was more a matter of administrative detail than anything else. The Board was the managing body right through the Act, and he presumed that what the Board would do would be to instruct Resident Magistrates to bind these children. He did not think it would work in a harsh way. It would not do to have the Board acting hostilely with the Resident Magistrate of the district.

Mr. McRAE said it must lead to great inconvenience and hardship—say at Kimberley—to have to refer every application to the Board at Perth, before a settler could have a native boy apprenticed. He thought that, in these outlying districts at any rate, the Resident Magistrates ought to be allowed to act upon their own responsibility.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) suggested that instead of saying "on the application of the Board," they should use the words "acting under the instructions of the Board." That would prevent the necessity of having to refer every case to the Board at Perth.

Mr. McRAE: That would do.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) then moved that the words "on the application," in the second and third lines, be struck out, and the words "acting under the instructions" be inserted in lieu thereof.

This was agreed to, and the clause as amended adopted.

Clause 32—Power of justices as to imprisonment of native apprentices:

The ACTING ATTORNEY GENERAL (Hon. S. Burt) thought probably that three months imprisonment might be considered too heavy a punishment to award in the case of an apprentice misconducting himself, seeing that, in the event of an apprentice proving incorrigible, the justices had power to cancel his indenture. He therefore moved to substitute "one month" for "three months."

Agreed to, and the clause as amended put and passed.

Clause 33.—Assignment or revocation of indenture:

Agreed to, without comment.

Clause 34.—Justice of the peace or native protector empowered to visit every apprentice, and to enter the dwelling-house or premises where he may be employed or reside:

Mr. SHOLL said there was the same objection to this clause as to clause 24, as to allowing anyone to enter a man's dwelling-house without his leave. He moved that the word "dwelling-house" be struck out. He thought it was very objectionable to allow a native protector or anyone else to walk into a man's house in this way.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) saw a great distinction between this and the other clause. In the former case the contract would be with an adult native, but this clause dealt with apprentices, who were infants. It was not likely that any justice or protector would vexatiously enter a man's house simply because he had a native apprentice in his employ. He would be liable to be prosecuted for trespassing, and be liable to heavy punishment, if he wantonly entered a man's dwelling-house for the purpose of annoying him. The same powers were granted in Victoria.

Mr. GRANT said they did not know who this native protector might be. It might be Gribble. He thought it would be quite enough if the employer were required to produce the native. Why should settlers have the sanctity of their homes invaded by a man like Gribble? Speaking for himself, he should never allow any protector to enter his house, unless he had a warrant.

The ACTING ATTORNEY GENERAL (Hon. S. Burt): He would not enter any man's dwelling except to look after a native who was employed there as a domestic servant, and that native an infant. He could not go into a man's

house to look after a shepherd or a ploughboy.

MR. LOTON thought the hon. member for the Gascoyne would do well to let the clause stand. It would be a far greater hardship if an employer had to produce his apprentice whenever required to do so. That would be very inconvenient at times.

MR. LAYMAN said a man's house was his castle, even if it was only a hut, and he thought this visiting of settlers' houses might be avoided.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said there was nothing hidden under this clause to destroy a man's castle. The protector or the visiting justice, when he came to the house, would ask to see Dinah or Polly, and would go in, all smiles, and probably be asked to have a cup of tea, and the whole thing would be over.

MR. GRANT said that was a construction put upon the clause which he was afraid would be liable to a great deal of abuse, and lead to a great deal of annoyance.

The amendment to strike out the clause was negatived.

The clause was then put and passed.

Clauses 35 to 38:

Agreed to, without discussion.

Clauses 39 and 40 were struck out, with the view of introducing other clauses in lieu of them.

The remaining clauses elicited no discussion.

New clauses:

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) then moved the following new clause: "A contract under "this Act shall be witnessed by a justice "of the peace, a protector of aborigines, "or some other fit and proper person ap"pointed by the Resident Magistrate of "the district wherein the contract is "made, for the purpose of witnessing "contracts under this Act. Provided, "always, that the appointment of any "such person by a Resident Magistrate "may at any time be revoked by such "Resident Magistrate; and every such "appointment and revocation of appoint"ment shall be forthwith published by "the Resident Magistrate in the *Govern*"*ment Gazette*, and the production of a "copy of the *Gazette* containing a notice "of any such appointment or revocation "shall be received in all courts of jus"tice and elsewhere as evidence of the "due appointment or revocation of the "appointment (as the case may be) of "the person therein named." It would be in the recollection of hon. members that the select committee objected to justices of the peace and native protectors being the only persons empowered to witness a contract; and the Government proposed to meet the difficulty by allowing these contracts to be attested by some other fit and proper person appointed by the Resident Magistrate of the district. It would be open for the Magistrate to appoint as many of these persons as he liked. He hoped the clause would be accepted by the committee in the spirit in which it was offered.

The clause was agreed to, without opposition.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) moved that the following new clause be added to the bill: "The employer of an aboriginal en"gaged under a contract under this "Act shall, whenever requested so to do "by any justice of the peace or protector "of aborigines, produce to him such con"tract; and on default thereof, without "reasonable excuse in the opinion of "such justice or protector, such employer "shall forfeit and pay a penalty not ex"ceeding twenty pounds."

MR. GRANT moved that the word "twenty," in the last line, be struck out, and "ten" inserted in lieu thereof. He thought £20 was a very severe penalty—too severe. They knew that in the bush they could not always have these contracts in their pockets.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): That would be a "reasonable excuse." It is only in order to enable the justice or the protector to cancel the contract. We do not expect settlers to carry their contracts in their pockets all about the bush.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought a man who wilfully refused to produce an agreement deserved no consideration. The clause was not intended to apply to anybody else.

The amendment, upon being put, was accepted, and the clause as amended put and passed.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) moved that the following new clause be added:—"Every "contract which shall be cancelled under "the provisions of this Act shall be en- "dorsed by the justice of the peace order- "ing such cancellation with the word "'cancelled,' together with the date of "such cancellation and the signature of "such Justice."

Question—put and passed.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) also moved the addition of the following clause:—"Every "person who shall forge or alter, or who "shall produce or make use of, knowing "the same to be forged or altered, with "intent to defraud, any contract purport- "ing to be a contract under this Act, shall "be guilty of felony, and being convicted "thereof shall be liable to be kept in "penal servitude for any term not ex- "ceeding five years nor less than three "years, or to be imprisoned with or with- "out hard labor for any term not exceed- "ing two years." The penalty was the same as under the Imported Labor Registry Act. Forgery was of course a very serious offence, which must be seriously dealt with.

The clause was adopted without discussion.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) moved that the following clause be added:—"In every "case of a conviction for an offence "against the provisions of the tenth sec- "tion of 'The Pearl Shell Fishery Regu- "lation Act, 1873,' it shall be lawful for "the convicting justice or justices of the "peace, in addition to or in lieu of the "penalty by that section imposed, as to "such justices may seem fit, to order that "any person so convicted shall be im- "prisoned for a period not exceeding six "calendar months, either with or without "hard labor." The section referred to was the only law we had dealing with the offence of keeping a native under duress, without any contract or lawful authority whatever; and, to show how free the colony was of such offences, he might say that he had never heard of any prosecution under that clause. But should it ever be wanted, he thought the House would agree with him that a fine alone would not be sufficient punishment.

Mr. GRANT: Supposing a native killed a man, or committed some other serious crime, and we chained him up, would that be keeping him under duress?

The ACTING ATTORNEY GENERAL (Hon. S. Burt): Certainly not. A man would be quite justified, if a native committed anything like a felony, in keeping him in custody. We all know that a native is as slippery as an eel, and that if we want to secure him at all, he must be tied up. Anybody who has any sense in his head must know that you must tie him up, if you want to restrain him from getting away.

The clause was then agreed to.

The ACTING ATTORNEY GENERAL (Hon. S. Burt) moved the insertion of the following clause:—"No aboriginal "shall be liable under the provisions of "the Masters and Servants Amendment "Act, 1886, to any penalty exceeding "the sum of ten pounds, nor to any term "of imprisonment exceeding one month "with or without hard labor, in any case "of breach of engagement, contract, or "service; nor to any term of imprison- "ment with or without hard labor ex- "ceeding one month in respect of any "offence against the provisions of the "Masters and Servants Amendment Or- "dinance, 1868; and no summons, and no "warrant of arrest upon any judgment, "order, or conviction, under either of "the said Acts, against any aboriginal, "shall be served or executed by any "police constable beyond a distance of "thirty miles from the place where such "summons or warrant was issued, except "when specially directed by a Resident "Magistrate."

Mr. SHOLL moved that the word "one," in the 6th line, be struck out and "two" inserted in lieu thereof. In many cases the month would have expired before the native reached a prison.

The ACTING ATTORNEY GENERAL (Hon. S. Burt): You would be giving a black man two months when you could only give a white man one month. We should be having one law for the black, and another for the white, for the same offence. It is only this very session that we passed a law giving a white man only one month for a breach of contract.

Mr. SHOLL said a white man would probably be put in prison next day, but, in the case of natives a long distance

from a gaol or a lockup, when they had to travel perhaps hundreds of miles, the object of the clause would be defeated. There would be no punishment at all. The month would have expired before he reached his prison. The clause said "not exceeding one month." A magistrate need not give two months in every case, but only where he thought it was necessary in the interests of justice.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the hon. member informed them there would be no imprisonment at all if the native did not get as far as the gaol within his month. What generally happened in these cases? The native, when caught, or sentenced, had a chain put round his neck, and was marched down by easy stages, and tied to a tree at night. He thought that after a month of that treatment a native was more badly treated than the white man who had been in gaol for that time.

CAPTAIN FAWCETT: Quite as much punishment as being in prison.

MR. GRANT thought it might be left to the discretion of the magistrate to give one month or two, according to the distance from a gaol.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): That would be apportioning punishment not according to the nature of the offence but the distance of the offender from gaol. Surely the hon. member does not mean that.

The amendment was negatived, and the clause put and passed.

Schedule agreed to.

Preamble and title agreed to.

Bill reported.

The House adjourned at twenty minutes past midnight.

LEGISLATIVE COUNCIL,

Tuesday, 31st August, 1886.

Land Regulations: Reply to Governor's Message (No. 3)—Loan Estimates, 1887: in committee—Committee of Advice, Audit Act: Election of—The Rev. B. Gribble and His Honor the Chief Justice—Supreme Court Act, 1880, Amendment Bill: second reading; in committee—Federal Council Reference Bill: second reading; in committee—Swan River Mechanics Institute Mortgage Bill: second reading; in committee—Appropriation Bill, 1887: second reading; in committee—Barristers Admission Bill: second reading; in committee—Completion of Public Offices (including General Post Office)—Law and Parliamentary Library Committee: Election of member—High School: Election of Governor—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

LAND REGULATIONS: REPLY TO HIS EXCELLENCY'S MESSAGE (No. 3).

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest), in accordance with notice, moved "That an humble "address be presented to His Excellency "the Governor, informing His Excellency "that this House, having carefully con- "sidered His Excellency's Message No. "3, forwarding a draft code of Land "Regulations for its consideration, begs "to submit, for approval, the accompany- "ing complete set of Land Regulations, "which it hopes may, if approved, be "proclaimed as soon as possible."

Question—put and passed.

LOAN ESTIMATES, 1887.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright), in moving the House into committee for the consideration of the Loan Estimates for 1887, said it would be observed that they included a sum of £60,000 for the extension of the telegraph line to the goldfields and to Wyndham; also the sum of £12,500 appropriated for jetty extension at Fremantle; and £7,000 for a water supply for that town. The other items on the Estimates spoke for themselves. It was estimated that at the end of 1887 the unexpended balance would be £2,000 voted some time ago for a jetty at Eucla —as to which nothing had been done; £2,500 for Government House Domain, with which nothing of any practical use could be done; and £1,300 for Mandurah