

contract which will prevent them from getting a considerable portion of the money. I am not prepared to believe that they have not still got a considerable amount in hand, of which they are quietly making a nest egg, all for themselves. There is a deficiency of £400,000 to be accounted for without considering a portion of the share capital. The Attorney General said the share capital was nothing; but all I can say is that after what fell from the Attorney General, I am more convinced that we should be diminishing the credit of the colony immensely by allowing our names to be linked with such a concern as this; and the best possible course is to shake ourselves clear of it at once. The Premier has told us over and over again that the Government are fully secured for that £60,000; therefore, we need not consider it now, but let the Government realise that £60,000, and have nothing further to do with this Company. It will be a matter of much more interest to the colony to get rid of this Company, than to have the Company to go on as at present. I am glad the Attorney General has said it is not advisable for us to keep looking for borrowed money. I think it is rather a new policy for this present Government, and I can only hope the Attorney General will impress that policy on his colleagues. After the ill odour in which the Australian colonies have got on account of their borrowing propensities, I think we should try to develop our own resources and not live on borrowed money everlastingly from the British capitalists. The Premier has told us the disaster will be widespread; but I think the injury to the name of the colony by being associated with this concern in the future will bring much greater disaster than the lapse of the concern at present. I think the relapse of this concern will be a grand thing: it will clear the atmosphere, and get rid of an incubus. I now move to report progress and ask leave to sit again on Wednesday.

Question—put and passed.

Progress reported.

GAME BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

The following Message was received from the Legislative Council:

"With reference to Message No. 38 from the Legislative Assembly, on the subject of the amendment made by the Legislative Council in clause 9 of the Game Bill, and with which the Legislative Assembly has disagreed, the Legislative Council acquaints the Legislative Assembly that it does not insist on the said amendment, provided that the Legislative Assembly agree to the insertion of the words 'last mentioned' before 'person' in the sixth line, and 'first mentioned' before 'person' in the seventh line of the said clause."

Ordered—That the Message be considered at the next sitting of the House.

ADJOURNMENT.

The House adjourned at 12 o'clock, midnight.

Legislative Council,

Tuesday, 15th March, 1892.

Hawkers and Pedlars Bill: first reading—Railways Act, 1878, Further Amendment Bill: first reading—King George's Sound Garrison Discipline Bill: second reading: adjourned debate; referred to select committee—Adjournment.

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

PRAYERS.

HAWKERS AND PEDLARS BILL.

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

RAILWAYS ACT, 1878, FURTHER AMENDMENT BILL.

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

KING GEORGE'S SOUND GARRISON
DISCIPLINE BILL.

SECOND READING—ADJOURNED DEBATE.

THE HON. J. G. H. AMHERST: When I moved the adjournment of the debate last night, I did so after some consideration. I thought hon. members in discussing this bill had rather forgotten that it is an intercolonial measure to a certain extent, and one that somewhat affects the question of federation. I certainly confess that when I first spoke I had not read the South Australian Military Force Act, but since then I have had an opportunity of listening to the able arguments of the Hon. Mr. Hackett, and also to some excellent and pungent remarks by the Hon. Mr. Wright, and I have myself considered the matter. I do not think, considering all the circumstances, that this is a bill we should hastily run through; but no harm can result from reading it a second time, and when the motion is made to go into committee, we can refer it to a select committee. The Hon. Mr. Wright referred to me as "a man of Kent," and asked me what I should think of a proposition to man the fortifications at Dover with Germans or Frenchmen or aliens, but he forgot that Australia is a continent inhabited by Englishmen and Australians, and the men sent to Albany will be men of our own nature. There is another point I would lay before hon. members: I believe in the vast Imperial colonies in the West Indies, Englishmen are sent to protect the fortresses. No doubt a short Act has to be passed when it is done, but one of the first Acts that is always passed in the assemblies of these colonies is the Mutiny Act, which merely applies to military discipline; and, I think, if we were to refer this matter to a select committee, it would be very easy to get over the difficulty that has arisen here. We must remember, too, that this bill has been before Sir Samuel Griffith, who is acknowledged to be one of the most able draftsmen in the colonies. Perhaps he did not have the whole bill before him, but he certainly has had the purport of it, and he says he does not think we could have a better bill. Under all the circumstances, therefore, I do not think that we should proceed hastily. What I propose is that hon. members should agree to the second

reading of the bill, and then refer it to a select committee.

THE COLONIAL SECRETARY (Hon. G. Shenton): My intention, on behalf of the Government, was to ask for a further adjournment, because, after the debate last night, the Premier placed himself in communication with the Premiers of the other colonies, and up to the present he has received no replies.

THE HON. J. W. HACKETT: I rise to order. Is the hon. member going to move the adjournment of the House?

THE PRESIDENT: The hon. member has spoken four or five times already. I have not interrupted him, but he has been entirely out of order.

THE COLONIAL SECRETARY (Hon. G. Shenton): I am only making a statement.

THE PRESIDENT: If the House would allow me to intervene, I would advise the hon. the Colonial Secretary not to move the adjournment of the debate, because it seems to me it would be of very little avail. I think the better course is to adopt the plan suggested by the Hon. Mr. Amherst—read the bill a second time and send it to a select committee. I do not think it is desirable that hon. members of this House should take the responsibility of throwing out this bill, especially if it is possible to rectify any errors that may be found in it. It is obvious that if troops are to be sent to these fortifications, it is necessary that some measure for their discipline should be passed before the next session of the House. Reference has been made to the sitting of the Federal Council, but long before that body can meet this measure will be required, and I do not think it will be wise for this House to take the responsibility of throwing it out. If it is referred to a select committee, hon. members will have an opportunity of consulting with the Attorney General and of stating their objections to him. He would then the better understand the effect of their objections, and would probably be able to remove any difficulties that might be found to exist. We must also remember that the Government have been in communication with the Governments of the other colonies who wish to have this bill passed, and, therefore, it would be manifestly unfair for this House to lay it aside without

taking any steps to rectify the objections that have been made to it. I venture to make these few remarks because I think it would be a pity for this House to throw out the bill at this juncture, whilst there still remains a possibility of having it remodelled.

THE HON. J. W. HACKETT: Is it intended that the select committee should report during the present Session? If so, I do not see how it can be done, because there is an immense scope to travel over. As it is now, the bill is in a most unsatisfactory state. We have put forward our objections to it, and we have received no satisfactory answer to them from the Government. It is reasonable to suppose that the hon. the Colonial Secretary has placed himself in communication with the Attorney General, and that there is no answer to them. I cannot see, therefore, that the appointment of a select committee will do the slightest good.

THE HON. J. G. H. AMHERST: Is the question of the appointment of a select committee before the House?

THE HON. J. W. HACKETT: I am aware that it is not, but I am speaking with the permission of the House.

THE HON. G. W. LEAKE: Was there not a motion by the hon. the Colonial Secretary to adjourn the debate?

THE PRESIDENT: No.

Question—That the words proposed to be struck out stand part of the question—put.

The Council divided:

AYES.	NOES.
The Hon. J. G. H. Amherst	The Hon. R. E. Bush
The Hon. T. Burges	The Hon. R. W. Hardey
The Hon. D. K. Congdon	The Hon. G. W. Leake
The Hon. G. Glyde	The Hon. J. Morrison
The Hon. E. Hamersley	The Hon. J. A. Wright
The Hon. E. T. Hooley	The Hon. J. W. Hackett
The Hon. G. Shenton (Teller).	(Teller).

Ayes, 7; Noes, 6.

Majority of 1 for the Ayes.

Bill read a second time.

THE COLONIAL SECRETARY (Hon. G. Shenton): I now move that you, sir, do leave the chair for the purpose of considering the bill in committee.

THE HON. J. G. H. AMHERST: As this is a bill of so important a character, I beg to move that it be referred to a select committee. As far as I can understand, there will be plenty of time to enable the select committee to report, for with the work that is to come to us

from the other House we shall probably have sufficient to do for the next fortnight or three weeks; so, without going further into the matter, I shall move that the bill be referred to a select committee.

THE HON. T. BURGESS: I have much pleasure in seconding this amendment, for I think some such bill as this is necessary. We are undertaking certain works at Albany which, within a very short time, will be ready to receive the troops, and no doubt there must be some laws to regulate their conduct and discipline. Therefore, to throw out this bill would be a serious mistake, and I think if any determination can be arrived at—

THE HON. J. W. HACKETT: In what way?

THE HON. T. BURGESS: That is a matter for the law officers to decide.

THE HON. J. W. HACKETT: It is a matter for this House to decide.

THE HON. T. BURGESS: At any rate the bill does want some alteration, and I think if it were taken before a select committee all that is required could be done.

THE HON. J. W. HACKETT: Every step we go further we shall find ourselves floundering deeper and deeper into difficulties. I must say that I do not think this House has been treated properly in this matter. It is now about four days since I communicated to the Attorney General the nature of the questions I was going to put to the Colonial Secretary. I informed him what my objections were, so that he might furnish the hon. the Colonial Secretary with replies. He promised to do so, but when the hon. the Colonial Secretary rose he did not meet them in any way, but, looking round, in a more or less threatening way, he asked hon. members to pass the bill. There is, therefore, nothing left for us but to oppose this bill step by step and line by line, and by division after division until we drive into the Colonial Secretary, by repeated blows, what half-a-dozen should have effected, namely, that to adopt the South Australian Military Force Act in the way proposed by this bill will render this House a complete laughing-stock, not only in this colony, but in the eyes of the gentleman who has been referred to—Sir Samuel Griffith. I oppose the

motion for the appointment of a select committee, because it will lead to no result. I ask whether it is a sufficient reply to our opposition for the Hon. Mr. Amherst, who I trust will allow me to call him the *fidus Achates* of the Colonial Secretary—the shadow of the Colonial Secretary—to tell us this bill must be passed.

THE HON. J. G. H. AMHERST: I never used the word "must." I said I thought it would be a great mistake to throw out the bill, but I said nothing about "must."

THE HON. J. W. HACKETT: I shall not take up the time of the House on verbal quibbles. If the bill is referred to a select committee, the members composing it must have ample time to look into the bill; they must have time to put themselves in communication with the Premiers of the other colonies; and I do not see how this is to be done in the very short space of time between now and the prorogation. The hon. the Colonial Secretary has not put forward the semblance of a reason why we should pass the bill, except, as he says, the Premiers of the other colonies say so. I think it will be absolutely necessary, notwithstanding the views of the very high authority who has been quoted, for us to consider whether it would not be *ultra vires* for us to pass this bill. What will happen when it passes beyond this House? It will go to the Governor for assent, and I ask, Can he assent to such a measure as this? The Colonial Secretary has told us that the prorogation will probably take place on Friday. Therefore it would be necessary that this committee should meet tomorrow, and the time that would be required to remodel the bill, I am certain, is not available between this and the prorogation. The Hon. Mr. Amherst says we have plenty of time, as we have enough work to last for the next fortnight or three weeks. But what is the business before us? There are two motions down on the Notice Paper for to-day, a second reading and a third reading, and nothing more. I do not believe there is anything more to come to this House, except, perhaps, a couple of bills—the Midland Railway proposals and the Loan Estimates. How these can take us a fortnight or three weeks to consider I fail to see. I dealt with this question

fully last night, and I do not intend to again repeat the arguments I then used; but I do say that there is no reason why the forces which are intended to garrison Albany should not be composed of West Australian citizens. We are told that these men are required to be experienced. I am sure the hon. the Colonial Secretary does not wish to mislead the House; but if hon. members have only followed the papers of the last few days they will have seen that, far from having trained men, the Government of South Australia are now taking steps to obtain a body of recruits with which to garrison Albany. We can do that ourselves without involving ourselves in the difficulties which arise in this bill. Again, this is a bill which interferes with the prerogative of the Crown.

THE HON. J. G. H. AMHERST: It is demanded by the other colonies.

THE HON. J. W. HACKETT: We cannot help that. We are asked to transfer the power of the Government of this colony to the Government of another colony.

THE HON. J. G. H. AMHERST: The other colonies pay most of the money.

THE HON. J. W. HACKETT: We are to pay one-fourth of the cost. We should only pay in proportion to population. We are about one-eightieth of the population, and we are called upon to pay one-fourth; whilst our own men are not to be admitted to the force. I urge the hon. the Colonial Secretary to consider this matter carefully, and think whether it would not be wise to withdraw the bill, and take the next two or three months to devise a measure which will be acceptable, not only to the Parliament of Western Australia, but acceptable also to that great authority whose name has been mentioned.

THE PRESIDENT: Seeing that I made a few remarks on the suggestion of the Hon. Mr. Amherst to refer the bill to a select committee, perhaps I may be allowed to say two or three words more. The reason why I thought the bill should be referred to a select committee was that we have a duty to perform, and if we can perform it in a matter of this kind, we should do so. An arrangement has been arrived at in regard to this garrison, and the other colonies think that some such

measure as this is required to enable it to be conducted properly. It is our duty, therefore, to see whether we cannot give them what they ask for. By voting for the appointment of a select committee hon. members are not committing themselves altogether. Even after the select committee reports, the bill can be dropped. Therefore I think, before throwing it out, it would be as well that the objections which have been raised to it should be carefully placed before the Attorney General, and some further communication held with the other colonies. I feel certain there has been a mistake made somewhere. Perhaps the Government have misapprehended the telegrams, and therefore, as a matter of courtesy to the other colonies, they should be again communicated with. If the committee find that they cannot report in time they can say so, and the matter can again be postponed.

THE HON. G. W. LEAKE: I shall oppose the appointment of a select committee, because I think that if the bill is to be modified at all it had better be done by the committee of the whole House. It is said that this is an intercolonial measure, but we must remember that these colonies are at present all separate states. On the subject of these intercolonial laws I will read a quotation from a respectable law book. It says: "The Courts will not take cognizance of the laws, usages or customs of a foreign state, and so strictly is this rule enforced that all foreign laws—the laws of the colonies and even the laws of Jersey, Guernsey, or Scotland must be proved as facts." If this is the law in England it must be the law as between the colonies; and we should have to prove what is the law in the other colonies on every occasion before we could proceed under this Act. The Hon. Mr. Amherst says that the Mutiny Act applies and is adopted in all places where there are British troops; but we must remember that the British Parliament can legislate for the whole of the British dominions, whereas our Parliament can only adopt laws for this colony—it cannot make laws applicable to other parts. If anyone will take the trouble to peruse the South Australian Act he will find that the whole machinery of it is totally inapplicable to this colony; but at the same time we can draw an Act

on the same lines and adapt the wording of that Act so as to make it applicable to this colony. Supposing this bill is adopted in the crude form in which it is sent down to us, whenever a man is charged with a breach of discipline, what magistrate is to hear it? How is the man to be tried, and, if convicted, where is he to be sent? I shall object to the select committee, and if the bill is to be recast I think we had better do it in a committee of the whole House.

THE HON. J. A. WRIGHT: I shall go with the Hon. Mr. Hackett in opposing the appointment of a select committee. I consider we are gradually drifting deeper and deeper in the mire, and presently we shall get so deep that we shall not be able to get out. Even if we recast this bill in select committee I do not see that we shall be much better off, because we are told that the provisions of the bill as it stands have been approved by South Australia, and by Sir Samuel Griffith; therefore, the measure which the select committee will prepare will have to be held over until the Governments of the other colonies are again consulted upon it. As it is, this bill means nothing. If we are to adopt the South Australian law, we must embody in this bill the South Australian Act *in toto*. We cannot adopt it in the way proposed. Under this bill it is proposed to bring in foreign troops to Albany and place them under foreign law, and this, speaking on behalf of Western Australia, I shall strongly object to.

Question—That the bill be referred to a select committee—put.

The Council divided.

AYES.

The Hon. J. G. H. Amherst
The Hon. T. Burgess
The Hon. D. K. Congdon
The Hon. G. Glyde
The Hon. E. Hamersley
The Hon. E. T. Hooley
The Hon. G. Shenton
(Teller).

NOES.

The Hon. R. E. Bush
The Hon. R. W. Hardey
The Hon. G. W. Leake
The Hon. J. Morrison
The Hon. J. A. Wright
The Hon. J. W. Hackett
(Teller).

Ayes, 7; Noes, 6.

Majority of one for the Ayes.

A ballot having been taken, the Hons. G. Shenton and J. W. Hackett were elected, in addition to the mover (Hon. J. G. H. Amherst), to serve on such committee.

THE HON. J. W. HACKETT: Is it not possible to remove my name from the committee?

THE PRESIDENT: The hon. member is bound to act, unless the House gives him leave not to.

THE HON. J. G. H. AMHERST: I move that power be given to the committee to call for persons and papers, and that the report of the committee be brought up on Thursday, 17th March.

THE HON. J. W. HACKETT: Would it be in order to move that the committee report next session?

THE PRESIDENT: That will be in order.

THE HON. J. W. HACKETT: Then I move that we report next session; for it will not be possible to do justice to the question in the very short time mentioned by the hon. member.

THE PRESIDENT: If the committee finds it has not sufficient time, leave can always be given to bring up the report at some later date.

Amendment negatived, and the original question—put and passed.

ADJOURNMENT.

The House adjourned at eight minutes past 4 o'clock, p.m., until Wednesday, 16th March, at 8 o'clock, p.m.

Legislative Assembly,

Tuesday, 15th March, 1892.

Floating of second instalment of Loan—Duty on theatrical placards—Clerical error in Customs Bill—Hawkers and Pedlars Bill: third reading—Railways Act, 1878, Further Amendment Bill: third reading—Game Bill: Legislative Council's amendments—Fremantle Jetty arrangements and Customs Office hours—Loan Estimates, 1892, introduced—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

FLOATING OF SECOND INSTALMENT OF LOAN.

MR. DE HAMEL asked whether the Government had received any despatch from the Agent General for the colony,

with respect to the floating of the last instalment of £250,000 of our Loan, and, if so, whether the Premier would place such despatch and other correspondence relating thereto, on the table.

THE PREMIER (Hon. Sir J. Forrest) replied that he hoped to be able to place the information required upon the table of the House, shortly.

DUTY UPON THEATRICAL PLACARDS.

MR. QUINLAN asked the Premier whether any duty was charged upon printed placards and programmes introduced into the colony for advertising purposes by theatrical companies? He believed a duty was charged in the other colonies upon these placards and programmes, and he thought there ought to be a duty here. It was not fair to the local printers that these things should be introduced into the colony without the payment of duty.

THE PREMIER (Hon. Sir J. Forrest) replied that no duty was charged here upon them.

CLERICAL ERROR IN CUSTOMS BILL.

THE SPEAKER: I have to report to the House that I have received a report from the Clerk of the Parliaments to the effect that a clerical error had been discovered in clause 92 of the Customs Bill, line 11, where the word "may" appears to have been incorrectly inserted. Our Joint Standing Orders provide that upon the discovery of any clerical error in any bill which shall have passed both Houses, and before the same be presented to the Governor for his assent, the Clerk of the Parliaments shall report the same to the House in which the bill originated. The Customs Bill having been originated in this House, the Clerk has reported this clerical error to me, and it is now for the House to deal with it as with any other amendment.

Ordered—That the consideration of the report of the Clerk of the Parliaments be made an Order of the Day for the next sitting of the House.

HAWKERS AND PEDLARS BILL.

On the Order of the Day for the third reading of this bill,

MR. CANNING said: I have to move that the bill be read a third time this day