

## AYES.

Mr. Brown  
Mr. Burges  
Mr. Carey  
Mr. Crowther  
Mr. Grant  
Mr. Higham  
Mr. Marmion  
Mr. McEae  
Mr. Randell  
Mr. Wittencoom  
Mr. Venn (*Teller*).

## NOES.

Hon. M. Fraser  
Hon. A. P. Hensman  
Hon. J. H. Thomas  
Hon. J. Forrest  
Sir T. C. Campbell  
Mr. Glyde  
Mr. S. S. Parker  
Mr. Shenton  
Mr. Steere (*Teller*).

The amendment was therefore carried. Resolution IV, as amended, agreed to.

On the motion of Mr. STEERE, the report of the committee, as amended, was agreed to.

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

## LEGISLATIVE COUNCIL,

*Tuesday, 3rd September, 1883.*

Vote for Geraldton Hospital—Wild Cattle Nuisance Act, 1871. Amendment Bill: first reading—Intestate Estates Bill: second reading—Swan River Regulations Repeal Bill: in committee—Totalisator Bill: third reading—District Roads Act Amendment Bill: second reading—Puisne Judge's Salary Bill: second reading—Shipping and Pilotage Acts Amendment Bill: second reading—Rabbits Bill: in committee—Eastern Railway Terminus Bill: third reading—Dog Bill: re-committed—Aboriginal Native Offenders Bill: re-committed—Private Bonded Warehouses Bill: second reading—Imported Labor Registry Bill: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

## PRAYERS.

## VOTE FOR GERALDTON HOSPITAL.

MR. WITTENOOM, in accordance with notice, asked the Honorable the Colonial Secretary whether the sum of £300 had been placed on the Estimates for 1884, to make the sum of £1,700 for a Hospital at Geraldton up to the original vote (£2,000) appropriated for that purpose; if not, whether the Government proposed devoting such a sum as was at first voted (£2,000) for the Hospital. Hon. members would remember that, in reply

to a question asked the other day, it transpired that a sum of £300 out of this vote had been expended upon the medical officer's quarters, and what he wished to know was whether the Government intended making up this amount.

THE COLONIAL SECRETARY (Hon. M. Fraser) said there was no sum placed on the Estimates for 1884, for a hospital at Geraldton. The money now available it was proposed to expend in the erection of a portion of a building which, when completed, it was estimated would cost £4,000.

WILD CATTLE NUISANCE ACT, 1871,  
AMENDMENT BILL.

MR. CAREY, with leave, without notice, moved the first reading of a Bill to amend "The Wild Cattle Nuisance Act, 1871."

Motion agreed to.

Bill read a first time.

## INTESTATE ESTATES BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in moving the second reading of a Bill for the better administration of the estates of deceased persons, said it would be unnecessary for him to do more than say a very few words upon its provisions. It happened from time to time that people died in this colony, and, so far as was known, they left no relatives to administer their estate or to claim an interest in it, and the result had been, in some cases, that the small effects left behind—for generally in these cases the effects were small—had been misappropriated by persons who really had no right to take possession of the intestate estate. In 1861, when the Supreme Court Act was passed, a portion of one of the clauses of that Act provided that, when an executor of any will neglected to take out probate, or where the next of kin should be absent, and the effects of the deceased should appear to be liable to waste, the Court might empower the Registrar to collect the effects and to hold them until an order was made by the Court for their disposal. To a certain extent this had worked usefully, but it only applied to personal estates and did not touch real property. Land had been left and no one to claim it, and, there being nobody to protect it,

the result had been that other persons had endeavored, and possibly succeeded in obtaining possession of it, by enclosing it or otherwise. After twelve years possession, land in this way might become the property of the person who "jumped" it, as against the rightful owner, who may have been away from the colony, or was unaware of the death of the intestate. It had been brought to the notice of the Government that it would be desirable to introduce a simple Act dealing with this matter, by appointing an officer of the Supreme Court whose duty it should be to look after the estates, both personal and real, left unprotected, and to take care of them for the benefit of the person who might eventually prove himself entitled to the property. The Bill provided that it shall be lawful for the Governor to appoint an additional officer of the Supreme Court—when he said an additional officer, he should rather have said an additional office, for it was an office that might be held by one of the present officers—to protect these unprotected estates. His remuneration would in all cases come out of the estate, and would be no charge upon the colony. The Bill provided that in no case shall this remuneration exceed five per cent. of the value of the personal estate or one per cent. of the value of the real estate. It would be the duty of this officer, who would be called the Curator, as soon as a person died, apparently leaving no one to administer his estate, to apply for an order to the Supreme Court empowering him to do so; and, at the end of six months, if no person appeared to prove the will, or to take out letters of administration in the event of a person having died without a will, it would be competent for the Court to appoint the Curator to be the administrator of the estate, with all the powers of a personal representative. It would be lawful for the Attorney General, also, on the part of the Crown, to apply for an order, to protect the Crown, in certain cases; and there were other provisions in the Bill with regard to which it would be unnecessary for him to go into detail,—provisions for carrying out these intentions. He might add, that in the preparation of the Bill he had been much indebted to a learned gentleman who had had a large experience in this colony,

and the Bill was framed upon the outline which this gentleman was good enough to put before him. He hoped the Bill would commend itself to the House.

The motion for the second reading was then agreed to.

Bill read a second time.

#### SWAN RIVER REGULATIONS REPEAL BILL.

This Bill passed through committee, *sub silentio*.

#### TOTALISATOR BILL.

On the order of the day for the third reading of this Bill,

MR. RANDELL moved an amendment—that the Bill be read a third time that day six months.

The amendment upon being put was negatived.

Bill read a third time.

#### DISTRICT ROADS ACT AMENDMENT BILL.

MR. CAREY, in moving the second reading of this Bill, said it had been introduced to remedy a defect in the present Act which had been found to work very badly, in the southern districts, and possibly in other districts of the colony. What induced him to bring it forward was this: at an election of members to serve on a local Roads Board, down south, last year, a gentleman who was interested in the election sent circulars to all the electors residing within a certain distance from town, and entitled to vote by proxy, requesting them to sign the circular, authorising him to act as their agent, and leaving him to fill in the candidates' names. In some instances this was done, the agent filling in such names as he wished, and taking the election into his own hands; and it was to provide against a repetition of this sort of thing that the present Bill was brought in. It required the returning officer or a justice of the peace to be satisfied in the first place that the signature to the voting paper was the voter's own proper signature, and that the name of each candidate for whom the voter wished to vote was inserted by himself before the proxy paper was sent in. The Bill also provided that in future elections for any

district Road Board candidates shall give to the returning officer seven days' notice of their intention to contest the election, which notification will have to be made public, so that electors at a distance may know who the candidates are, and be thus enabled to fill in the names of those whom they wish to vote for, before sending in their proxies. This would prevent a recurrence of the practice he had referred to.

The motion for the second reading was agreed to, without discussion.

Bill read a second time.

#### PUISNE JUDGE'S SALARY BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I rise, sir, for the purpose of moving the second reading of a Bill to provide for the payment of the salary of the Puisne Judge of the Supreme Court. The object of the Bill, as its title implies, is to do what I think this House will agree with me is very desirable should be done, namely, to provide that the salary of the second or puisne judge shall be made a charge upon the revenue of the colony, so that the judge may be placed in a position, to a certain extent, of independence, and that it may not be necessary to come to this House every year to ask it to vote his salary. I think the House will agree with me that in all judicial appointments like these it is very desirable, so far as possible, that those holding them may be placed in a dignified and independent position, and therefore I have much pleasure in moving the second reading of this Bill. It provides, as will be seen, that from and after the commencement of this Act the salary payable to the puisne judge (£700 a year) shall be a charge upon, and be paid out of, the general revenue of the colony, and that the Act shall come into force on the first day of January next.

The Bill was read a second time, *nem. con.*

#### SHIPPING AND PILOTAGE ACTS AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the second reading of a Bill to extend the powers of the Governor in Council as to remitting or altering the harbor dues chargeable in

respect of vessels entering the ports of the colony. Under the Ordinances now in force the Governor could only do this in regard to a particular class of vessels, so that, in the event of its being deemed desirable to remit or vary the dues in respect of any single vessel of a class, it was necessary that all vessels of the same class should come under the same rule, which, obviously, might be inconvenient. This Bill empowered the Governor in Council to remit, vary, or alter the dues payable in respect of any particular vessel, or of any particular class of vessels, or to compound for the payment of such dues by a fixed annual payment.

The second reading was agreed to without discussion.

#### RABBITS BILL.

The House went into committee to consider this Bill in detail.

Clause 1—Short title:

Agreed to.

Clause 2—Rabbit (for the purpose of this Act) shall mean any live rabbit, whether tame or wild:

Agreed to.

Clause 3.—It shall not be lawful for any person to bring into the colony, or to keep or have in his possession within the colony, any rabbit, under a penalty not exceeding—, or in default of payment, to imprisonment for—:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said there were blanks left here for the consideration of the House. It seemed a very severe thing to prevent people from keeping any rabbits at all, however domesticated, but it was considered not only desirable but absolutely necessary as a preventive measure. He would suggest that the blank for the fine be filled in with "40s.," and the imprisonment "14 days."

Mr. MARMION would do away with the imprisonment altogether.

Mr. WITTENOOM moved that the first blank be filled up by inserting "£5."

Mr. SHENTON pointed out that on some of the islands within the territorial boundaries of the colony—Carnac, for instance—rabbits were kept, and might be kept, without incurring any danger as to their spreading to the mainland, and he thought there ought to be a clause in

the Bill excluding these islands from its operations.

MR. CROWTHER said if the Act was intended to be of any service at all, they could not make it too severe.

MR. MARMION pointed out that the clause rendered it penal for any person to bring a rabbit into the colony: surely it was not intended to fine a stranger, who was not cognisant of the existence of such a law.

THE COLONIAL SECRETARY (Hon. M. Fraser) said there was nothing in the Bill to prevent rabbits being kept on board ship, so long as they were not brought on shore. But, touching the question of excluding islands adjacent to the coast from the operation of the Bill, that was rather an important matter. Parties often went off to these islands from the mainland, and they might, on finding a nest of rabbits, bring them ashore, with the result that, once let loose, they might spread all over the colony, and nobody would be the wiser as to where they came from originally.

MR. BROWN thought the wording of the clause might be amended. Instead of saying "it shall not be lawful for any person to bring into the colony," he thought it would be better to say: "it shall not be lawful for any person to land in the colony any rabbit," etc. A person might bring a rabbit into the colony, on board ship, with no intention of landing it, and it would be a hard thing if he were to be fined, as he would have to be if the clause passed in its present shape.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said if he were a justice, and was asked to fine a person for having a rabbit on board ship, merely passing through, he did not think he should be inclined to do so, though no doubt, if the Bill were strictly construed, it would be open to that interpretation. He did not apprehend, however, that anyone was likely to interfere unless the rabbits were brought ashore or likely to be brought ashore. With regard to the question of the islands, it was really a question of some difficulty. It seemed a hard thing on the one hand to say that at Rottneſt, for instance, or any other island ten or twelve miles from the mainland, they should not be allowed to keep rabbits,

which certainly could not swim all that distance; yet, on the other hand, it opened a danger, lest people going over to these islands might bring some of the rabbits on the mainland, either thoughtlessly or wilfully. He would leave it to the committee to say whether it would be advisable to make an exception as regards islands a certain distance from the mainland.

MR. BROWN thought they might exempt islands very well from the operation of the Act and also vessels,—unless the islands were very near the shore, when it would be possible for the rabbits themselves to get on the mainland. The Abrolhos abounded with rabbits: there were thousands if not millions of them, but they never reached the shore, and he did not think there would be any danger in exempting all islands situated a certain distance from the mainland.

MR. VENN said it was very clear, if they were going to make the Bill a really prohibitory measure, it would not do to allow rabbits to be kept on these islands. It would be simply encouraging their propagation. If we were going to deal with the thing at all we ought to deal with it thoroughly. The luxury of keeping rabbits was a luxury we could well do without, even on these islands. "Bunny" was an enemy that must be dealt with ruthlessly, and, in the other colonies, they would be only too glad if they could sweep him off the face of the earth.

MR. BURT was really beginning to think ours was a "Squatting Council" after all; they would not even let people keep a rabbit. He was opposed to offering rewards for the scalps of these animals. It was a very different thing with native dogs, which were a real pest; but, at the present moment, there were no rabbits in the colony, with very few exceptions. If we offered a reward, and allowed rabbits to be kept on islands, the result would be these islands would become regular nurseries for breeding them, for the purpose of securing the reward.

MR. MARMION felt very much inclined to stand up for "poor Bunny," which up to the present at any rate had given no cause for apprehension in this colony. As to offering a reward, he should oppose that, on the ground that it was needless. Moreover, it would be simply an inducement for people to breed

them, surreptitiously as it were, in order to pocket the reward. It would be time enough to talk about offering rewards fifty years hence. He should certainly be opposed to imprisonment, in default of the payment of the penalty contemplated by this clause. Let it be recovered in the ordinary course of law.

MR. GRANT thought prevention was better than cure. It would be no use offering rewards fifty years hence, when the colony was overrun with these pests. The other colonies had taught them what to expect unless prompt steps were taken to suppress these creatures. They were allowed to be kept on an island belonging to Tasmania, many years ago, people thinking there would be no danger of their getting on the mainland, and the result had been most disastrous. In Victoria the same thing had happened. Some people thought they would keep a few rabbits, just to remind them of the old country; but it proved a very disastrous reminder. So also it had happened in South Australia, and the same thing would occur here unless they took proper steps to prevent it. Boys would be bringing them over from the islands, knowing nothing about the law against doing so.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in order to meet the objection pointed out by the hon. member for the Gascoyne, moved that the words "in the colony, or to keep or have in his possession," be struck out, and the words "to land in the colony, or to keep or have in his possession on land," inserted in lieu thereof.

Agreed to.

MR. SHENTON really saw no objection to rabbits being allowed on islands situated some miles from the mainland, and he proposed to introduce a clause exempting such islands from the operation of the Bill. He would therefore move to insert after the word "rabbit," in the third line, the words "except as provided in the following section." With regard to the objection,—that these islands would become nurseries for breeding rabbits, for the sake of the reward offered for their scalps, he should move when the 9th clause came under consideration to strike it out, doing away with the reward.

MR. RANDELL did not think there

was much danger in allowing rabbits to be kept on islands, situated some distance from the mainland. They had been on Carnac for many years, but he had not heard of any getting across to the mainland. He believed there were rabbits at Wanneroo, once upon a time, but they did not spread.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that by the last mail he had received a communication from a gentleman in one of the other colonies, offering to exterminate all the rabbits we might have in the colony, by a process of his own, for a lump sum. For his own part he did not think rabbits were on the increase in this colony. He had travelled throughout its length and its breadth, and he had never come across one in all his travels. No doubt the object of the Bill was a good one, but he thought we were carrying it a little too far when we proposed to exterminate every rabbit in the place, tame or wild.

MR. GLYDE said he was in favor of the Bill, so far as prohibiting rabbits being kept on the mainland, and he should support it strongly, knowing as he did the frightful damage which these animals had caused in the other colonies. But he thought, as to the islands, we might leave them alone. There had been rabbits on Carnac, for the last forty years, to his knowledge, and he had never heard of their visiting the mainland.

The amendment submitted by Mr. Shenton was then put, and the committee divided, with the following result—

Ayes	...	...	11
Noes	...	...	7

Majority for ... 4

AYES.	NOES.
Hon. A. P. Hensman	Hon. M. Fraser
Hon. J. H. Thomas	Mr. Carey
Hon. J. Forrest	Mr. Crowther
Mr. Brown	Mr. Grant
Mr. Burt	Mr. McRae
Mr. Glyde	Mr. Wittenoom
Mr. Higham	Mr. Venn (Teller)
Mr. Marmion	
Mr. S. S. Parker	
Mr. Randell	
Mr. Shenton (Teller)	

The amendment was therefore adopted.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), with a view to meet the objection which seemed to weigh upon the mind of the hon. member for Fre-

mantle (Mr. Marmion), as to imprisonment, moved that the words "or in default of payment to imprisonment for —" be struck out.

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

Clauses 4 to 8:

Agreed to, *sub silentio*.

Clause 9—Reward for destroying rabbits:

Mr. SHENTON, in pursuance of his expressed intention to move a new clause authorising rabbits being kept on islands, within a certain distance from the mainland, moved that this clause be struck out.

Mr. CROWTHER said if the proposed new clause should be carried, it would be immaterial whether this or any other clause were allowed to remain. The whole Bill would be so mutilated as to make it useless for the object in view.

Mr. BURT would support the motion to strike out this clause, on the understanding that the clause which proposed to exclude islands from the operation of the Bill would be adopted.

The motion to strike out the clause was then put and carried.

New clause:

Mr. SHENTON moved that the following new clause be added to the Bill, to stand as clause 4:—"Notwithstanding anything to the contrary in the preceding section contained, it shall be lawful to keep or have rabbits upon any island within the territorial dominion of the colony situated not less than five miles from the seaboard."

Mr. BURT said he was informed there were islands within five miles of the coast upon which sheep were kept, and rabbits might be introduced and bred there, to the detriment of the graziers who leased these islands. He would, therefore, suggest that the following words be added to this clause: "which may not be leased by the Crown for pastoral purposes."

Mr. SHENTON did so.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the Government had introduced the Bill to meet the general wish of the country: they had no personal views on the matter. He was not, however, prepared to accept an amendment which, it was believed, would neutralise the Act. Meantime, he would

move that progress be reported, and leave given to sit again next day.

Agreed to.

Progress reported.

EASTERN RAILWAY TERMINUS BILL.

Read a third time and passed.

DOG BILL.

On the order of the day for the third reading of this Bill,

Mr. BROWN (for Mr. Steere) moved that the Bill be recommitted.

Agreed to.

IN COMMITTEE.

Clause 3 (interpretation) reverted to:

Mr. BROWN said it appeared that the interpretation of the word "dog," as at present given, would prevent a reward being offered for the destruction of any wild dogs under the age of three months. This, he thought, ought to be remedied, and in order to meet the difficulty he had to move that the following words be added to the clause: "except where occurring in section 19, when it shall mean any male or female dog."

Agreed to.

Mr. CAREY said that under the Trespass Act dogs, however valuable, might be killed, if found trespassing. Strong representations had been made, in the South, against this provision, and, in view of these representations, he had to move that the following new clause be added to this Bill, to stand as clause 26: "It shall not be lawful to shoot any dogs trespassing upon any lands, anything to the contrary in any Act or Ordinance notwithstanding."

Mr. BROWN said the clause would have his strongest opposition. It was contrary to the provisions of any other clause in the Bill, and at variance with its whole scope.

Mr. VENN said a great deal of harm was occasionally done by dogs trespassing, and the clause should have his strongest opposition, also.

The clause was then put and negatived.

Bill reported.

ABORIGINAL NATIVE OFFENDERS BILL.

On the order of the day for the third reading of this Bill being read,

MR. BROWN moved that the order be discharged, and the Bill recommitted.

Agreed to.

Clause 3 (interpretation of terms) reverted to:

MR. BROWN said this clause provided that the word "Magistrate" shall mean a Government Resident, or a Resident Magistrate, or a Police Magistrate, and shall not be taken to mean any other Justice of the Peace. The 12th clause said it shall be lawful for the Governor to appoint any person to act as a magistrate in any district or part of the colony, and thereupon such person was to have and exercise certain powers during the term of his appointment, and within that district. He therefore proposed to add the following words to the interpretation clause, defining the meaning of the word Magistrate: "or a person appointed to act as a magistrate, in accordance with the provisions of the 12th clause of this Act." It appeared to him absolutely necessary to add some such words in order to make the meaning of this clause clear, so as to define the powers of this particular class of magistrates.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he was quite at one with the hon. member in his desire to make the meaning and intention of the clause perfectly clear; but he could not see the difficulty which the hon. member had suggested. The word "Magistrate" included all kinds of Magistrates,—Government Resident, Police, or Resident; and, in order to make the meaning of the word justice of the peace quite clear, he proposed to introduce certain words defining the interpretation put upon the term, within the meaning of this Act, namely, that a justice of the peace shall mean any justice of the peace not being a magistrate. As to the 12th clause, that clause was inserted in order to meet a case, which sometimes arose, of there being no magistrate in the district, and it became necessary to appoint one to act as such, or to move a magistrate from one district to another; or, in the event of a vacancy, that it should be lawful for the Governor to send up a person to temporarily fill the vacancy—not necessarily a justice of the peace; perhaps a barrister. Or he might be a magistrate. The clause not only gave power to remove

a magistrate or to extend his jurisdiction, but also power to appoint "any person" to act in all things, both civil and criminal, within the jurisdiction of a magistrate. The person so appointed need not necessarily be a justice of the peace, or he need not be put permanently on the commission of the peace. It was to meet these contingencies that the 12th clause was introduced.

MR. BROWN did not object to these powers being given, but he thought the Bill would be much clearer if the words he proposed were inserted. As to the person so entrusted with magisterial powers not being placed permanently on the commission of the peace, could the hon. and learned gentleman inform the House of any instance—he cared not what the man's professional abilities may have been—where a person had been allowed to exercise the functions of a magistrate without being on the commission of the peace, and taken the oaths of office to administer the laws to the best of his ability? The difficulty he referred to might be met by striking out of the interpretation clause the words "and shall not be taken to mean any other justice of the peace."

MR. BURT thought there was a little inconsistency between this clause and the 12th clause. In the 3rd clause it was said that a Magistrate shall mean a Government Resident, or a Resident Magistrate, or a Police Magistrate, and no other sort of magistrate; but the 12th clause contemplated the appointment of another kind of magistrate. He would point out, however, that this last mentioned functionary was only intended "to act" as a magistrate, and not to hold office. Still he thought there was something in the argument put forward by the hon. member for the Gascoyne. He should prefer striking out the words "and shall not be taken to mean any other justice of the peace," in the interpretation clause,—if the Attorney General did not think that would impair the efficacy of the Bill.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said if he thought it would not very much affect the Bill—which he did—he should be most willing to assent to the proposal to strike out these words. But he thought it was very desirable they should exhaust the

possibility of a mistake. In some of the clauses they had justices acting independently of magistrates, and in other clauses they had a magistrate doing what two justices could do, or what two justices and a magistrate could do; and he thought it was desirable there should be no possibility of a mistake being made, and, to his mind, it could only be made beyond the possibility of a mistake by defining a magistrate in this way, and a justice in the way which he proposed doing. This had been the outcome of due consideration on their part, and as the Government were responsible for the Bill, it would be rather hard upon them to accept any other interpretation.

Mr. BROWN said the Government no doubt was responsible for the Bill, but the House would be responsible if it passed it. No one had a greater deference for the opinion of the Attorney General than he had, and it was painful to him to have to enter into a discussion upon a question of this nature with the hon. and learned gentleman, and particularly so in view of the considerate manner in which he had been treated by the hon. gentleman. At the same time he considered he had a certain amount of responsibility cast upon him as to the phraseology of this as well as every other Bill which passed through the House and became the law of the land, and he therefore maintained his right to express his views upon it. For his own part—although he saw no reason for withdrawing his own amendment—he was perfectly prepared to accept the suggestion of the hon. member for the Murray, that the words at the end of the sub-section be struck out. But he understood the Attorney General objected to this.

Mr. CROWTHER said it was evident something was wanted. The Attorney General was of one opinion, the hon. and learned member for Murray and Williams was of another, and the hon. member for the Gascoyne of another. If these three hon. gentlemen, intelligent men who were conversant with the provisions of the Bill and its scope, who had discussed every clause of it,—if these three gentlemen could not agree as to the meaning of the Bill, what would be the result with men in the bush, when they had this Act put into their fists to interpret it according to their lights? If

the Bill could be made clearer for those who would have to work it, so that there could be no possible mistake as to its meaning,—all the better.

Mr. BURT said he must confess, on giving the matter further consideration, that he was inclined to think the difficulty might be met by adopting the definition of the words "Justice of the Peace" which the Attorney General proposed to move, which made the Bill as clear as he could see his way at present to make it.

Mr. BROWN did not care how the thing was done, so long as it was made clear. He should be happy now to withdraw his amendment, so that the committee might be put in possession of that which the Attorney General proposed to move.

Amendment, by leave, withdrawn.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that the following new sub-section be added after the first sub-section of the clause: "The words 'Justice of the Peace' shall mean any justice of the peace not being a magistrate as aforesaid."

This was agreed to, and clause 3 as amended put and passed.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that since the Bill passed through committee the other day he had discovered there was a provision in existence that he was not aware of when the Bill was framed,—a provision bearing upon the 11th clause of the Bill, by which all the Acts now in force in this colony regulating the duties of justices were incorporated with this Bill, so far as their provisions were consistent with the Bill. One of those Acts provided that if six months elapsed from and after the commission of an offence made summarily triable it would be a bar to the prosecution of such offence in the Supreme Court. That was a provision which it would not be desirable to incorporate into this Bill. He had therefore to move that the following new clause be added, to stand as clause 8:

"No lapse of time from and after the commission of any offence hereby made summarily triable shall be a bar to the exercise of the summary jurisdiction hereby created, further or otherwise than as such lapse of time would be a bar to the prosecution of

"such offence by information in the  
"Supreme Court."

Agreed to, without discussion.  
Bill reported.

#### PRIVATE BONDED WAREHOUSES BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser), in moving the second reading of a Bill to authorise the establishment of private warehouses for goods subject to Customs duties, said it had been the wish of many hon. members for some time past that a Bill of this kind should be introduced, and that private bonded warehouses should be established by statute. He believed the measure was one which would meet with the general approval of the mercantile community.

The second reading of the Bill was agreed to without discussion.

#### IMPORTED LABOR REGISTRY BILL.

This Bill was further considered in committee.

Clause 10 reverted to :

THE COLONIAL SECRETARY (Hon. M. Fraser) said that when this clause was under consideration before, he appealed to the hon. member in charge of the Bill (Mr. Brown), whether it would not be advisable under the circumstances to allow the law to stand as it is for another year, as the present Act had only been in operation for a few months; and he would now again appeal to the hon. member whether he did not think it would be wise to do so.

MR. BROWN said he was always pleased to see consistency on the part of the Government or of individuals. When the Act now in force was under discussion last year, the Government then—

THE COLONIAL SECRETARY (Hon. M. Fraser): Not this Government.

MR. BROWN said he looked upon the Government under our present constitution as a continuous Government, and it was a mistake to think that it changed with any change made in its *personnel*. The Government last year begged and prayed hon. members to let the Act now in force pass, in the face of the strongest opposition, and of the prediction made

by more than one member that it would be unworkable. The Bill was dropped at one time, and the Government found they could only pass it by making a sort of *ad misericordiam* appeal to the House to let it have a trial, and at last the House yielded. It had now been in force for about a year, and everybody who took any interest in the Act, except the Government, were perfectly convinced that it was unworkable, and were aware that there had not been a laborer imported into the colony under it who had not been illegally engaged, for the reason that the Governments of the countries from whence these men (chiefly Malays and Chinese) were introduced did not recognise the form of contract provided in the schedule of the Act. The main object of the present Bill was to remove that difficulty, and, for his own part, he could not consent to let the law stand as it is for another year. The clause now before the committee provided that the contract shall be in writing, but not in the form of the schedule: it however afforded almost precisely the same protection to the laborer as the form of contract under the present Act afforded, the conditions, in fact, being almost identical, with one exception, while at the same time it would make the Bill workable.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the hon. member had stated that everybody except the Government had found out that the existing Act was unworkable. That was a statement which it would be difficult for anyone to check; but he could only say that, as regards the Government, their attention had only been called to it this session by the hon. member himself, and the Government had already informed the hon. member that they had communicated with the magistrates who were chiefly concerned in the working of the Act, in order to obtain reliable information on the subject, upon which the Government might act. They could not go into the highways and byways, and take cognizance of everything they heard; and he did not see what more they could have done than they had promised to do. So far as he understood the hon. member, his main grievance was this—that whereas under the Act of last session the contract has to be in the form of the schedule,

laborers were engaged in countries where contracts in that form were not recognised. He believed this was the main objection to the present Act. [Mr. BROWN: One of them.] If that was where the shoe pinched, he could only say what he said the other day,—that the Government were prepared to meet the hon. member provided this Bill contained, substantially, the protective clauses of the existing Act, and that the hon. member was prepared to abide by the principles of that Act. So long as the principles of the Act were not departed from, the Government were willing to modify the form of the contract, so as to render the Act more workable,—so long as those employed under it were adequately protected. But, in the opinion of the Government, that was a very different thing from repealing an Act dealing with the whole question of the importation of colored labor. As to the Government having made any appeal *ad misericordiam* on the subject last year, he did not know anything about it, nor did he know what it meant. All he could say was, here was an Act passed only last year by a Council knowing well what it was about, and it was now proposed to repeal it; and the Government said they were prepared to meet the hon. member as far as possible, so long as the principles of the Act were re-enacted as affirmed by the House last year.

Mr. BROWN concurred with the hon. and learned gentleman that the Government, before making any radical change in the law, should have good and reliable grounds for doing so. He certainly did not expect the Government to go into the highways and byways for their information, seeing that, in their opinion, all wisdom was centred in themselves. At the same time, he thought there were occasions when it would be as well they went a little further afield for their information than the immediate circle of their own little world. The hon. and learned gentleman seemed to think that the members of that House were not sufficient authority for the Government to act upon their information—he supposed the hon. gentleman thought they came from the “highways and byways,” and consequently were not to be relied upon, otherwise he would have seen from the result of the division which took

place on this Bill the other day that, so far as public feeling was represented in that House by the elected members, it had unmistakeably declared that the present Act is altogether unworkable, as the Government were told it would be, last session.

Mr. MARMION failed to see why there should be any great objection on the part of the Government to this clause. The main features of the present Bill did not differ very widely from the main features of the Bill of last session; the principal alteration was in the form of the agreement, and he believed the only difference proposed in this respect was as to the liability of an employer to return the laborer to his own country when the engagement expired. [Mr. BROWN: That is the main feature.] In all other respects the Bill was about the same as the Act now in force; it provided that the contract shall specify the nature of the employment at which the laborer is to be employed, the period of service, and the terms and nature of the remuneration he is to receive. He must say that in this respect the new Bill was an improvement upon the old one, and would meet the wishes of the general public to a far greater extent than the Act now in force. That Act, he believed, was framed in view of the introduction of laborers from India—a class of which none had ever been introduced or were likely to be introduced; if they were, the Government of India would take good care to lay down regulations to protect them as they did elsewhere. As to Polynesian labor, or labor from the Pacific islands, none had yet been brought into this colony, and, so far as he could see ahead, there was no prospect of that class of labor being introduced here, and it would be quite time enough to legislate for their protection when there was any likelihood of the colony requiring that class of labor. The only colored labor at present introduced was Malay, to a very small extent, and Chinese; and he believed with regard to the latter they were as a rule very well able to look after themselves. He thought it would be well if the Government would allow the Bill to pass, for it could do no harm.

The clause was then put and passed, on the voices.

The remaining clauses of the Bill were

agreed to *sub silentio*, and the Bill reported.

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

## LEGISLATIVE COUNCIL,

Tuesday, 4th September, 1883.

Protection of Forest Timber—Distribution of Roads Boards Grant—Water-boring operations in the Eucla district—Fender Piles for Fremantle Railway Bridge—Gold Mining Regulations—Swan River Bar Regulations Repeal Bill—Estimates, 1884: further consideration of—Message (No. 34): Reply to Addresses; Appointment of Inspector of Works and Draftsman—Message (No. 35): Messrs. Lilly & Co.'s proposal re suppression of Overland Mail service to and from Albany—Reply to Message No. 34—Telephonic Exchange (Mr. B. C. Wood's communication)—Immigration Bill: first reading—Adjournment.

THE SPEAKER took the Chair at noon.

### PRAYERS.

### PROTECTION OF FOREST TIMBER.

MR. SHENTON, with leave, without notice, asked the Commissioner of Crown Lands, whether he thought some regulation ought not to be framed or some steps taken to prevent the destruction of forest timber, by the sparks falling from traction engines employed by timber getters setting the bush on fire. He believed a great many young trees were destroyed in this way,—apart from the danger attendant upon these hush fires. If the use of spark catchers were insisted upon it might minimise the danger.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the question had not been previously brought under his notice officially, but now that his attention had been drawn to it he would see what could be done in the matter, and if any means could be devised to prevent this needless destruction of

our timber forests, by preventing such accidents as the hon. member alluded to, he would be glad to see such means adopted.

### DISTRIBUTION OF GRANT FOR ROADS BOARDS.

MR. McRAE asked the Colonial Secretary how the Government proposed to apportion the vote of £15,000 placed on the Estimates for 1884, as a grant for the various Roads Boards.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the vote would be distributed upon a careful estimate of the claims of each district, and bearing in mind the principles which have hitherto governed its apportionment. A certain sum would be kept in hand to meet contingencies arising during the year, but the whole of the vote would be expended by the Boards.

### WATER-BORING OPERATIONS IN THE EUCLA DISTRICT.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, moved, "That a Select Committee be appointed to take into consideration certain communications received from the W. A. Pastoral Association and from the Eucla Land and Pastoral Associations, asking for grants in aid of water-boring operations, in which those associations propose to engage in the Eucla District, and to consider the policy generally of giving such grants in aid for the purpose of encouraging the search for artesian water; such committee to consist of the Colonial Secretary, the Director of Public Works, Mr. Brown, Mr. Venn, Mr. McRae, Mr. Marnion, and the mover." The hon. baronet said he had intended to move in this matter two or three years ago, but the financial condition of the colony was then so bad that he thought it would be better to wait. Large tracts of land had recently been taken up in the Eucla district by wealthy syndicates, and he should have thought they would have gone into water-boring operations without assistance from the Government. But it appeared from the papers laid on the table that they were anxious, some of