

debenture-holders, and all other persons whomsoever."

Progress was then reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 12.25 a.m.

Legislative Council,

Tuesday, 10th January, 1893.

Mail Steamers at Albany—Sparrows: prevention of introduction of—York and Swan Roads Board Districts: alteration of boundaries—Sandalwood: prohibition of cutting of—Transfer of Land Bill: third reading—Scab Act Amendment Bill: third reading—West Australian Trustee, Executor, and Agency Company (Limited) Bill: third reading—Officers of Parliament Bill: third reading—Fremantle Harbor Works and Tramway Bill: third reading—Bills of Sale Act Amendment Bill: third reading—Loan Works: advance of revenue funds for—Aboriginal Offenders Act Amendment Bill: second reading; committee—Defence Forces Bill: first reading; second reading; committee; third reading—Public Health Act, 1886, Further Amendment Bill: report of select committee—Federal Council Referring Bill: second reading; adjourned debate; committee; third reading—Adjournment.

THE PRESIDENT (Hon. G. Shenton) took the chair at 3 o'clock.

PRAYERS.

MAIL STEAMERS AT ALBANY.

THE HON. J. A. WRIGHT asked the Colonial Secretary: If the Government has received any intimation that the mail steamers of the P. & O. and Orient Companies have received orders in future not to come into Princess Royal Harbor at Albany, but to anchor outside in King George's Sound; and, if so, what reasons, if any, have been given for this change? And what steps are intended to be taken to prevent what will be most prejudicial to the interests of Albany and the colony generally if carried into effect, as reported is intended?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied: The Government

has received no intimation whatever on the subject.

SPARROWS—PREVENTION OF INTRODUCTION OF.

THE HON. R. W. HARDEY moved: "That in the opinion of this House it is expedient that the Government introduce a Bill at the next session of Parliament to prohibit the introduction of sparrows into this colony." He said: This matter has been particularly brought under my notice through the dreadful havoc these birds are making in the Eastern colonies among the orchards. I believe sparrows are often introduced as pets, but if once they get loose they multiply rapidly, and become as great a pest as the rabbits are. Those who go in for the production of fruit will know that there are quite enough natural pests without introducing more. Three years ago I lost in my own vineyard, through what is known as the silver eye, some 600 gallons of wine in one season, and, if we are to have the sparrow too, it is very difficult to predict what the loss will be. I therefore move this resolution.

THE HON. E. T. HOOLEY: I have much pleasure in seconding this motion. I know from experience what the sparrow nuisance is in the Eastern colonies, and the people there are continually deploring the fact that they were ever allowed to be introduced.

Question—put and passed.

YORK AND SWAN ROADS BOARDS DISTRICTS—ALTERATION OF BOUNDARIES OF.

THE HON. R. W. HARDEY moved, "That in the opinion of this House the boundaries of the York Roads Board District, as gazetted on the 15th December, 1892, are not to the best interests of the York-Guildford main line of road, and therefore deem it advisable to place under the control of the Swan District Roads Board at least 20 miles of the West end of the said road." He said: The road referred to is in a most dreadful state. I have spoken more than once to the members of the York Roads Board, but they decline to have anything to do with it, for the reason that they have no traffic upon it, and I have no doubt but that that is the fact. Still the road is in a most deplor-

able state, and it is almost impassable. For a distance of about three miles there are ruts up to one's knees, and these have been caused through the water having been allowed to overflow the drains. In many places the centre of the road has been washed out for many chains, and in winter even the centre of the road is quite boggy. Although we have railways, I take it we should not allow the main lines of road to get into a state of disrepair, and if the York Board declines to do with this part of the road, it should be handed over to the Swan Board. There are three miles of this road which cannot now be placed in the state of repair it was in three years ago for less than £1,000.

THE HON. J. G. H. AMHERST: I have great pleasure in seconding this motion. I know the road well, and I can vouch for what the Hon. Mr. Hardey has said. A point missed by the hon. member I may, perhaps, shortly refer to. When the new deviation between Fremantle and Beverley takes place, this road will be more used than has been the case hitherto, and therefore it is most important that it should be placed in order as soon as possible. I do not know whether the Swan Board is willing to take the matter in hand. If they do they will be involving themselves in a serious task, and unless they get some assistance from the Government it will be impossible for them to do anything.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I may say that, so far as I am personally concerned, I am in accord with the remarks of the two hon. members who have just spoken. When I was in the Legislative Assembly I brought the very same matter forward, and I feel sure that if the House affirms this resolution, and the Swan Board takes the matter over, the Government will fall in with the view set forth by the Hon. Mr. Amherst.

Question—put and passed.

SANDALWOOD—PROHIBITION OF CUTTING OF.

THE HON. J. A. WRIGHT, without notice, moved, "That the resolution prohibiting the cutting of sandalwood within the colony for a period of three years, passed by this Council at its last sitting,

be transmitted by Message to the Legislative Assembly, and its concurrence therewith desired."

THE HON. E. T. HOOLEY seconded.

THE HON. T. BURGESS: I shall oppose this motion being put without notice.

THE PRESIDENT (Hon. G. Shenton): Standing Order 87 provides that any Message from the Legislative Council to the Legislative Assembly may be dealt with at any time without previous notice.

Question—put and passed.

TRANSFER OF LAND BILL.

This Bill was read a third time, and passed.

SCAB ACT AMENDMENT BILL.

This Bill was read a third time, and passed.

WEST AUSTRALIAN TRUSTEE, EXECUTOR, AND AGENCY COMPANY (LIMITED) BILL.

This Bill was read a third time, and passed.

OFFICERS OF PARLIAMENT BILL.

This Bill was read a third time, and passed.

FREMANTLE HARBOR WORKS AND TRAMWAY BILL.

This Bill was read a third time, and passed.

BILLS OF SALE ACT AMENDMENT BILL.

This Bill was read a third time, and passed.

LOAN WORKS—ADVANCE OF REVENUE FUNDS FOR.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It will be observed that Message No. 19 from the Legislative Assembly is as follows:—

"The Legislative Assembly having this day passed a resolution, to the effect that it is advisable that the Government be authorised to expend the following sums, to be advanced, in the first instance, and

afterwards to be provided from Loan funds to be hereafter raised, viz. :—

	£
1. Proposed deviations to improve the grades between Fremantle and Beverley, and relaying the same with 60lb. rails ...	111,742
2. Purchase of land for Perth Railway Station, and erection and completion of Perth Railway Station and yards, buildings, &c., and estimated to cost £75,916, less a sum of £25,000 contributed from the South-Western Railway ...	50,916
3. Additional rolling stock for the Eastern Railway ...	48,566
4. Miscellaneous ...	18,776
Total ...	£230,000

presents the same to the Legislative Council for its concurrence." I have now to ask this committee to agree with the Legislative Assembly in this resolution. I feel sure that I shall have the support of my hon. friend opposite—Mr. Wright—on the item £111,742 for the proposed deviation to improve the grades between Fremantle and Beverley, and to relay the line with 60lb. rails. He will be able to tell the committee how very detrimental it is to the interest of the railway to have a line on which the grades for some miles are 1 in 30, and in some places as low as 1 in 22. The deviation proposed will commence below Greenmount, and will join the Eastern line again at Sawyer's Valley. This will cost about £80,000, and it will give grades of 1 in 50 instead of 1 in 22 and 1 in 30. With the present grades it is almost impossible to keep the engines and rolling stock in working order, and the enormous wear and tear makes it impossible to work the railway economically. With grades of 1 in 50 the engines will be able to take very much greater loads at a reduction of cost. With regard to the item £75,916 for purchase of land for Perth station, I may say that the cost of the land has been something like £60,000, and at other places—Newcastle, Brookton, York, &c.—additional and increased accommodation for goods is necessary.

THE HON. J. A. WRIGHT: This item only refers to the Perth station.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I was under the impression that it referred to the whole of the Eastern Railway; but perhaps it does

not. As far as the Perth station is concerned, the land will cost £60,000, and therefore only £15,916 is left for the construction of the necessary buildings. I believe the Railway Department have come to the conclusion that it is better for them to purchase all the land they require at once. Had this very land been purchased three or four years ago, instead of £60,000 it could have been had for £10,000. The additional rolling stock, I am told, is absolutely necessary, for the department has even now to borrow very often from its neighbors. At the present time the Eastern Railway is using the stock which properly belongs to the South-Western Railway, and of course, as soon as this line is open, the rolling stock will be required. A sum of £18,776 is put down for miscellaneous items, and, considering that the total amount is £230,000, I do not think hon. members will consider this too much. There are many critics in the Lower House who take a great interest in financial matters, and yet this resolution was passed un-animously. I now move that this Message be concurred in.

THE HON. J. A. WRIGHT: As the Hon. the Colonial Secretary has made some reference to me, I may say that I have much pleasure in seconding this resolution, because I think this expenditure is necessary for the good of the colony. I may repeat what I have always said since the day I landed here and took charge of the public works and railways of the colony, and that is that the line, from its inception to the present day, has been starved through false economy. There has been an idea that money should be saved, and if it cost £100 to save £5 it must be done. The original Eastern Railway (and I consider under the circumstances it did great credit to the men who set it out) was surveyed at the price of £30 per mile; whereas had £300 per mile been spent the colony would now have been reaping the benefit of it and we should have been saved spending, at the eleventh hour or at a quarter to twelve, this large sum of money to do what we should have done long ago. The Perth station, I consider, is not only a disgrace but a positive danger to the people who use it. The platforms are not wide enough, and the accommodation is of an absurdly ridiculous description.

We have now a glaring instance of the policy which has been adopted. Five years ago the land for which we are now to pay £60,000 could have been bought, we are told, for £10,000; but I know it could have been purchased for £7,000. The item £48,566, for additional rolling stock, Eastern Railway, I think we can allow to pass, although I should have preferred not to see the particular railway specified. It might have been put down as additional rolling stock for Government railways, for I do not suppose that any of the stock will be kept for any particular railway. My hon. friend passed over the £18,000 odd for "Miscellaneous" with only a few words, and he said it was very little when we considered that the total amount was £230,000. We might have liked to know how the money was to be spent; still when it is spent I dare say we shall be quite as satisfied as if we did know. The alteration of the grades is the principal thing, for an engine can take double the load with a 1 in 50 grade to what it can haul with the present grades. Consequently the train mileage will be reduced by one-half, or in other words the cost will be reduced by one-half, although the same amount of work will be done.

Question—put and passed.

ABORIGINAL OFFENDERS ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The preamble to this Bill says that "Whereas the punishment at present provided by statute for certain felonies and misdemeanors committed by aboriginal natives and made summarily triable under the 'Aboriginal Offenders Act, 1883,' is inadequate, and it is expedient to increase such punishment," and the Bill goes on to provide that the maximum term of imprisonment provided by the Act of 1892 shall be altered from two years to three years. By clause 3 it is further provided that the Court, upon the conviction of any aboriginal native who has been previously convicted, may sentence such offender to any term of imprisonment not exceeding five years, and, in the case of a male, with or without whipping. Then there is a technical clause relating to informations for subsequent offences. Altogether the object

of this Bill is to give the justices greater powers to deal with native offenders, and the Government have deemed it advisable to bring it in in the interests of settlers in the outlying districts, it having been found that the two years' imprisonment under the principal Act is not sufficient deterrent. I move the second reading of the Bill.

THE HON. R. E. BUSH: It is not my intention to oppose this Bill, but rather to congratulate the Government in at least being able to see the serious state of affairs existing in various parts of the colony, and I trust that this increased punishment may have the effect of stopping the depredations which are taking place from day to day. I hope that in future the Government will see that the imprisonment is made real. The mere fact of keeping the natives away from their country for five years instead of two will not do much good unless the imprisonment carries with it greater punishment than it does at present. I believe in shorter terms of imprisonment and severer forms of work. There is one omission in this Bill which I hope the Colonial Secretary will supply when we go into committee. It is provided that a male may be whipped, but the instrument that may be used is not stated. I have had brought to my notice the case of two unfortunate justices, who, owing to the absence of such a stipulation, have had their names brought forward in the papers by an anonymous exaggerator, whom the Government seemed to believe, and the consequence has been that a circular has been issued, an absurd and illogical circular, and one which I do not think will carry any weight with it, but which tends to reflect on these gentlemen. I trust, therefore, that the Colonial Secretary will see his way to obviate the difficulty when we are in committee on the Bill.

Question—put and passed.

IN COMMITTEE.

Clauses 1 and 2—passed.

Clause 3.—"Punishment for offence after previous conviction."

THE COLONIAL SECRETARY (Hon. S. H. Parker): My hon. friend Mr. Bush mentioned that there was no instrument specified for whipping. The instrument always used is the "cat," and the Government have had some of them made of

the same form as those used for white prisoners, and similar to those used in the case of soldiers and sailors. A sample of them is at the Colonial Secretary's office, and any hon. member can see it. I do not think it possible for me to define any particular form of "cat" in this Bill, but the hon. member may rest assured that there shall be a proper "cat," and that it shall be properly administered.

THE HON. R. E. BUSH: I do not know the kind of "cat" in use, but there is nothing to say that a "cat" shall be used. The correspondence I referred to drew particular attention to sticks or switches being used, and what I want is that the instrument shall be named. As the Bill stands there is nothing to prevent a justice using a clothes prop or a stock whip if he chooses.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I do not think the instrument is ever defined in a statute; but it is generally understood to be a cat-o'-nine-tails. I am not prepared to insert any amendment, and I think the name of the instrument had better be omitted, for it may be impossible in some outlying district to get a "cat," and then if anything else were used the justice would be liable and responsible.

THE HON. R. E. BUSH: I shall be glad to accept what the Hon. the Colonial Secretary says, and I may say that I only called attention to the matter in consequence of the circular issued by the Attorney General in August last.

Clause agreed to.

The remaining clauses were agreed to, and the Bill reported.

PUBLIC HEALTH ACT 1886 FURTHER AMENDMENT BILL.

REPORT OF SELECT COMMITTEE.

THE HON. J. A. WRIGHT: The Hon. the Colonial Secretary told us the other night that we might consider the report of the select committee on this Bill when next the Bill appeared on the Order Paper. I should like to know why it is not now on the Order Paper.

THE COLONIAL SECRETARY (Hon. S. H. Parker): After the report of the select committee it would obviously be mere waste of time to proceed with the Bill. At present I may say I do not intend to proceed further with the Bill.

DEFENCE FORCES BILL.

This Bill was introduced, and read a first time.

The Standing Orders were suspended.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): In rising to move the second reading of this Bill I may say that the reason it has been brought forward is in view of the early establishment of a permanent force at King George's Sound. It is hoped that in two or three months' time the guns will have arrived, and then it will be necessary to have the permanent force there. At present we have no law on the subject, except that dealing with the volunteers. This Bill does not deal with volunteers, but relates to what is known as the permanent force and the militia. In addition to what is known as the permanent force, which will consist of thirty men, it will be necessary in the scheme of defence to have a militia, or partly paid force, to be called out in case of war. As far as Albany is concerned, the suggestion of the officers who formed the commission which visited King George's Sound and Thursday Island, was that the permanent force should have, as auxiliaries, at least 60 infantry men, and to establish such a force, which would be liable to be called out at any moment, it seems necessary that we should pay them, or partially pay them. This Bill, therefore, contemplates a militia force. As far as the permanent force is concerned, it will be enrolled in South Australia, and as soon as the men land at Albany they will be disbanded, and re-enrolled under the law of this colony—under our Governor as Commander-in-Chief—and be in no way subject to the other colonies. It will be observed by Part II. of this Bill that men between the ages of eighteen and thirty shall be qualified to enlist in the permanent force, and men between the ages of 18 and 35 in the militia, and that the period of engagement shall be one of three years' continuous service. There is a further provision by which boys from 14 to 18 years of age may be engaged for seven years as musicians, drummers, trumpeters, or buglers. As regards the militia, the Government may call them out for drill, exercise, and training, and in the case of war if the militia are called out

they will be subject to the Army Act and the Queen's Regulations so far as they are consistent with this Bill. The Army Act referred to means the Imperial Army Act for the time being in force, and the permanent force will thus always be under the same regulations as the Imperial regulars. I may add that, in addition to the 30 men which will compose the permanent force at Albany, a further force will be required at Fremantle, and, in addition to the 60 men enrolled as militia, there will be a further force of 300 or 400 enrolled at Perth and Fremantle for service at Fremantle in case of war, and so that some of them may be drafted to Albany if required. The officers who advised on this question suggested that a force of at least 600 men should be raised in Perth and Fremantle, and that in case of war 300 should be sent to Albany. Hon. members must be aware that fortifications may be the proper thing to command the sea and the entrance to harbors, but it is necessary to have an infantry force to prevent the fortification being taken in the rear. As we have no law on this subject the Government have thought it absolutely necessary to do something at once. Since the new Commandant has arrived there has been a great deal of discussion on this subject, and he drafted a Bill; but it dealt with the volunteers as well as the permanent force and the militia, and it provided, as in the case of South Australia, that every man between the ages of 18 and 45 should be liable to be called out in case of invasion. The Government did not deem it advisable to bring in such a measure at this late stage of the session, and hence this Bill has been reduced to only what is absolutely necessary. I have no doubt that before long it will be necessary to bring in the larger measure which has been prepared by the Commandant, but at present we only ask for power to enrol the permanent force and the militia. When the Bill gets into committee I shall be glad to explain any of the clauses, and I now move that the Bill be read a second time.

THE HON. J. A. WRIGHT: I have very much pleasure in seconding the motion of the hon. member, and of congratulating him upon appearing for the first time in his new character of

Minister of Defence. I have no doubt that if any attack were made upon us he would be the first in the field. There are one or two things I would like to say in connection with this Bill. The hon. gentleman told us that only certain people were to be called upon in the case of a foreign invasion; but I believe there is a desire among all Englishmen that anyone who is able to carry arms in defence of hearth and home should do so; and I hope the age of 35, provided by this Bill, will not prevent any of us doing our best against a foreigner. Really we are starting with a foreign invasion. We are getting mercenaries from a foreign country to defend our forts, and one of the objections I have to this Bill is that we are to get men from South Australia, when we have splendid men among us who, with a little training, would be able to do all that is necessary. There are one or two other objections I have to the Bill, but knowing how essential it is to get it through, I shall allow them to pass.

Question—put and passed.

IN COMMITTEE.

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

The Standing Orders were suspended, and the Bill taken through its remaining stages and *passed*.

FEDERAL COUNCIL REFERRING BILL.

SECOND READING—ADJOURNED DEBATE.

THE HON. J. A. WRIGHT: After the Bill which has just been passed I may say I have now no objection to this one.

Question—That the Bill be now read a second time—put and passed.

IN COMMITTEE.

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

The Standing Orders were suspended, and the Bill taken through its remaining stages, and *passed*.

ADJOURNMENT.

The Council, at 5 o'clock p.m., adjourned until Wednesday, 11th January, at 8 o'clock p.m.