

Legislative Assembly,

Tuesday, 8th October, 1895.

Sheep Quarantine in Victoria District—Case of Alexander Gilchrist: motion for adjournment—Suspension of Standing Orders, to expedite business—Water and Electric Works License Bill: first reading—Appointment of Commission re Fencing Laics—Messages from Legislative Council: Encouragement of Production, &c., of Vegetables; Concurrence in Resolution re Abolition of Aborigines Protection Board—Mines Regulation Bill: third reading—Stock Diseases Bill: third reading—Engine Sparks Fire Prevention Bill: third reading—Appointment of Acting Chairman of Committees—Loan Estimates, 1895-6: further considered in committee—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock, p.m.

PRAYERS.

SHEEP QUARANTINE IN VICTORIA DISTRICT.

THE PREMIER (Hon. Sir J. Forrest): I have much pleasure in informing the House that I have received a telegram from the Chief Inspector of Stock, informing me that a large flock of sheep, lately in quarantine, have been released from quarantine; so that there are not now any sheep quarantined in the Victoria district.

THE CASE OF ALEXANDER GILCHRIST.

MR. WOOD: By your permission, Sir, I rise now to move the adjournment of the House, in order to bring under the notice of hon. members the case of Alexander Gilchrist, who was convicted at Geraldton, I think, in May last. I will read an extract from the *Geraldton Express*, which says:—"Alexander Gilchrist was charged with that he did, on the 7th of January, 1895, falsely represent to one John James Barker that he was a leader of a prospecting expedition, towards which, himself and Lord Percy Douglas, and a Mr. Eyre, had each contributed £250, and had a fourth share each in the syndicate, and that the paid up capital of this syndicate was £1,000, and that the expedition was to prospect for gold and other precious stones, and look for good pastoral country in the North-west of this colony, and that he did in con-

"sequence of these false representations obtain from the said John James Barker the sum of £62 10s.—£50 in cash and a promissory note for £12 10s., with intent to defraud him of the same." That was the charge against him, and it appears he was brought before the Court of Quarter Sessions at Geraldton, was tried, and was sentenced to three years' imprisonment by the Resident Magistrate. So far as the Resident Magistrate at Geraldton is concerned, I have not a word to say against Mr. Brown, for I believe, from a life-long knowledge of him, that he is above suspicion as regards his doing anything intentionally wrong or unjust. I want to establish that, at the outset, so that hon. members may understand it is with no desire to say anything against the magistrate himself that I bring this matter forward; but what I do find fault with, is the law as it exists in this colony. This man, Gilchrist, was, first of all, charged with this offence. Mr. Brown, as Resident Magistrate, acted in the capacity of grand jury—I think I am correct in saying so—by finding a true bill against the prisoner. The next step was that the same magistrate, a few days or weeks afterwards, sat in judgment on the case at the Quarter Sessions. I find fault with this procedure, not as being the fault of the magistrate, but as being the law of the colony. The law is at fault in providing that the same magistrate who commits a prisoner for trial may afterwards sit in judgment on him at the trial, thereby placing the magistrate in an invidious and wrong position. Gilchrist was tried and committed; and then the case was remitted, I think for the Attorney-General's opinion, and he at once saw that the conviction was, at all events technically, wrong. Gilchrist was consequently set at liberty, but he had suffered the penalty of three or four months' imprisonment, whereas, he should not have suffered for an hour or a minute. I will now read extracts, if I am in order, from a leading article in the *Geraldton Express*, and hon. members can take them for what they are worth. If the facts as stated commend themselves to hon. members, the matter will be in order. The article says: "In our issue of the Advertiser of May 29th we first published some account of the circumstances attending the release of Alexander Gilchrist from prison, after serving a little over a month out of a sentence of three years penal servitude imposed on him by the magistrate sitting at the last Geraldton Quarter

"Sessions. This case throughout has presented some remarkable features. It is probably only a coincidence, but it is also a serious fact that the prisoner was committed for trial by the very magistrate by whom he was subsequently tried. The exact use of committing a man to be retried by the same magistrates, who have acquired a bias—possibly unconscious, but none the less bias—from the mere fact of having previously pronounced the prisoner *prima facie* guilty, is not to us apparent, unless this peculiar method of working legal apparatus be devised for the express purpose of preventing the acquittal or escape of any man unfortunate enough to be charged with a crime. Apart entirely from the merits of this particular case, this method of trying prisoners is radically wrong, and does not conduce either to the maintenance of the dignity of the law or to the proper and efficient administration of justice. It is nothing short of scandalous, that the power of inflicting long sentences, such as that meted out to Gilchrist, should be given to laymen at all." The article goes on to comment on Mr. Maitland Brown as a magistrate, but I am not going to quote these comments, because I do not agree with them. I will now come to the evidence for the prosecution, as stated in the article:—"The evidence for the prosecution was adduced by John James Barker and Paul Elwood, from whom the moneys had been obtained by the representations mentioned in the indictment. Barker stated that he had met the accused in Perth on January 1st, and that he (accused) told him that he was a member and leader of an expedition in which Lord Percy Douglas and Mr. C. G. Eyre were interested, and that the capital of the syndicate financing the expedition was £1,000. The expedition was to proceed to the North-West to look for gold, precious stones, pastoral land, etc. Gilchrist, in reply to enquires made by the witness, said he would be willing to dispose of an eighth share in the concern, which he did. Barker paying over £62 10s. and Gilchrist giving him an agreement constituting him a member of the syndicate. The three—Gilchrist, Barker, and Elwood—left on January 6th for Wyndham, but on arriving at Geraldton, Gilchrist averred that he had left his gold belt, containing some £300 in it, at Fremantle, and was desirous of going back for it, *telegraph communication being then cut off*. The two

"witnesses for the prosecution then demanded their money back. Gilchrist refused this, whereupon they laid an information, alleging that the money had been obtained under false pretences, and Gilchrist was arrested and charged as above." I will next quote what the article says as to the defence:—"The defence in the case consisted for the most part of the raising of the doubt before mentioned as sufficient in itself to secure an acquittal, and of a flat denial of the suppositions (not facts, remember) raised by the prosecution. Lord Douglas was in England." The article goes on with a little discursive abuse of Lord Percy Douglas, but I will pass over that and read further:—"After the affair was over, the unhappy prisoner communicated with his wife and other friends in Sydney, who interested the Rev. E. T. Dunstan (formerly of Perth), in his behalf. He wrote to the Rev. G. E. Rowe, communication was opened with Lord Douglas, and with Mr. Eyre, and the result was the triumphant vindication of the prisoner, whose statements were found to be truthful in every particular but one, which was the amount of money secreted in the belt, and which alleged statement must be taken on the word of the prosecution." To this I may add that, when the matter came before the Full Court in Perth, on the 16th July, the Chief Justice delivered judgment in the case *Regina v. Gilchrist*, which was reported in a Perth newspaper as follows:—"The Court delivered judgment on a case stated by the Chairman of the Geraldton Bench (Mr. Maitland Brown) on the point as to whether one partner in a contract could bring a criminal prosecution for false pretences against another partner in the contract. "The facts of the case were that Gilchrist was convicted for false pretences in respect of a prospecting syndicate, on the information of one Barker. After reviewing the evidence, *His Honor the Chief Justice said he was of opinion that the conviction should be quashed as there was no real evidence to go to the jury, although it was full of grave suspicion.*" I think these remarks of the Chief Justice are sufficiently strong to show that Gilchrist should never have been in the position in which he was placed.

THE ATTORNEY-GENERAL (Hon. S. Burt)
What are you reading from?

MR. WOOD: I am reading from a newspaper report of the judgment.

THE ATTORNEY-GENERAL: That is not half of what was said.

MR. WOOD: I have read all that is reported. My object in bringing this matter before the House is to get an expression from hon. members in favor of asking the Government to give this man some compensation for the imprisonment and injury he has wrongly suffered. I think an injustice has been done, and there is nothing so dear to men as their liberty, and nothing so dreadful as to be cast into prison for an offence of which they are not guilty. The Attorney-General must admit—indeed his own action in the case is an admission—that this man was wrongly convicted and improperly punished; and that, had the case been brought before the Attorney-General as a grand jury, I take it that he would not have found a true bill against this man. That is sufficient to show that Gilchrist has suffered a great wrong; and I appeal to hon. members to join with me in urging on the Government to make some sort of recompense to Gilchrist for what he has suffered. The Attorney-General will perhaps bring up, in his reply, something as to Gilchrist's private character; but I can contend that such evidence can have nothing to do with the merits of this case. If this man has been guilty of any indiscretion in another colony at some previous time—and I should like to know who amongst us has not been guilty of indiscretion at times—

MR. LEAKE: This is a question of compensation.

MR. WOOD: If the hon. member is against justice being done to an injured man—

MR. LEAKE: I did not say that.

MR. WOOD: I hope hon. members will try to put themselves in this man's place, in looking at the question and see how they would like it. If they look at it in that way, I am sure they will at once say, this man should have some compensation. I know that some matters affecting this man's character at a previous period will be brought up by the Attorney-General. I know that, because this is not the first time I have had the case in hand. I have interviewed the Attorney-General on several occasions, and not being able to get satisfaction from him, I have had to bring the case before this House. It would have been impossible to bring a petition before the House asking for compensation, without the assent of the Government; and as the Speaker ruled me out of order when taking

such action, in an earlier part of the session, was not going to commit the same error again. The Attorney-General may now bring up some incidents affecting the personal character of Mr. Gilchrist, but these have little or nothing to do with this case; for I contend that, although this man may have been guilty of indiscretion at times, yet these should not affect the merits of the present case. Whether Gilchrist was, at some time, a confirmed drunkard, or whether he habitually associated with improper persons, has nothing to do with this case; and I do trust hon. members will disassociate him from anything of that sort, and treat this case on its merits. The Government, I take it, have only one desire, and that is to see justice done to every British subject in this colony. I feel certain that the Attorney-General, although he is the legal adviser to the Crown, will not allow any feelings of that sort to interfere with his sense of justice, which I know to be very keen. I know the sense of justice of the Premier, and of other members of the Cabinet, is just what it ought to be; and I take it they are all honorable men, and would like to see justice done. I wish I had the eloquence of the hon. member for Geraldton to plead the cause in this House, and I only trust he will give me the assistance I should give him, under similar circumstances. I trust the hon. members on this side of the House, and the hon. members for Nannine and Geraldton on the other side, and all other hon. members who are in favor of right and justice being done, will give me their help in this matter, in asking the Government to do what is proper in the case. I do not want to bully the Government, in any way, but I do urge on them to do the thing that is right. I have been particularly asked by Mr. Gilchrist to put in some testimonials of his, from another colony, and also from persons in this colony. Mr. Gilchrist is a man who occupies, or did occupy, a very good position in New South Wales. He is a Fellow of the Royal Geographical Society of England; he was a Justice of the Peace in New South Wales for many years, and also held honorable and high positions in connection with churches. This first testimonial is from the trustees of the Queensland Gold and Mundic Mining Company:—"We have much pleasure in stating that Mr. Alex. Gilchrist performed all the managerial duties herein contained, including the erection and working of the various gold-extracting appliances, to the satisfaction of

"all concerned and interested. We have pleasure and confidence in recommending Mr. Alex. Gilchrist as a high-class miner, to any company or any one requiring his services:—(Signed) GEORGE LORD CARTER, M.L.A.; JOHN L. CASTNER, Trustees for the "above company." Another testimonial to Mr. Gilchrist's character is dated Sydney, 18th March, 1887, and says:—"I have much pleasure in testifying to the satisfactory manner you discharged your duties as manager, in connection with the Ravenswood Gold-mining and Ore-dressing Company, whilst secretary and legal manager. You were always punctual and regular in your returns, and showed every desire to carry out the wishes of the board of directors. Wishing you every success.—I am yours, THOMAS MELDRUM." Another is from the Inspector-in-Chief of Abattoirs, Sydney, and says:—"This is to certify that Mr. Alex. Gilchrist was employed as engineer and overseer, under my control, in this department, for about eight years. During which time he proved himself a most respectable, faithful, and zealous officer. He now leaves for North Queensland, to take charge of some quartz-crushing machinery, and carries with him my very best wishes.—FRED. OATLEY, Inspector-in-Chief, Department of Colonial Secretary, of New South Wales." Another is dated from Ashfield (N.S.W.), 18th May, 1890, and says:—"I have at all times found your professional reports to be borne out whether said reports were favorable or otherwise. I have frequently entrusted you with large sums of money, and have at all times found you to be upright and conscientious in your dealings. I may state that this is the opinion of those who are more intimately associated with me in mining affairs.—Yours truly, F. CHISSOLD." Another lengthy testimonial, which I do not think I need read to the House, states that Mr. Gilchrist has been ten years connected with a Sunday-school in Sydney, and that for more than half that time he held the position of superintendent. I do not pay very much attention to testimonials, of that kind, myself, because any good-natured person would give a testimonial to a man when he is leaving the country. I have more testimonials from persons in this colony who are acquainted with Mr. Gilchrist. Mr. Alfred Mayer, of Perth, tobacconist, says:—"In reply to your question, I beg to state that I have seen you daily and at all hours in my place of business. I have never seen you in

"any way under the influence of drink, and have always found you to be of gentlemanly conduct, and in every way respectable. I am astonished to hear that anything could ever have been said to the contrary. . . .—ALFRED MAYER." I may say that Mr. Mayer is in business in Howick-street, and I can vouch for his respectability. The next testimonial is from Mr. John Neil, a sharebroker of some reputation in Perth, and well-known to hon. members. He says:—"I have, with every confidence, pleasure in stating that, while acting as secretary of the Exchange Club, you conducted yourself as a gentleman, and never were, during the time I was a member or while acting as secretary, seen under the influence of liquor. I may mention that our interviews were of frequent occurrence. To refute any such insinuations, you can at all times command my personal services.—With kind regards, JOHN NEIL." Here is another:—"Perth, Tuesday, 4th June, 1894. Dear Sir,—A gentleman who is about returning to the Eastern colonies has been asking me whether I know you as a person addicted to drink. I told him that having known you for some ten years, I never saw you the worse for liquor. In fact, I always thought you the other way inclined. I never thought you were hot-headed enough, or impulsive or foolish enough, to allow drink to interfere with your multifarious mining undertakings." I will not read the whole of that, but it is signed, "T. BAUCE, M.E., mineralogist." There is a testimonial from three well known householders in Perth, who say: "We, the undersigned, do hereby certify that we have seen Mr. Alex. Gilchrist almost daily, and at all hours, during his stay in Perth, and we have never seen him with any signs of drink, nor yet with other than gentlemanly conduct, We are surprised that any statement should have been made to the contrary. W. E. Needham, Barrack-street; Robert Smith, Barrack-street; M. Roche, Hunt-street." Having read these to the House, I say that, in getting testimonials, we must go to persons who have mixed with Mr. Gilchrist and we may be sure these persons would not sign anything they did not believe to be true. It has been necessary, in the interest of Mr. Gilchrist, to somewhat anticipate what I feel sure the Attorney-General is going to place before hon. members. That finishes all I have to say on the matter, and I trust that the

Government and hon. members will give this case their full and earnest consideration, and will allow no personal matters to affect their judgment on the broad question of justice, but will agree with me in urging on the Government to recompense Alexander Gilchrist for the injury and indignities he has suffered, by the errors that have been committed in placing him in gaol. He has been separated from his wife and family, and I know they have been in great distress of mind and body, over this case. I put it to any hon. member whether, while away from relatives and friends, in a strange country, he happened to be treated as Mr. Gilchrist was treated at Geraldton, he would not consider himself entitled to some compensation. I put the case forward on the broad principle of justice, and trust that the Government will see their way to give this man something.

THE ATTORNEY-GENERAL (Hon. S. Burt): I am very glad, Sir, that the hon. member who has brought forward the motion in connection with this case took the opportunity of expressing himself in the way he has done with regard to the Government Resident at Geraldton, Mr. Brown. I am sure that what he has said will be endorsed by everyone who enjoys Mr. Brown's acquaintance. This is a case of a most unusual character. It is put forward that, because a person has been improperly convicted from a legal point of view, he should at once make a claim on Parliament for compensation. I do not know of any precedent for this, either here or anywhere else. It is usual for a person improperly charged with an offence to bring an action for malicious prosecution against the person who preferred the charge against him, and that is the course open to this man, Gilchrist, if he is convinced there were no grounds for the charge, and that it was made out of malice. Personally, I may say at once, this is a case in which I do not find it possible for me to recommend any consideration whatever. If it would be right to grant compensation to this man, we would have claims from all those people who were committed for trial and afterwards acquitted, or who were released on the advice of the Crown Law Department, because of legal difficulties. In this case, some newspapers have made a great deal of capital out of what has occurred. It will be well if hon. members have a short history of the case. It appears that this man Gilchrist came here from New South Wales. He saw certain

miners, and persuaded them to join an expedition to the North-West, where he was to find gold, silver, diamonds, and all the precious metals and stones. He was even to secure good stock runs. No doubt he amply embellished his story, and made it as attractive as possible. After hearing his stories, and after being told that other members of the syndicate were Lord Percy Douglas and a gentleman named Eyre, two of the men Barker and Elwood, took a share each, paying Gilchrist a sum of something like £62 10s. per share. Gilchrist, after the expedition started, stated that the paid up capital of the syndicate was £1,000, and that he had a written agreement with Lord Percy Douglas and others. These men seem to have believed everything Gilchrist told them, and do not appear to have made any enquiry as to the whereabouts of the money or the agreement. It has always struck me that people who go into these ventures never do ask as many questions as they should for their own protection. The charge laid against Gilchrist was of obtaining the sum of £62 10s. by false pretences from Barker, and the charge was laid after another charge had also been preferred against Gilchrist. The depositions taken at Geraldton show how this man acted, and why the charge was laid. After leaving Fremantle, says Barker, and "about eight o'clock on the morning of our arrival in Geraldton, prisoner told us he had left his belt in the bed occupied by him on the night previous to leaving Fremantle. He told me that there were either two hundred and seventy or three hundred sovereigns in the belt. He said he had only just discovered his loss. I asked him what he proposed doing. He said he would have to go to Fremantle himself, and get the money, and that he wished Elwood and me to go on to Derby and wait there for him. We should have had to wait at Derby from six to nine days. He said we might take the tent and the tucker, and that he would take the revolvers, rifles, and shotguns, and charts, and leave them ashore at Geraldton. I told him I thought things were very unsatisfactory, and that I would like to see his agreement with Lord Douglas and Mr. Eyre." Gilchrist appears not to have had that agreement with him, and he did not know where it was. He promised to refund Barker his money, but did not do so. Barker proceeds to say that he saw Gilchrist packing up certain things. He says: "These were, by the statement

of the accused, the property of the syndicate. They went to the railway station. I went there with prisoner and saw him label them all for Perth, in his own name. This was after prisoner said he would pay my money back. Before we left Perth he showed me his sovereign belt and told me he intended to carry the gold for the use of the expedition in that. I do not now believe that the statements made to me by Gilchrist, upon which I joined the expedition, were true. My reason for not believing them was his failure to produce the documents which he said he had, and his inability to state where they were," Barker's evidence was not shaken on cross-examination, and he repeated his statement as to the paid-up capital, to the foreman of the jury. Paul Elwood, the other man, who joined the supposed syndicate, bore out Barker's evidence. Elwood said, "The accused told Barker exactly what he told me. . . . I said things were unsatisfactory. I asked him to give me my money back, and I would leave the expedition, and he said he would. He proposed that we should go on to Derby. I asked him to produce his written authority from Lord Percy Douglas and Mr. Eyre, and his agreement with them, and he could not do so. He said they might be in the Bank or Mr. Eyre might have them, or that in fact they might be anywhere for all he knew. My impression then was, that there was no agreement existing, or written instructions. My impression was, that the whole thing was a hoax." Under cross-examination, Elwood said, "the accused represented to me that he had been to the North-West before, and knew where there was good gold." The police evidence is to this effect:—"I saw five packages claimed by accused as his at the railway station. They were—one parcel of firearms, a portmanteau of medicines, three revolvers, revolver cartridges, binoculars, two portmanteaus of clothing, one of rugs, and one of charts. Accused said they were his property. They were addressed to himself at Perth. A sovereign belt came to me for accused at Fremantle. After I got it I called the accused in, and we emptied it out to see what it contained. While emptying the sovereigns out, the accused said, "I think you will find sixty-five sovereigns in it." On counting, there turned out to be sixty-six. In cross-examination, the constable said, "I was present at the "hearing of the information, which was the

"basis of this prosecution. Accused, when "arrested, was in custody on another charge." It will be recollected that Gilchrist had said he had 300 sovs. in the belt, and that there was a paid up capital of 1,000 sovs. The latter, with the statement about Lord Percy Douglas, was the gist of the charge. After Gilchrist had been convicted, he wrote a letter to the Rev. Mr. Rowe, who forwarded it to me. I said it would receive attention. Now, the *Geraldton Express* states that I had come to a decision to release this man a month before the decision was carried out, and that Gilchrist had been treated with wanton cruelty. That is not true. The facts are that I received the letter from the Rev. Mr. Rowe on the 6th of the month, and two days after I telegraphed for the information concerning the case. It was forwarded to me by telegraph, and on the 9th I instructed the police authorities to make certain enquiries as to Gilchrist. This was forwarded to me on the 15th. The very same day that I received this information, I forwarded my recommendation that he should be released, to the Cabinet, and it was considered at the very next meeting of the Executive on the 22nd. On the 23rd the sheriff was notified that he was to release Gilchrist, but that day was a holiday, and the instruction was not carried into effect until the 25th, so that there is nothing whatever to support the suggestion that this man was treated with any cruelty. In fact, he was treated quite the other way about. Every expedition was used with regard to his case. The hon. member for West Perth has referred to the decision of the Supreme Court. The fact with regard to that, was that the technical point was raised as to whether Gilchrist could be charged with false pretences towards a partner. Before this point was considered, Gilchrist had been released on my recommendation, although I must confess that taking the character of the man into consideration, I feel that releasing him might mean that he would do something worse than what he had been charged with. However, the case was not argued at the Supreme Court, but the Chief Justice went out of his way to say that he agreed with the action of the executive in discharging Gilchrist from custody, although the decision of the Resident Magistrate as to the power to bring the charge against Gilchrist was upheld. This was all the Supreme Court had to decide, and it was no

business of the court what the Government did outside of it. So far as this case is concerned, I have attempted to supply all the information to all those who sought it. One gentleman went to a great deal of trouble in making an independent investigation, and he appears to have been so satisfied that I have heard nothing more from him. He certainly is not supporting Gilchrist's appeal for compensation. When I recommended the release of Gilchrist on technical grounds, I said I was very sorry to have to do so, because he bore a bad character. At the same time, that opinion did not delay his release five minutes. The next thing we have is that Gilchrist is paraded by the *Geraldton Express* as a martyr, and particular stress is laid upon the fact that he was a Sunday-School teacher in the Scots' Church, Pitt-street, Sydney. To-day we have had some glowing testimonials read, including one from a clergyman.

MR. WOOD: I said I did not place much reliance upon the testimonials.

THE ATTORNEY-GENERAL (Hon. S. Burt): You said he was a most respected gentleman. Now, in the letter sent to me by the Rev. Mr. Rowe, Gilchrist says:—"Had I been a vicious or immoral man I would not now have in my possession recent letters from gentlemen who knew me for years, and are now prepared to fiancé me in any thing I advise," and again "my accusers circulated abominable lies about me, that I had squandered the money in Perth, and probably these lying slanders came to the ears of some of the jury whilst they were at liberty, during the adjournment. Now, Sir, no man breathing ever saw me intoxicated." After this, it is interesting to see the real character of this man who is so exalted in his respectability, who has never been vicious or immoral, and who has never been seen drunk. This is a portion of one of the police reports:—"During Gilchrist's stay in Perth he was continually about hotels, spending money very freely, and passed himself off as the representative of a very wealthy prospecting syndicate, which included such names as Lord Percy Douglas, Sir John Downer, Hon. C. C. Kingston, and the Mayor of Adelaide. He also spent a good deal of his time in the company of prostitutes, whom he used to drive around the city, and was almost every night at a brothel kept by On one occasion he was taken down by a spiveler named Darcy for

£60 by means of a confidence trick. Darcy cleared to the Eastern Colonies the same day." In another report a Sub-Inspector of Police says:—"For a little while after his arrival, Gilchrist was very quiet, and gave out that he was speculating in mines and mining properties and was connected with Lord Percy Douglas. He then commenced drinking and associating with prostitutes. He was on the Racecourse at Perth at the January meeting in a dirty and drunken state, with . . . a prostitute living with Mrs. . . . Altogether his conduct was disgraceful. Enquiry has been made as to Gilchrist's antecedents prior to his arrival here, but no one appears to know him." This is only part of what I know about Mr. Gilchrist's character. He appears to have misbehaved himself before he started on this expedition. This might have little to do with the charge against him, but it has a good deal to do with the merits of any claim for compensation. To give a man compensation, he must be both entirely innocent and of good character. I have no sympathies whatever with a man of the character of Gilchrist, and I think I have already said sufficient to show that he is not deserving of any further clemency, much less is he entitled to compensation. It must not be forgotten that while the Resident Magistrate undoubtedly presided on the Quarter Sessions, Gilchrist was convicted by the jury, and the Resident Magistrate forwarded the papers at once to the law officers. This is the ordinary course adopted, so that any legal errors may be corrected. If there was any technical mistake, the Crown rectified it as speedily as possible. The charges made by the two men against Gilchrist were probably small ones, but there does not appear to be any doubt that he did represent having an agreement with Lord Percy Douglas and a paid up capital of £1,000. It is clear that the man had not the £1,000 which he said had been subscribed by the syndicate, and all the damage he has suffered to his character has been of his own making. I think that, instead of asking for compensation and trying to hound down in the press the men who have released him from gaol, he should be grateful for having got his liberty without bringing his case before the House. I think that hon. members will see that this is not a case for any compensation whatever.

MR. LEAKE: I think that the explanation given by the Hon. the Attorney-General has

thrown so much light upon the case brought before the House by the hon. member for West Perth, that I do not admire the discretion of the hon. member, if he moved the adjournment in order to ventilate the alleged grievance after having seen the papers which have been read by the Attorney-General. I can hardly imagine that the hon. member could have thought that any good could come out of his action on this question if he had been fully informed of all the facts of the case, and I regret that the hon. member should have suggested that I am against justice being done to any man.

MR. WOOD: No! No!

MR. COOKWORTHY: I did not hear it.

MR. LEAKE: I should perhaps not have spoken on this subject had it not been for the observations of the hon. member for West Perth, but it seems to me that the hon. member rushes in where angels would fear to tread. This Mr. Gilchrist came to me about his case, and I advised him that he had no chance of getting compensation, but, having satisfied myself that he had not been technically guilty of false pretences, I told him that the best thing he could do would be to apply to the Government for a pardon. I believe he took my advice, but the Attorney-General did not consider that the case was one in which a pardon should be granted. The matter is not one that should be brought before this House in the form of a claim for compensation, and I must protest against the House being made the medium of such applications as this one, and the bringing of them forward can do no public good whatever, but only harm. It is not right that this House should be made use of in this particular way, and I blame the hon. member for allowing himself to be used in this instance, and for the loss of time that has been occasioned.

MR. WOOD: I should just like to say a few words in reply. The Hon. the Attorney-General has given a very clear account of the case from his standpoint, but I may say that before the facts were as fully known as they now are to hon. members, there were a great many people in Perth and other portions of the colony who thought that Gilchrist was a very badly-used man, and my sole reason for bringing the matter forward was in order to have it fully explained, and the public will now be able to judge for themselves, after having heard both sides of the case. The hon. member for Albany was thought fit to blame

me a good deal for having brought the case forward, but had I not brought it forward, I should, to a certain extent, have had to blame myself, because the case had the appearance of injustice being done to a fellow subject.

MR. SIMPSON: You had seen the Attorney-General and knew the case.

MR. WOOD: I had not seen the reports which have been read; the Attorney-General told me of them. I did not read them.

MR. SIMPSON: That is a very lame excuse.

MR. WOOD: It is not a lame excuse. I had before me evidence of this man's satisfactory career in the other colonies, and I maintain that the testimonials he produces amply justified me in bringing this matter forward. I presume that I have lost my case—that it has fallen to pieces in the hands of the Attorney-General, but I feel that I have discharged my duty to a fellow-citizen, whatever his position may be, whether it is high, or whether it is low, and I hope that I shall always try to get justice done to any man, whether he is in a lowly or an exalted station of life. I have done my duty, and I much regret that evidence has been forthcoming which has caused the subject to take a different course from that in which it was presented to me when the matter was brought under my notice. Under the circumstances I will, by leave of the House, withdraw my motion.

Motion, was by leave, withdrawn.

SUSPENSION OF STANDING ORDERS.

THE PREMIER (Hon. Sir J. Forrest) moved, "That, in order to expedite business, the Standing Orders relating to the passing of Public Bills, and the consideration of Messages from the Legislative Council, be suspended during the remainder of the session."

Motion put and passed.

WATER AND ELECTRIC WORKS LICENSE BILL.

Introduced by the PREMIER, and read a first time.

APPOINTMENT OF COMMISSION *re* FENCING LANDS.

MR. LEFROY: I beg to move "that an Address be presented to His Excellency the Administrator, requesting him to appoint a Commission to sit during the recess, for the purpose of examining into the Fencing Laws,

with the view of formulating a measure to meet the altered circumstances of the colony, on the lines of the Fencing Bill lately withdrawn from the Legislative Assembly." It will be within the recollection of hon. members that several efforts have been made to bring into operation legislation dealing with the fencing of land which is year by year becoming a more important subject for this House to deal with, as settlement proceeds in various parts of the country. As, so far, nothing practical has come out of the steps which have been taken to place a Fencing Act upon the Statute Book, I have framed this resolution with a view to enabling the House next session to arrive at a definite understanding on the matter. Two sessions ago, on the 18th July, 1893, Mr. Throssell exerted himself, knowing the need of the country for a Fencing Act, to push the subject forward. On that occasion, as *Hansard* states—"Mr. Throssell, in accordance with notice, asked the Attorney-General whether it was the intention of the Government to introduce, this session, a Bill to amend the Fencing Laws in such a manner as to assimilate the laws of this colony with the Fencing Laws of the other Australian colonies." The Attorney-General (Hon. S. Burt) replied "that the Government had received no representation whatever upon the subject, and, at present, did not intend to introduce legislation on the matter." Later on in the same session, on the 27th July, Mr. Throssell moved the following resolution:—"That in the opinion of this House it is desirable in the interest of land settlement that the laws relating to the fencing of land be provided on the lines of the 'Fencing Bill of 1881,' and that the Government should introduce a measure for that purpose, if possible, during the present session of Parliament." The resolution was agreed to, but nothing further was done that year, owing to the late period of the session, and the pressure of other Government business. When this session opened and the Vice-Regal Speech contained no reference to any intention on the part of the Government to deal with the fencing laws, Mr. Throssell, on the 16th July, in accordance with notice, asked the Premier whether it was the intention of the Government to introduce a Fencing Bill during the present session of Parliament. The Premier (Hon. Sir J. Forrest) replied that the Government hoped to be able to do so, and the Government intro-

duced the Bill on the 12th September. The measure was read a second time on the motion of the Premier, but, at this stage, owing to want of time, the Bill was abandoned. I fully admit that the Government have done all that we have asked them to do, but, at the same time we are no nearer the passing of a Fencing Bill than we were two years ago. We certainly require legislation in this direction, for the only Act dealing with the fencing of land that is in force in this colony, is one passed in the reign of William the Fourth, which relates to the fencing of town allotments, and also we have a few clauses in our Trespass Act. But it has been considered for some time that fresh legislation is necessary now that the rural population is increasing, and large estates, including those which are being alienated from the Crown, are being subdivided. As the question in this House has been surrounded with some difficulty, it has been suggested that if it were, in the first place, threshed out by a Commission composed of practical men, a good deal of valuable preliminary work would be done for the guidance and assistance of the House when a Fencing Bill, which would probably embody the chief recommendations of the Commission, came before the House. With this object, I would ask those hon. members whose constituents are interested in the fencing of land, to support the proposal to appoint a Commission to consider the subject, and I have much pleasure in moving the motion standing in my name.

THE ATTORNEY-GENERAL (Hon. S. Burt): The Government have no objection to this motion. We shall be very happy, when another Fencing Bill is before the House, to have before us the views of those who are conversant with a subject like this, with which we shall have quite enough to do before we are finished with it. The matter will receive attention during the recess.

MR. ILLINGWORTH: I hardly think that the details of a Fencing Bill is a subject of so complex and national a character that it is necessary or fitting to appoint a Royal or a Special Commission to deal with it. Such a Commission should, in my opinion, only be appointed when very large issues are at stake on which there is great diversity of opinion, and upon which it is desirable to arrive at something like a general consensus of opinion. I cannot vote for the appointment of a Com-

mission upon so simple a matter as the one before the House.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson): Although a Fencing Bill is not a question of high politics, it is one of much practical value to the country, and one upon which practical men acquainted with the details of the subject could give evidence, and make recommendations which hon. members might either accept or reject as their wisdom would dictate. The preparation of a Fencing Bill which will do justice to all classes of landholders and meet the peculiar circumstances of the various divisions of the colony is a matter of some difficulty, and the details of such a measure may be more searchingly enquired into and formulated, in the first place, by a small body like a Commission, than by discussion in a large Assembly such as this House. Of course, if the recommendations of the Commission do not commend themselves to hon. members, nothing would come of them, but I think that information which would be valuable to the House would be collated by the Commission which we are asked to appoint, and would throw light upon some of the difficulties which, in the discussion of other Fencing Bills, have presented themselves to this House.

Motion put and passed.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

ENCOURAGEMENT OF PRODUCTION OF VEGETABLES.

The following Message was delivered to and read by Mr. Speaker:—

MR. SPEAKER,

The Legislative Council informs the Legislative Assembly that it has this day agreed to the following resolution, in which it desires the concurrence of the Legislative Assembly: "That, in the opinion of this House, it is desirable that the Government should enquire as to the best steps to take to encourage the production and preservation of vegetables."

GEO. SHENTON,
President.

Legislative Council Chamber,
Perth, 8th October, 1895.

THE BUILDING ACT, 1884.

The following Message was delivered to and read by Mr. Speaker:—

MR. SPEAKER,

The Legislative Council acquaints the

Legislative Assembly that it has agreed to the undermentioned Bill, without amendment:—

"An Act to amend 'The Building Act 1884.'"

GEO. SHENTON,
President.

Legislative Council Chamber,
Perth, 8th October, 1895.

CONCURRENCE IN RESOLUTION RE ABOLITION OF ABORIGINES PROTECTION BOARD.

The following Message was delivered to and read by Mr. Speaker:—

MR. SPEAKER,

The Legislative Council informs the Legislative Assembly, in reply to the Legislative Assembly's Message No. 43, forwarding a Memorial to the Right Honorable the Secretary of State for the Colonies in regard to the reservation of the Royal Assent to "The Constitution Act Further Amendment Bill" passed during the last Session of Parliament, that it agrees to the said Memorial, which is returned herewith.

GEO. SHENTON,
President.

Legislative Council Chamber,
Perth, 8th October, 1895.

On the motion of the ATTORNEY-GENERAL, it was ordered that an Address be presented to His Excellency the Administrator, requesting him to forward the Resolution of Parliament to the Right Honorable the Secretary of State for the Colonies,

MINES REGULATION BILL.

THIRD READING.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved that the Bill be now read a third time.

MR. MORAN: Although it is rather late in the day to take any action upon this Bill, I think it is my duty to inform the House that I have to-day received very important information from the leading mining body on the goldfields. I allude to the Coolgardie Chamber of Mines and Commerce, the members of which took a lively interest in this measure, and who comprise men of very wide mining experience in this and other parts of the world. The information is under the form of resolutions of the Chamber which that body is anxious to have incorporated in the Bill before it becomes law, but, although the suggestions which are made through me to

this House are very practicable and valuable, I fear that the action of the Chamber has been too late for the amendment of the Bill, seeing that that measure has passed through committee, and that a motion to read it a third time is now before the chair, and I have sent a reply to this effect to the Chamber. At the same time, I am glad to say that the recommendations of the Chamber coincide precisely with those which I and the hon. member for Nannine have from time to time urged upon this House, in pointing out the objects of the Bill, and as representing very fully at least the capitalistic side of mining in this colony, the views of the Coolgardie Chamber of Mines and Commerce are worthy of careful consideration. The first paragraph of the letter is especially important. It bears on what I said on the second reading of the Bill. It is as follows:—

"I have the honor to inform you that I am instructed by the Committee of this Chamber to bring to your notice the following alterations which it has been deemed desirable should be made in the Bill at present before Parliament entitled 'An Act to provide for the regulations and inspections of Mines and Collieries.' In the opinion of this Chamber, this Bill, in its present form, would be quite unworkable. It is practically the Act as at present in force in Queensland, where goldfields are of limited area; the boundaries of the gold-bearing portion well defined, and adequate means of communication exist. Then the letter goes on to say; 'Even in Queensland, great difficulty has been experienced in the administration of this Act, which, to a great extent, remains a dead letter, it being an uncommon thing for the inspector to visit outlying districts only once in twelve months. The extent of the goldfields in Western Australia is simply enormous, and every day are extending their boundaries and making the administration of any Act relating to the inspection of mines a matter of great difficulty. I think hon. members will remember that I made use of these very words on the second reading of the Bill, in pointing out the difference in the conditions of mining in Queensland and in Western Australia, where the gold-bearing country extends over such a very large area. I pointed out to the Attorney-General that the Bill was being altered in such a way that it would only be applicable to small settled centres. But I have written to the Chamber of Mines and Commerce regretting that

earlier action was not taken for the better shaping of the Bill, and telling them that I think the Government have sufficient knowledge of the character of the goldfields of this colony to adopt my suggestion to make the Act we are about to pass applicable only to small districts. I think I have done my duty in bringing the suggestions of the Chamber before the House, and I trust that the provisions of the Bill which are objected to will only be enforced in those places where the conditions of mining are to some extent becoming defined and determined, for there will be no possibility of applying them to the outlying districts, nor utility in doing so, if it were possible. I hope that the Chamber will feel re-assured by this explanation.

Question put and passed, and the Bill read a third time.

Ordered—That a message be transmitted to the Legislative Council, informing them that the Assembly had agreed to the Bill with amendments; in which amendments the Assembly desired the concurrence of the Legislative Council.

STOCK DISEASES BILL.

THIRD READING.

Bill read a third time and transmitted to the Legislative Council.

ENGINE SPARKS FIRE PREVENTION BILL.

Report adopted.

Bill read a third time, and transmitted to the Legislative Council.

APPOINTMENT OF ACTING-CHAIRMAN OF COMMITTEES.

THE SPEAKER said the Chairman of Committees had been obliged to go away on business, and had asked him to take the Chair in Committees. He would be glad to do so, if the House raised no objection.

THE PREMIER (Hon. Sir J. Forrest) moved, "that, in the absence of the Chairman of Committees, the Hon. the Speaker should take the Chair."

Question put and passed.

LOAN ESTIMATES, 1895-6.

IN COMMITTEE.

Consideration of the Loan Estimates resumed.

Vote—"Loan, 1894, £758,612 9s. 11d."—further considered.

Vote put and passed without comment, and resolutions ordered to be reported.

THE ACTING-CHAIRMAN reported that the committee had considered the Loan Estimates, and had voted a sum of £863,460 7s. 7d. out of Loan funds for expenditure during the year ending June 30, 1896.

Report adopted.

THE PREMIER (Hon. Sir J. Forrest) said the practice had been hitherto to forward a copy of the Estimates-in-Chief to the Legislative Council for the information of hon. members of that House, and he suggested that a copy of the Loan Estimates as passed, should now be sent in like manner, in order to assist the members of the Legislative Council in considering the Appropriation Bill.

THE SPEAKER said all that could be done would be to send a copy to the Legislative Council, simply for the information of the hon. members of that House.

ADJOURNMENT.

The House adjourned at 6.12 o'clock, p.m.

Legislative Council.

Wednesday, 9th October, 1895.

Suspension of Standing Orders—Collie Coalfields Railway Bill: second reading: committee; third reading—Dunghook-Bridgetown Railway Bill: second reading; committee; third reading—Goldfields Bill: second reading; committee—Electoral Bill: second reading; committee—Public Health Act Further Amendment Bill: second reading; committee—Mines Regulation Bill: Legislative Assembly's amendments—Engine Sparks Fire Prevention Bill: first reading—Stock Diseases Bill: first reading; second reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton), took the chair at 4.30 o'clock, p.m.

SUSPENSION OF STANDING ORDERS.

THE MINISTER FOR MINES (Hon. E. H.

Wittenoom) moved, "That in order to expedite business, the Standing Orders relating to the passage of Bills and the consideration of Messages received from the Legislative Assembly, be suspended for the remainder of the session. He said: The object of this motion is to enable us to take into consideration any Bills or Messages as they come to us from the Legislative Assembly, and thus enable the Government to expedite the work of the session.

Question put and passed.

COLLIE COALFIELDS RAILWAY BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Hon. members will remember that this Bill was brought before the House last year, and that, on that occasion, the Government gave a promise that no funds should be expended until the question of the value of the coal deposits had been thoroughly tested. Hon. members, however, did not see their way to pass the Bill, and since then a great deal of time and money has been expended by the Government to test the field. Last year hon. members did not think that the discoveries, as far as they were then known, warranted the expenditure, but now, I believe, we are almost all agreed that the coal is of that quality that should warrant the construction of the line. If hon. members will turn to page 11 of the report of the Department of Mines, they will see some of the results of the tests which had been made. It will be seen that a comparison has been made between New South Wales, Victorian, and Collie coal. Having dealt with the figures, the Geologist says:—"That from this it will be seen that "the average of 12 samples, mostly taken from "the outcrop, are very nearly as good as those "from the Victorian mines, whilst the best "sample from the Collie is better than any "Victorian coal, and very nearly as good as "the average of the 94 samples of New South "Wales coal now in the market. After allowing for loss of fuel in converting contained "moisture into steam, they bear the following "comparison to one another:—

"Loss per 100 tons—New South Wales, 11 "per cent.; Victoria, 15 per cent.; average of "12 samples of Collie, 17.5 per cent.; best "sample of the Collie coal, 11.15 per cent. "The best sample of Collie coal is therefore "half a ton inferior to the average New South "Wales coals, and three and a half tons better "than the Victorian coals."