

MR. SIMPSON: I am sorry I cannot pay the hon. member the same compliment, for I believe if we only started him out in the Eastern Districts with a scythe we could sell him as old Father Time. It is, however, sir, time that we got to practical business. The country is complaining of the waste of time, and there is no doubt a great deal of truth in the statement; but I do hope that we shall now set ourselves to work to do something practical—something useful to the colony in which we live.

THE PREMIER (Hon. Sir J. Forrest): I now move that progress be reported.

Agreed to.

Progress reported.

ADJOURNMENT.

The House adjourned at twenty minutes past 11 o'clock, p.m.

Legislative Council,

Friday, 5th February, 1892.

Aborigines Protection Act Amendment Bill: first reading—High School Act Amendment Bill: second reading—Police Bill: Legislative Assembly's Amendments—Game Bill: Legislative Assembly's Amendments—Aboriginal Offenders Act Amendment Bill: committee—Patent Act Amendment Bill: second reading—Adjournment.

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

PRAYERS.

ABORIGINES PROTECTION ACT AMENDMENT BILL.

The Bill was received from the Legislative Assembly, and was read a first time.

HIGH SCHOOL ACT AMENDMENT BILL.

THE COLONIAL SECRETARY (Hon. G. Shenton): I rise to move the second reading of this bill. I may explain to hon. members that under the original

Act the Legislative Council elected four governors, and four others were appointed by the Governor in Council. That was of course under the old form of Government. The question now arises as to who should make these appointments, the Legislative Council or the Legislative Assembly. It has appeared to the Government that it would simplify matters if all the governors were appointed by the Governor in Council, and this bill is brought in to give the necessary power. It also provides for the retirement from office of governors, and for the filling of vacancies when necessary. Hon. members will see that the governors do not all go out at once; but go out in rotation, and when the terms of two governors expire at the same time, they shall decide by lot as to which of them shall retire.

THE HON. J. W. HACKETT: I have great pleasure in supporting this bill, which is absolutely necessary, inasmuch as the Board of Governors is now reduced, or will be shortly, by less than one-half the number contemplated.

THE COLONIAL SECRETARY (Hon. G. Shenton): The number is now reduced to four, and the term of one of them expires in August, 1892, and another in November, 1892. Therefore, hon. members will see that, unless some provision is made, there will shortly be only two governors left.

THE HON. J. W. HACKETT: Formerly three governors were elected by Parliament, and four by the Governor in Council. I quite agree with the Government that it is quite impracticable to arrange for the election by Parliament, and the only way is to place the power of selection into the hands of the Government, acting as the representatives of the people. But I am not sure, speaking simply from a casual glance at the Bill, that some change will not be required in the clauses. The principle of the old Act was that the Board should be subject to periodical renewal; that too large a number of appointments should not be placed in the hands of the Legislative Council at any one time, or in the hands of the Governor in Council at any one time. I am afraid, according to the interpretation which I put upon clauses 1 and 2, that now the governors may mostly go out at the same time, and that the

whole four of them may retire within four years of their appointment. That, I am sure, is not intended by the Act, and will require some careful consideration, in order to see that the effect which is desired is not unwittingly frustrated by making a clean sweep of the Board of High School governors, with the exception of two or three who will retain office under the appointment of the late Governor in Council. This is a matter of detail, but it will be necessary to look carefully into it when we are in committee. I have great pleasure in supporting the second reading.

Question—put and passed.

POLICE BILL.

AMENDMENTS OF LEGISLATIVE ASSEMBLY.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the House resolve itself into a Committee of the whole to consider Message No. 17 from the Legislative Assembly.

Question—put and passed.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, page 18, clause 53, line 8, to strike out all the words after the word "days."

THE HON. T. BURGESS: I think it a pity to strike out these words. It was a part of the old bill that when a person was found drunk on Sunday, Christmas Day, or Good Friday, he was committed to prison for 7 days without the option of a fine. I suppose it is considered unnecessary to continue this practice, but to my own mind when a man does commit a breach of the Sabbath by getting drunk, he should be dealt with rather more severely than on a week day. The object of this amendment is that punishment for being drunk and disorderly on a Sunday should be the same as on a week day. I do not intend to oppose the amendment; I simply wish to record my objection to the alteration.

THE HON. J. W. HACKETT: I am rather disposed to agree with the amendment to leave out these words. It does seem to me an unnecessary act of severity that indulgence in drink upon days it is most likely to occur should be visited with greater severity than upon other days. I am not an apologist for intoxi-

cation, but I think it is a generally accepted maxim that treating is allowed on Christmas Day and on Saturday nights. When wages are in men's hands, it is not as easy to keep them from drinking as when they have not got their wages. I think it will be a little more charitable to allow this special severity to be expunged.

THE HON. J. A. WRIGHT: I agree with the hon. member who has last spoken. I think it an extraordinary thing to visit with imprisonment offences of this sort upon such a day as Christmas Day, which is a day above all others for conviviality. I perfectly agree that it would be a very great hardship to punish men for keeping Christmas.

Amendment agreed to.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, on page 18, clause 54, line 2, To strike out the words "public place."

THE HON. T. BURGESS: I take the same objection to this as I did to the first amendment proposed by the Legislative Assembly where similar words occurred. I move that these words be not expunged.

THE COLONIAL SECRETARY (Hon. G. Shenton): The Attorney General thinks it would be better to accept the amendment, because there is no necessity for the words "public place" to appear in the bill. They are unnecessary, seeing that they are explained in the interpretation clause.

THE HON. T. BURGESS: That they are unnecessary to people of intellect might be true, but ordinary persons will not refer to the interpretation clause. It would be plainer to leave them in, so that any person reading them would at once see what was the meaning of the clause.

Amendment disagreed with.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, on page 21, clause 61, line 10, to strike out the words "or otherwise."

THE HON. T. BURGESS: In this clause I shall object to these words being struck out. The clause provides that no game shall be played on Sunday, Christmas Day, or Good Friday, and that any police constable is required to disperse, or cause to be dispersed, all persons gathering together on any of these days, in any public place for the purpose of gambling

or playing at any game for money, or otherwise. The striking out of the words "or otherwise" would prevent the police from interfering with any source of amusement such as horse-racing, football, cricket, &c., which was not being played for money. The striking out of these words would prevent an officer from interfering in any way. If he found persons playing for money or gambling, he could disperse them; but if he found them horse-racing or otherwise breaking the Sabbath he is not allowed to interfere. I should much rather see these words left in, in order to ensure the proper observance of the Sabbath.

THE HON. J. A. WRIGHT: I am certainly of opinion these words should be left out as the Legislative Assembly propose. The hon. member (Mr. Burges) has an idea that these words would do away with the proper observance of and a due veneration for the Sabbath. I object most strongly to the Puritanical ideas of the hon. member.

Amendment—agreed to.

The other amendments proposed by the Legislative Assembly were agreed to.

The Hons. J. W. Hackett, J. A. Wright, and T. Burges were appointed a committee to draw up reasons for disagreeing with amendments 2, 3 and 4.

THE HON. J. W. HACKETT subsequently brought up the reason prepared by the Committee, which was read, as follows:—"Because, since the Act has to be administered both by magistrates and police, it is advisable to make it clear and easily intelligible."

Resolved—That the above reason be agreed to.

GAME BILL.

AMENDMENTS OF LEGISLATIVE ASSEMBLY.

The Order of the Day for the consideration of Message No. 19 from the Legislative Assembly having been read, the President left the chair.

IN COMMITTEE.

Amendment No. 1 read (*vide p. 423 ante*).

THE HON. J. W. HACKETT: I feel a peculiar difficulty about this message. This bill was sent to us with a certain day named in it, on which it was to come into force. That date had passed, and this House substituted another date,

thereby agreeing to the principle that a day should be named; and I would now like to take your opinion whether we can go back upon what has already been done. The Standing Orders are express that a bill cannot be amended in any part which has already been agreed to by both Houses. The Lower House made a blunder by fixing the month of January as the date when the bill should come into operation, and we tried to set it right by fixing February, and now to strike out this and also other words which have been agreed to by both Houses is altogether opposed to the Standing Orders. The whole message, I must confess, has no intelligible meaning. I should propose that we send the message back and ask for a conference.

THE PRESIDENT: I think it would be better to report progress and then ask for a conference.

THE HON. J. W. HACKETT moved that progress be reported.

Question—put and passed.

The House resumed.

THE HON. J. W. HACKETT moved, That a conference with the Legislative Assembly be requested on the subject of its Message No. 19, respecting the Game Bill, and that the Managers for the Council at such conference be the Hons. G. Shenton, J. A. Wright, and the mover.

Question—put and passed.

ABORIGINAL OFFENDERS ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 to 3:

Agreed to.

Clause 4—"No such whipping shall be inflicted except in the presence of a Justice of the Peace, Protector of Aborigines, or Officer of Police not under the rank of sergeant":

THE COLONIAL SECRETARY (Hon. G. Shenton) said that on the second reading of this bill the Hon. Mr. Burges had said there would be some difficulty about getting a sergeant of police to witness the whipping in some of the Northern districts. He might now say that the salary of such an officer had been provided for on the Estimates.

THE HON. J. A. WRIGHT asked whether it would be possible to meet the views of himself and other hon. members

by having the whipping done in the presence of the natives.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that it was the intention of the Government that the whippings should be as public as possible.

THE HON. T. BURGESS said he thought it would be very much better if this bill provided that whipping should take place in cases of absconding as well as in cases of felony. It was showing greater mercy to the natives to give them a whipping than to imprison them for two or three months.

THE COLONIAL SECRETARY (Hon. G. Shenton) said he thought hon. members could hardly expect the Government to extend the Act in this way. It was only after the gravest consideration that they had consented to try the experiment in cases of felony; and as it was, a great deal of odium would probably be cast upon the Government for going as far as they had.

THE HON. M. GRANT also thought it would be better to deal with absconders in a summary way.

THE HON. J. A. WRIGHT said he was sorry he could not look at the matter in the same light. As it was, the bill would be subjected to very severe criticism by those in other parts of the world, without going a step further.

THE HON. J. W. HACKETT said he would not have consented to the second reading of the bill if it had been extended to the lengths some hon. members seemed to desire. The hon. the Colonial Secretary, when introducing it, said that the object of the bill was to treat the natives like children. That being so, no magistrate in any part of the British dominions was allowed to whip apprentices for absconding, and hence it would not be right to inflict such a punishment on the natives.

Clause—agreed to.

The remaining clauses were passed and the bill reported.

PATENT ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): This bill has been brought in by the Government so that assignees of patents in the other colonies may

obtain letters of registration in this colony. It also provides for an alteration as to the fees payable. The bill is simply brought forward to meet omissions in the present Act, and I now move that it be read a second time.

THE HON. J. W. HACKETT: I would like to ask whether the Government has taken the advice of the officers of the patent offices elsewhere. On my recent visit to the Eastern Colonies I received the gravest complaints as to the way patent matters were regulated here.

THE COLONIAL SECRETARY (Hon. G. Shenton): This bill has been drawn at the request of people interested outside the colony. If hon. members will look at the Estimates, they will see that a sum of £200 has been provided for the salary of a clerk and Inspector of Patents, so that in future every patent will be properly examined.

Question—put and passed.

ADJOURNMENT.

The Council, at 4:15 p.m., adjourned until Tuesday, 16th February, at 3 o'clock, p.m.

Legislative Assembly,

Friday, 5th February, 1892.

Privilege—Aborigines Protection Act, 1886, Amendment Bill: third reading—Goldfields Act, 1886, Amendment Bill: recommitted—Protection of Women and Girls Bill: in committee—Masters and Servants Act Amendment Bill: in committee—Public Health Act Amendment Bill: in committee—Municipal Institutions Act Amendment Bill: Legislative Council's Amendment—Return of Revenue from Land Sales during 1891—Adjournment.

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

PRAYERS.

PRIVILEGE.

MR. CANNING: I desire to call attention to a question of privilege. In the newspaper report published this morning of the proceedings of this House last night, it is stated that whilst I was delivering a speech the House was counted