

should be—it would soon collapse. The bill itself contemplated that the institution should be assisted out of public funds. The 8th section said that “from and after the passing of this Act all monies appropriated, or to be appropriated, by the Legislative Council, to or for the said Library”—showing clearly that it was intended to ask the Legislature to contribute towards the support of the Library. The Attorney General had referred to the Melbourne Public Library. In Victoria the Legislature, when they had a constitution similar to our present constitution, voted £10,000 towards the erection of that library, and £3,000 for the purchase of books; and from that time to this, the Victorian Parliament had voted hundreds of thousands towards the support of their magnificent Library, and its branches the Museum and National Gallery. Even in that rich colony, the institution was not dependent upon private donations, but was entirely a State-aided institution, as such institutions were in all the other colonies, and as our own Public Library would have to be, if it was ever to be worthy of the name. It would be futile to expect private individuals to support such an institution.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said it would be competent for the Legislature to amend the Act hereafter, if it considered it necessary to have a voice in the management of the Library.

The clause was adopted, with the amendment suggested by Mr. Shenton. Schedule—agreed to.

Preamble:

MR. HENSMAN said he should be glad to know whether the Attorney General had copied this florid preamble from the Victorian Act, or any other Act; or whether it was his own composition. It was such a fine piece of writing that he should be glad to think it was original; it was so fine, in fact, as to be almost laughable in a colony like this. It might be all very true, but he was sorry to see such stuff introduced into an Act of Parliament.

Preamble and title—agreed to.

Bill reported, with amendments.

The House adjourned at a quarter to five o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 28th March, 1888.

Expenditure on the Steam Dredge—Purchase by the Government of Quartz-crushing Plant—Message (No. 11): Replying to Address to Roads in Greenough district—Message (No. 12): Replying to Addresses re Water Supply at Carnarvon, and protection of banks of the Gascoyne river—Depositions taken at trials of Aboriginal Natives—Allowance to future Governors—Estimates, 1888: adoption of committee's report—Responsible Government: adjourned debate—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

EXPENDITURE ON THE STEAM DREDGE.

MR. MARMION, in accordance with notice, asked the Director of Public Works to lay upon the table particulars of the expenditure upon the Steam Dredge to date; also as to the sum required to complete the repairs; further to ask, out of what vote the sums have been and are to be paid; and where the dredge is to be employed when the vessel is repaired?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) laid on the table the return asked for, and said the expenditure was about £150, which had been paid hitherto out of the votes provided on the Estimates under the head of “Repairs, Steam Dredge.” The vessel, when put in order, would be employed in cutting her way out of the river, by getting rid of the accumulated obstructions at the bar, and afterwards she would be employed in other places about Fremantle, in deepening the water around the jetty. He might state that in order to enable her to cut her way out of the river it would be necessary to have other buckets and appliances. He believed she would then be good for service for several years.

PURCHASE OF QUARTZ-CRUSHING PLANT.

MR. HARPER, in accordance with notice, moved that an humble address be presented to His Excellency the Governor praying that he would be pleased to place the sum of £500 upon the Estimates for 1888 for the purpose of purchasing a small quartz-crushing plant, which might be leased to private individ-

uals for testing purposes. The hon. member said the want of a quartz-crusher was very much felt in the colony, for testing the various specimens brought in from reputed gold-bearing districts. At present all these ores had to be sent to the other colonies, which involved considerable delay and expense. Possibly the sum asked for would be more than sufficient to procure a plant that would answer the purpose. Whether the crusher should be worked by the Government, or in some other manner, he would leave it for the House to decide, in the event of the address being adopted.

MR. SHENTON thought the Government should do something towards assisting prospectors, who were spending considerable sums of money in testing the value of the auriferous country eastward.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said the Government already had a quartz-crusher, which they had been offering for sale, during the last six months, but not a single offer to purchase it had been received. This showed that the want referred to had not been very much felt. Moreover, it would be rather an invidious task to decide where the quartz-crusher should be sent. If they sent it to Yilgarn, they would have the Kimberley people crying out; and if there should be another discovery down South, prospectors there would want it. The crusher now belonging to the Government, and which was lying at Fremantle, was as good as new, but no offer had been made for it.

MR. SCOTT said that what was required was for the Government to erect a machine, where people could send their quartz specimens to be tested, instead of having to send them out of the colony. It was not everyone who had the money to purchase a machine, and he thought the Government should have it put in working order themselves.

MR. A. FORREST said he could not support the motion. He thought this was a matter for private enterprise, and not for the Government. If they had a crusher for Yilgarn, they would want another for Kimberley, and for every other reported goldfield.

MR. HARPER said the intention was not that the crusher should be sent to any particular locality, but that the specimens should be sent to Perth to be tested, rather than have to send them to Victoria or elsewhere.

MR. PARKER said if the Government already had a quartz-crusher, which was lying idle, and had been lying idle for years past, the Government might lease the machine to private individuals, if they did not intend to work it themselves.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) agreed with the hon. member for Kimberley that it was entirely a matter for private enterprise. The Government already had an expensive quartz-crusher at Fremantle, but it was considered that it would cost too much to work it, as it would require a staff of skilled workmen. He failed to see that it was any more the duty of the Government to provide gold prospectors with a quartz-crushing machine than it was to provide farmers with a corn-crushing machine, or any other agricultural implement.

MR. MARMION said it was very desirable that there should be some means in the colony for testing the numerous specimens of quartz, supposed to be gold-bearing, which were being daily discovered; and, as private enterprise did not appear to come to the rescue, he thought the Government might do so. It was in the interests of the colony that every encouragement should be given to the mining industry. He thought the Government would do well to endeavor to utilise the machine which they already possessed.

MR. HARPER said he had not been aware that the machine at Fremantle was in working order, or could be put in working order without incurring an outlay equal to the cost of a new crusher. As to its being a matter for private enterprise rather than for the Government, he failed to see that; seeing that the House had already come to the assistance of prospectors in other ways, by voting money for prospecting parties, both at the North and to the Eastward. The fact stared us in the face that much of the immediate future of the colony depended upon the rapid development of our reputed goldfields, and it was a matter of urgent necessity that no time

should be lost in testing the value of the discoveries made. He hoped the Government would take some steps to utilise the machine which they already possessed.

Motion, by leave, withdrawn.

MESSAGE (No. 11): ROADS IN THE GREENOUGH DISTRICT.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"In reply to Address No. 7, of the 16th instant, the Governor has the honor to inform the Honorable the Legislative Council that the unexpended balance of loan money appropriated to the Greenough Railway amounts only to £58 19s.

"The Governor therefore regrets that the macadamised road referred to in the Address cannot be undertaken as proposed. The balance of loan money has been reduced to the sum mentioned by the necessity of expending £570 upon the repair of the Railway line after the floods.

"The sum of £500 has been allotted from the current Road vote towards the repair of damage done by the floods to the roads in the Greenough district, and the Governor is glad to have been able so far to carry out the wish of the Council.

"Government House, 28th March, 1888."

Considered, in committee, on Tuesday, April 17.

MESSAGE (No. 12): WATER SUPPLY, CARNARVON, AND PROTECTION OF GASCOYNE RIVER BANKS.

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"The Governor regrets to find that he will not be able, this Session, to act upon the suggestions contained in Addresses of the Honorable the Legislative Council Nos. 8 and 9 of the 19th instant, and to place upon the current Estimates sums sufficient to provide a water supply at Carnarvon, and to execute protection works upon the left bank of the Gascoyne River.

"The Governor is advised that about £2,500 would be required to cover the expenditure involved. It seems not im-

probable that even a larger sum would be needed.

"It is true that Your Honorable House has been able to make some reductions in the Estimates which have been under consideration. But the surplus now shown is only, the Governor is informed, £2,118, and, looking to the fact that the Revenue has been very fully estimated, and that unforeseen expenses will no doubt arise during the year, it appears unwise to increase the estimate of Expenditure.

"Should the means at disposal permit, the Governor will place the expenditure in question on a Supplementary Estimate which can be considered at the Session which will be held later in the year.

"Government House, 28th March, 1888."

DEPOSITIONS TAKEN AT TRIALS OF NATIVES.

MR. RICHARDSON, in accordance with notice, moved—"That an humble address be presented to His Excellency the Governor, praying that he would be pleased to give the necessary instructions to insure that in all cases or trials in which Aboriginal Natives appear either as prisoners, defendants, prosecutors, or witnesses, full and complete copies of the depositions shall, as early as practicable, be forwarded to the Aborigines Protection Board." His only reason in moving this address was to afford an opportunity for anyone concerned in native cases to have the evidence brought under the notice of the Board appointed by statute to protect these aborigines. There was an impression abroad, rightly or wrongly, and they had heard rumors, that occasionally the administration of justice in these native cases had been somewhat eccentric. Whether such was the case he was not in a position to say. At any rate he thought it was due to those concerned in these cases, and to the magistrates who tried them, that an opportunity should be given for refuting these rumors, or for establishing them, if there was any foundation for them. In any case, no harm could be done if these depositions were to be sent to the Board entrusted with the supervision and protection of the natives.

MR. VENN seconded the motion.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the hon. member had spoken of certain "eccentricities" having taken place in connection with the conviction of aboriginal natives. In his capacity as Attorney General it was one of his duties to look over all convictions of native offenders, and it was quite true, as the hon. member had said, that there were sometimes "eccentricities" in the administration of justice. But he must do the magistrates of this colony the justice to say that, on the whole, and in the majority of cases, they decided the cases brought before them very well indeed. Sometimes they did not comply with the provisions of the statute, the point they generally failed in being that they did not give the very words of the confession which these aboriginal natives usually made. He had been long enough here to know that these natives generally made a confession, as a matter of form, and, when they did so, magistrates ought to be very careful that they understood that the native really meant to say that he was guilty. Sometimes, too, he had noticed, magistrates were not quite correct in their views as to what constituted larceny. With these two exceptions, they did their work very well. He merely mentioned this to show that there was already a review of these convictions, and he was very careful in the discharge of his duty in this respect; and he had always found His Excellency the Governor prepared to give effect to any remonstrances which he might deem it his duty to make. At the same time he saw no harm whatever in the motion; though, so far as he was concerned, he did all he possibly could, as Attorney General, to see that justice was done.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said it appeared that the intention of the mover was to give to the Board a certain right to review the actions of the convicting magistrates, and to report upon them; but, unless they also gave the Board some statutory right to deal with these cases, he did not see the utility of having the depositions in all cases forwarded to the Board. The Attorney General, a law officer of the Crown, carefully reviewed all these native cases, and commented upon the depositions, copies of which had to be

forwarded to him; and, unless there was some direct object in placing copies of the depositions in all cases also before the Board, it certainly would cause a great deal of unnecessary work, without, so far as he could see, the Board being able to interfere. He had no objection to the address being presented, and possibly some good might arise out of it, though, for his own part, he failed to see the object, seeing that these depositions were already carefully scrutinised by the Attorney General himself.

MR. PARKER said he saw one very great objection to this address, and that was this: it apparently had not struck the Colonial Secretary that if complete copies of all depositions were to be sent to the Aborigines Board in every case where a native happened to be concerned, not only as prosecutor or defendant, but also as a witness, they would very soon be asked to provide two or three extra clerks to the Resident Magistrates, all over the country, and especially at the North. He could speak from experience to the length of depositions taken before magistrates; they were taken in a most voluminous manner as a rule; and if copies of them had to be sent to the Board in every case in which a native had been concerned, even as a witness, a most formidable amount of work would be thrown upon some magistrates' clerks.

MR. LAYMAN thought the object of the address would commend itself to the House; but he was not prepared to go quite so far as the mover. He thought the word "witnesses" might be omitted; he did not see why they wanted to send the depositions in every case in which a native was concerned as a witness. In other respects he thought the address might do good.

MR. MORRISON thought the result of adopting the address would be this,—to give the Aborigines Protection Board the same status as regards native offenders as the Attorney General possessed in respect of whites; it would constitute the Board a sort of grand jury, to review all magisterial convictions, and also put them in the position of public prosecutors. If the Board had any reason to believe that any injustice had been done, he believed they could always get a copy of the depositions from the clerk of the

court by paying for them. He did not see the utility of having copies of the depositions in every case forwarded to them. If the natives had been badly treated, or there was any reason to suppose that they had been badly treated, there might be some reason perhaps for these extra-judicial investigations. But he was not aware that there was anything much to complain of, and he could not support the address.

CAPTAIN FAWCETT said the motion seemed to him a sort of slur upon the magistrates of the colony,—that they should be compelled to send a copy of the depositions taken before them to this Board. He presumed the object was to enable the Board to proceed against a magistrate if they thought there was anything wrong. He did not think it would be fair to give all this extra work to magistrates' clerks. Very likely, half of these depositions would never be looked at. If the Board had any reason to think that injustice was being done to the natives, let them send their own reporters to the courts. He thought magistrates here, as a rule, erred on the side of the natives rather than otherwise.

MR. HENSMAN thought, considering that both of the Government members who had spoken had offered no opposition to the motion, no harm could come out of it. But he thought it would be waste of time to send the depositions in every case where a native had simply been concerned as a witness; or in every trial; and he was not certain whether the Board would wish for the depositions in all cases, whether tried at the Supreme Court or the Courts of Quarter Sessions. It might be desirable in cases presided over by the local justices. He saw by the Aborigines Protection Act that the Board already had power "to exercise a general supervision and care over all matters affecting the interests and welfare of the aborigines, and to protect them against ill-treatment, imposition, and fraud." That appeared to him to cover the ground taken by the mover of this address. He did not think it was intended, however, or could be understood, as a reflection upon the magistrates of the colony. They all knew that the inferior race did require some protection when they came in contact with a superior race; and, although

it was true that the Attorney General reviewed these native cases, yet, being a lawyer, possibly he might take a somewhat technical view of his duty, and look at the letter of the law rather than its spirit. If this Board wished to have the depositions in all cases of summary conviction of natives, he saw no objection; but he thought the resolution was too sweeping as now worded.

MR. RICHARDSON said the Attorney General himself had admitted that in some native cases the administration of justice was "eccentric"; so that there would appear to be some necessity for supervision. Perhaps, however, it would be as well to omit such cases as were tried in the Supreme Court or Courts of Quarter Sessions; and he would have no objection to add the words "held in a Magistrate's court" after the word "trials."

MR. MARMION said he must confess he did not like the resolution at all. He did not see why there should be any doubt thrown upon the decisions of our magistrates, when dealing with native cases, any more than when dealing with Europeans. Why should this Aborigines Board be invested with the powers and functions of a Court of Appeal in native cases? He thought it would be a mistaken policy altogether to pursue, especially as these depositions had to be sent to the Attorney General, who was surely more competent to deal with them than a Board of laymen.

The House divided upon the motion, with the following result—

Ayes	10
Noes	7

Majority for ... 3

AYES.		NOES.	
Hon. J. Forrest		Mr. E. B. Brockman	
Hon. Sir M. Fraser		Mr. Congdon	
Mr. Harper		Captain Fawcett	
Mr. Hensman		Mr. A. Forrest	
Mr. Layman		Mr. Morrison	
Mr. Shenton		Mr. Scott	
Mr. Sholl		Mr. Marmion (Teller.)	
Mr. Venn			
Hon. C. N. Warton			
Mr. Richardson (Teller.)			

ALLOWANCE TO FUTURE GOVERNORS.

MR. SHENTON—who had given notice of the following resolution: "That the allowance to all future Governors of this colony, for forage allowance and the up-keep of the gardens and grounds of

Government House, shall not exceed £500 per annum; and that the decision of this Council shall be conveyed to the Right Honorable the Secretary of State for the Colonies"—said he wished the motion to stand over until next session. It was therefore discharged from the notice paper.

ESTIMATES (REVISED), 1888.

On the order of the day for the consideration of the report of the committee of supply,

THE CHAIRMAN reported that the committee had considered the Estimates, and had passed resolutions granting supplies amounting to £326,622 1s. 4d.

The report was adopted.

RESPONSIBLE GOVERNMENT: MR. PARKER'S RESOLUTIONS.

ADJOURNED DEBATE.

[*Vide p. 236 ante.*]

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

LEGISLATIVE COUNCIL,

Thursday, 29th March, 1888.

Volunteer Vote for Easter Encampment: How expended—Appropriation Bill, 1888—Responsible Government: Mr. Parker's Resolutions: Adjourned Debate—Introduction of a Mining Bill—Beverley-Albany Railway Contract Confirmation Bill: in committee—Victoria Public Library Bill: third reading—Municipal Footpaths Bill: second reading—Adjournment.

The SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

VOLUNTEER ENCAMPMENT VOTE: HOW EXPENDED.

MR. SHOLL, in accordance with notice, asked the Colonial Secretary to lay on the table a return showing—

1. Particulars of the sum of £161 unexpended out of the Volunteer

Vote for Easter Encampment, on the 1st January, 1887, as shown in Suspense Account.

2. Particulars of the sum of £156 expended out of the £200 provided on the Estimates for 1887, for the same purpose.

The hon. member said his reason for asking for these particulars was that inasmuch as there was no Easter Encampment last year it would be somewhat interesting to know how this money was spent.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the return asked for would be furnished as soon as it was prepared.

APPROPRIATION BILL, 1888.

Read a first time.

RESPONSIBLE GOVERNMENT: MR. PARKER'S RESOLUTIONS.

ADJOURNED DEBATE.

[*Vide p. 260 ante.*]

A MINING COMPANIES ACT.

MR. SCOTT, in accordance with notice, moved as follows: "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to cause a bill to be introduced into this House, as early as possible, drawn mainly on the lines of the Companies Mining Act of Victoria, 1871." It must, he said, have come under the notice of the Government that important transactions entailing the expenditure of a good deal of money were sent to Melbourne owing to there being no Mining Act in this colony. If such an Act were in force here, money would come to this colony instead of going to Victoria, and it would give a great stimulus to mining transactions.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that the Government realised the importance of this measure being passed at an early date, and if the House would sit again a fortnight after next Wednesday, the bill would be printed and ready for their consideration.

MR. MARMION hoped that the non-liability clauses in the Victorian Act would be included in the bill to be drafted.