

put the department to any extra and unnecessary clerical work.

MR. GEORGE: Withdraw it.

MR. MORAN: I have no objection. Then, if necessary, I can bring it forward afterwards.

Motion, by leave, withdrawn.

MR. VOSPER: I ask permission to withdraw the notice of motion standing in my name, that copies of all Bills intended to be introduced by the Government be laid on the table of the House without delay, for the perusal and consideration of hon. members. I am glad to see that this has been done without a motion having been made.

THE PREMIER: We will have the Bills laid on the table as soon as ever we can.

Motion, by leave, withdrawn.

MR. MONGER: I have been asked by several members to postpone the motion with reference to the removal of restrictions on East Kimberley cattle, in order that members may have an opportunity of seeing the report of the Government officer who was sent to that district to report on the tick.

Motion postponed till the next Thursday.

BUSINESS PROCEDURE AND SUSPENSION OF STANDING ORDERS.

MR. LEAKE: I move that the House, on its rising, do adjourn for a fortnight, in order that the Government may have an opportunity of bringing down some Bills for the House to consider. At present there is nothing on the Notice Paper.

THE ATTORNEY GENERAL: I ask leave to introduce a Bill at the next sitting of the House for the treatment of inebriates.

THE SPEAKER: The hon. member must give notice to-morrow that he will ask leave to introduce it next day.

THE ATTORNEY GENERAL: Cannot I do it now?

THE SPEAKER: No.

THE PREMIER: There are three Bills ready for the consideration of members. In order to get some business on the Notice Paper, I move that the Standing Order relating to the introduction of Bills be suspended, to allow of notice being given of the intention of the Government to ask leave to-morrow to introduce these Bills. One is for the consolidation of enactments

relating to the construction of Acts of Parliament; another is for the protection and recovery of Crown property, and the enforcement of claims against the Crown; and a third is a Bill for the treatment of inebriates.

Put and passed, and the Standing Order suspended.

THE ATTORNEY GENERAL: I give notice that to-morrow I will move for leave to introduce the following Bills:— (1) A Bill to consolidate the enactments relating to the construction of Acts of Parliament; (2) a Bill to facilitate the protection and recovery of Crown property and the enforcement of claims against the Crown; and (3) a Bill entitled "An Act for the Treatment of Inebriates."

ADJOURNMENT.

On the motion of the PREMIER, the House adjourned at 9.10 p.m. until the next day.

Legislative Assembly,

Wednesday, 6th July, 1898.

Paper presented—Notice of Motion Omitted from Notice Paper—Question: Mail Delivery, Delay—Question: Owen's Anchorage, Cattle Loading—Question: Police Force, Reorganisation—Question: Public Battery at Yerilla—Question: Bulong Tank, Inspection and Condition—Question: Public Batteries, Inspection at Mining Centres—Question: Asylum (Fremantle), Treatment of Lunatics—Question: Dr. Lovegrove and Institutions under his Control—Crown Suits Bill; first reading—Interpretation Bill; first reading—Inebriates Bill; first reading—Motion: Penal System and Proposed Royal Commission; Amendment (passed)—Motion: Coolgardie Water Supply, Offers to Construct, and Estimates; Amendment (passed)—Motion: Steamer at Geraldton, re Quarantine—Motion: Water Sources on Proposed Railway Route, Niagara to Leonora—Shipping Casualties Inquiry Bill; second reading—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Fremantle Prison, Report of Expenditure on Labour, with value of same, for 1897.

Ordered to lie on the table.

NOTICE OF MOTION OMITTED FROM NOTICE PAPER.

MR. LEAKE said a Notice of Motion, given by him the other day, relating to the Government banking accounts, had dropped out of the Notice Paper, inadvertently he supposed; and he asked to have the Notice reinstated.

THE SPEAKER: The return to which the notice referred had been laid on the table of the House.

THE PREMIER: Yes; it was laid on the table.

MR. LEAKE: That return did not answer his motion. He wanted to know the account which the Government had at each bank.

THE PREMIER: There was only one account.

MR. LEAKE: Surely, the Treasurer did not mix loan accounts with revenue accounts?

THE PREMIER: In cash?

MR. LEAKE: Yes; in cash.

THE PREMIER: Yes; certainly. It would be a pretty arrangement if the Government had to keep a hundred separate accounts! There were some trust accounts kept separately, he believed; the Savings Bank account being one that was kept separate.

QUESTION: MAIL DELIVERY, DELAY.

MR. KINGSMILL asked the Premier, Why, in view of the fact (as per General Post Office shipping lists) that the R.M.S. "Austral" arrived in Albany at 2.15 p.m., on Saturday, the 2nd instant, the English mails were not delivered in Perth and Fremantle till the night of Monday, the 4th instant.

THE PREMIER (Right Hon. Sir J. Forrest) replied: The detention of the English mails at Albany on the 2nd instant occurred for the reason that but one Travelling Post Office was available for both English and intercolonial mails, and it was anticipated that a very few hours would elapse between the arrival of the two at Albany, and further provision was considered unnecessary. In this case the

R.M.S. "Austral" arrived at 2.15 p.m. on Saturday, the 2nd instant, while the homeward bound steamer was expected to arrive by noon the following day. Had she arrived to time, both mails could have been sorted on the train and delivered in Perth on Monday morning. Every care will be taken to avoid a recurrence of the inconvenience experienced on the occasion referred to.

QUESTION: OWEN'S ANCHORAGE, CATTLE LOADING.

MR. SOLOMON asked the Commissioner of Railways, Whether it was the intention of the Government to at once construct, at Owen's Anchorage, cattle-yards fitted with loading races for railway purposes.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piessé) replied: Yes.

QUESTION: POLICE FORCE, REORGANISATION.

MR. VOSPER asked the Premier, Whether it was the intention of the Government to reorganise the police force of the colony, or to take any special steps to cope with the recent increase of crime.

THE PREMIER (Right Hon. Sir J. Forrest) replied: The police force, in the opinion of the Government, was efficient. Owing to the increase of crime, it was proposed to increase the force, and provision would be made on the Estimates for this year.

QUESTION: PUBLIC BATTERY AT YERILLA.

MR. VOSPER asked the Minister of Mines:—(1) Whether it was true that a public battery had been, or was to be, erected at Yerilla, despite an adverse report on the district by the Inspector of Public Batteries. (2) If so, why that official report had been disregarded. (3) Why the Inspector had never been despatched to the North-East Coolgardie Goldfield, despite the fact that an inspection had been repeatedly promised.

THE MINISTER OF MINES (Hon. H. B. Lefroy) replied:—(1) It was decided by the former Minister of Mines, on the 25th February last, that, after the public batteries at Tuckanarra and Lennonville, on the Murchison Goldfield, and Mulline, Mount Ida, Mount Leonora, in the North

Coolgardie Goldfield, and one at Yalgoo had been provided for, in accordance with applications and reports from the Warden, a battery at Yerilla should follow. (2) The official report of the then Inspector of Public Batteries, Mr. Fowler, was disregarded in favour of the Warden's report, and this action is confirmed by the report of the present Superintendent of Public Batteries (Mr. White), who has recently visited the district. (3) No records can be traced in office that such promise has been made.

QUESTION: BULONG TANK, INSPECTION AND CONDITION.

MR. VOSPER asked the Director of Public Works:—(1) Whether it was true that the local inspector attached to the Water Supply Department refused to pass the Bulong tank when completed by the contractor. (2) Whether it was true that another inspector was despatched to Bulong from Perth, who did pass the said tank. (3) Why the first inspector declined to pass the tank. (4) Why the recent inspector reversed his decision. (5) Whether the tank was now empty. If so, why so?

THE PREMIER, for the Director of Public Works, replied:—(1) No. (2) No. (3) He did not decline. (4) No second inspector was despatched from Perth. (5) Yes; very little water has run into the tank, and that has been lost by evaporation and soakage.—Note: Although I have answered the questions of the hon. member for North Coolgardie literally, I will explain that the work was, as a matter of fact, passed by both the Supervisor and the Resident Engineer, but subsequently the Engineer-in-Charge of the Branch himself found fault with certain portions of the work, during a visit of inspection he made to the fields.

QUESTION: PUBLIC BATTERIES, INSPECTION AT MINING CENTRES.

MR. VOSPER asked the Minister of Mines, Whether it was his intention to despatch the inspector of public batteries to Vosperton, Kurnalpi, Bulong, Kanowna, and Smithfield.

THE MINISTER OF MINES (Hon. H. B. Lefroy) replied:—I am not aware of any application having been made for a visit to these places. If necessary, the

superintendent of public batteries can visit them when time permits.

QUESTION: ASYLUM (FREMANTLE), TREATMENT OF LUNATICS.

MR. VOSPER asked the Premier,—(1) Who was the person, or who were the persons, charged with cruelty to patients at the Fremantle Lunatic Asylum? (2) What was the nature of the charges now made? (3) Whether the results of the inquiry would be laid before the House.

THE PREMIER (Rt. Hon. Sir J. Forrest) replied that an inquiry was being held into the allegations as to the treatment of patients at the Fremantle Lunatic Asylum. When the inquiry was completed, the report on the subject would be laid on the table of the House.

QUESTION: DR. LOVEGROVE AND INSTITUTIONS UNDER HIS CONTROL.

MR. VOSPER asked the Premier,—(1) Whether his intention had been directed to the recent revelations made concerning the various public institutions under the control of Dr. Lovegrove. (2) Whether it was intended to institute an inquiry into the condition of these institutions.

THE PREMIER (Rt. Hon. Sir J. Forrest) replied,—(1) There are no public institutions under the immediate control of Dr. Lovegrove. (2) If the hon. member will name the institutions he refers to, a reply will be given to his questions.

CROWN SUITS BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

INTERPRETATION BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

INEBRIATES BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

MOTION: PENAL SYSTEM AND PROPOSED ROYAL COMMISSION.

MR. VOSPER asked the leave of the House to amend the motion standing in his name, by excising the words "a Select Committee of this House," in the first line, and inserting in their place "a Royal Commission."

THE SPEAKER: If there is no objection, I will put the motion in that way.

Motion, by leave, amended.

THE PREMIER said he hoped the hon. member was going to give some good reasons in support of his motion.

MR. VOSPER said he would give many cogent reasons. He moved:

That a Royal Commission be appointed (with power to call for persons and papers), to inquire into the existing condition of the penal system of Western Australia, and to report to this House upon the method now in vogue for the punishment of criminals, the classification of the same, the sanitary condition of Fremantle Gaol and other places of detention, as well as all contracts for supplies of food and other materials; also into the manner in which convicts are employed both inside and outside of places of detention, the remission of sentences, the conduct and management of Fremantle Gaol and the aboriginal prison at Rott-nest, together with the methods used in the management of reformatories, and generally into all matters affecting the management and government of all Her Majesty's gaols and reformatories within the colony of Western Australia.

He brought the matter forward now on a basis different from that on which this subject was discussed previously in the House. When the question of prison discipline was brought up on the last occasion, the public mind was agitated with reference to certain punishment which had taken place within the Fremantle prison walls. He did not intend to discuss those particular cases now, beyond reference to them generally. He hoped to prove that he did not desire to apply any censure on the officers of the prison, but to illustrate to the House and the colony how necessary it was that legislation in reference to the prisons in this colony should be brought up to date, and made humane. He was not actuated by any maudlin sentiment, or any desire to shield criminals; and he must plead not guilty to any charge of sympathy with criminals. He made these remarks because that view might be taken by some hon. members. In the session before last, the member for West Perth (Mr. Wood), for example, referred to remarks of hon. members who objected to the flogging of criminals, and seemed to insinuate that they sympathised with these criminals. He (Mr. Vosper) wished to repudiate any idea of imposing such a doctrine on the House.

He did not want to relieve prisoners from reformatory methods or discipline; but he wished to see the discipline carried out in a humane manner, and to see that the methods adopted were of a reformatory character. The methods which were in vogue at the present time were largely vindictive; and his idea was to have legislation adopted so that a reformatory system might be established on principles of modern penology. Whatever might be said, or opinions formed, of his conduct on the matter, or the conduct of those who supported him, he would like to say that the kind of popularity to be obtained by people who brought forward a subject like this was not a popularity to be envied. He would point out that hon. members who had taken the trouble to bring about prison reform in the past were those who were most disinterested. If members who brought forward this subject were mistaken in their views, the mistakes were made with the idea of benefiting humanity. Perhaps there was no more important question than the penal system. The matter lay at the very root of humanity. If we had a prison system which turned the criminal classes into useful citizens, the benefit would be widespread. If the tendency was to make criminals, or, having become criminals, to make them remain criminals, that prison system was in itself nothing but a foul ulcer that spread infection upon the body politic. It would be admitted by hon. members that if they went into a prison where the treatment was humane and rational and scientific, they found, on the whole, that a period in prison was beneficial; but if they went into a prison where the treatment was not humane or rational, or where the proceedings were not in accordance with science and penology, the results were disastrous to the criminal and the community. They should regard prisons, not so much as places of torment where vengeance was wreaked, but as hospitals where those who were morally diseased were treated for their complaints.

HON. H. W. VENN: How would that be possible?

MR. VOSPER: It was possible. It was shown in the system which was

adopted in Great Britain, and which had been most successful. If the prison system here was of such a character that a man coming out of prison came out a bigger criminal, then it required no argument in this House to show that that system was disastrous to the community at large. He would refer here to the punishment of flogging which took place some time ago, but he would only refer to it as one of the details in the scientific argument on the subject. Hon. members would remember, no doubt, the cases of Cameron and Reik, who were each sentenced to suffer a flogging, something like twelve months ago, by Mr. Fairbairn. Since that time two other persons had suffered floggings—Wilson and Bankier—and these two persons were not old and hardened criminals, or, if they were hardened criminals, they were very young. They were accused of using insulting language, and were sentenced to 25 lashes each. Both of these men were under 25 years of age. He might here state that almost every sentence of flogging during the last two years had been inflicted on persons comparatively youthful; at any rate, they had not had sufficient experience of crime to make them dangerous criminals. These four men whom he had mentioned were no doubt dangerous persons, but he maintained that they had been rendered far more dangerous than they otherwise would have been by the treatment which had been meted out to them. The two men whom he had mentioned last had 12 lashes a-piece. They were accused of using insulting language towards a warder: this was the only charge entered against them. The information which he had showed that the evidence which supported the charge was not taken on oath, as should have been the case under the Prison Ordinance, 1849, for this was not a second offence; and, further, not being a second offence, the infliction of the punishment was illegal, inasmuch as Sections 19 and 20 of the Prison Ordinance of 1849 provided that such a punishment should be inflicted only for a second offence. The two men were not allowed to defend themselves. When they asked to be allowed to call evidence, that right was denied them.

But there was something beyond all this. Allowing all the facts which he had stated to be untrue, although he did not believe them to be untrue, there remained the fact that the man Wilson was, to all intents and purposes, a lunatic. Prisoners in some mysterious way became acquainted with what was going on in the outer world, and since Wilson had known that he (Mr. Vosper) had taken this matter of the penal system up, he (Wilson) had written him a series of letters, and he (Mr. Vosper) had no hesitation in saying that what was written in these letters was the outcome of a mind that had lost its balance. He (Mr. Vosper) had been informed by officers of the prison that there was no doubt that this man Wilson was a lunatic, or that his brain was weak. He was almost always committing petty acts against the discipline of the prison, and every punishment that was inflicted upon that man tended to degrade him lower, and to render him a more dangerous person. Although Wilson was only a young man, he would probably die at a very early age; not because he was being treated brutally for the sake of brutality, but merely because the officials did not understand that a man of weak mind was not to be treated on the same lines as a sane person. This man Wilson was being tortured to death through being unable to overcome the temptation of committing petty acts against the discipline of the prison. There was also a man named Thomas James in that gaol; and the superintendent himself stated that he had very grave suspicions about the condition of that man's mind. James made an attempt to escape. He was brought back to gaol, and given six months in irons. Few punishments could be more brutal than the placing of a man in irons for six or twelve months at a stretch; and there were men who had been kept in irons for as long as twelve months. The punishment of ironing was perhaps not fully understood by hon. members. It implied the wearing of a dress in which black predominated, and the necessity of dragging about a weight of 14lbs. rivetted on the legs. When the term of the punishment had expired, the irons had to be taken

off by the prison blacksmith. Such a punishment degraded the prisoner beyond measure. It could not have a good effect on him. In many instances where this punishment had been inflicted in Fremantle Gaol, the reason was because no other punishment was provided for. When the sole resort was irons, the lash, and the gallows, they adopted the most lenient of the three. One man named Robinson was sentenced to twelve months in irons for an attempt to escape. He was only 22 years of age. In England, a man of that age was not looked upon altogether as a criminal, but was put in a separate prison apart from the others; and such a punishment as that given here was not heard of in England. All these troubles had arisen from the operation in this colony of a very ancient law, dating from the year 1849. In England, the oldest principal Act bearing on this subject was the Prisons Act, 1876. Since this Act was passed, a great number of amending Acts had also passed the British Parliament, and a great number of commissions had sat to investigate the question of prison discipline. The antiquity of our Act was illustrated by its 21st section, the last paragraph of which provided that, if any person should be convicted of assisting a prisoner to escape, he should be guilty of felony, and would be liable to transportation beyond the seas for a period not exceeding fourteen years. The punishment of transportation had long been abolished, yet it was provided for in this Act, which was alone sufficient to prove its antiquity. It might be a question for some lawyers to quibble over whether, if a man were convicted under this Act of an attempt to help a prisoner to escape, he could be punished at all; because the only punishment provided for in this Act was this obsolete one of transportation. There was this one very glaring defect in the Act—indeed, it stood quite alone in this respect. It was provided that, if a charge of any kind except drunkenness or disorderly conduct were brought against anyone, he must be tried before two justices on the bench, it not being considered right that one magistrate should have the power to take away a man's liberty; but, as soon as a man entered

the prison walls, he not only lost his civil rights, but civil justice too, because the Act laid down that one justice only might, after inquiry, sentence him to 36 lashes with the cat-o-nine-tails. Even if the flogging power were left, there should, at any rate, be more than one justice to try the case. In New South Wales and Victoria, if a prisoner was accused of any serious offence he was tried before the judges of the district courts, and sentenced in the ordinary way the same as any other person.

THE PREMIER: Such was not the case in England, where prisoners could be flogged.

MR. VOSPER: The magistrates there awarded flogging for juvenile offenders, but not for adults. He asserted that the only power in England to award punishment was in the hands of the judges, and that the punishment of flogging was not inflicted for breaches of prison discipline. It was inflicted for garrotting, and it certainly should not be inflicted in this colony for breaches of prison discipline. Every effort should be made here to give a prisoner as fair a trial as he would receive outside the prison walls. Various complaints had been made with regard to the treatment of the sick. It was said that in some cases men had been compelled to labour in spite of the doctor's orders to the contrary. He had evidence which he could place before the House to that effect. His only desire was that this matter should be thoroughly sifted. Very often, he was informed, the doctor's orders were contradicted by orders given by the superintendent. A man named John Hughes, who had a very bad hand, and who was ordered by the doctor to leave off work for some days, was compelled to work by the superintendent in spite of the doctor's orders. Another trouble was that we had a gentleman appointed to perform all kinds of multifarious duties in the prison and in the hospital; and he was unable, on that account, to do justice to the work entrusted to him. The Fremantle Gaol was inspected in this perfunctory manner. It was impossible for the doctor in charge to do his duty by that prison. There was quite enough work there to keep one doctor continually employed. Criminals were more liable to disease than ordinary

people, and they died at an earlier age. When, therefore, we had 430 criminals in one gaol, it was only right that one doctor should be employed to give his whole attention to them. There was a person in cell 7A who was suffering from a loathsome disease, and who yet was bathed with the other prisoners, and his clothes were taken away with theirs. A letter stated :

His towel he has been using for the past week was this morning put with the other dirty clothes for the wash. His pint-pot is dipped into the same bucket of water from which all the prisoners on "A" landing get their drinking water.

The letter wound up by saying that the cell used by that man was quite close to the cook-house. That was a case where a man had apparently not been subject to examination. One of the first things done in all well-regulated prisons was to examine a man before he was allowed to mix with the other people who were confined in a gaol ; otherwise most disastrous results might follow.

THE PREMIER : A prisoner was generally bathed.

MR. SIMPSON : And had his hair cut.

MR. VOSPER said he presumed there were members who would like to have their hair cut ; but the very interjection made by the Premier went to show there was very little known about criminology, even by the right hon. gentleman himself, although he had had some experience.

THE PREMIER : How much ?

MR. VOSPER said he had a recollection of some part of the ancient history of this country when one John Forrest was Comptroller-General of Prisons.

THE PREMIER : For 12 months.

MR. VOSPER : It was well known there were some diseases in gaol which required medical supervision before a man was allowed to mix with other prisoners instead of after. A man might enter gaol in a state of disease, and inflict serious injury on other prisoners. The practice in all intelligently conducted gaols in the world—except perhaps in Russia, Turkey, and Fremantle—was to make such examination.

THE PREMIER : A man might have been two or three times in the gaol before.

MR. VOSPER : That might be, but it was possible for a prisoner to contract

disease outside gaol, even if he returned to imprisonment three times a week. It was strange that there seemed as much dispute on this point as if it were not a simple sanitary proposition. Surely it would be admitted that a prisoner should be examined before being allowed to mix with healthy fellow-prisoners.

MR. A. FORREST : Coddle the prisoners up.

MR. VOSPER : It was not a question of coddling prisoners, but of looking after the public health, and it was quite possible that a man from gaol might convey disease to the community generally. Such an interjection as that of the member for West Kimberley was absurd ; and in order to show how disease might be communicated from the gaol it was only necessary to read as follows :—

No prisoner is subjected to examination upon his reception into the gaol, and need not see, and indeed cannot see, the doctor until the following morning ; and unless he is suffering from accident or is in an advanced stage of disease, very few go to see him until his condition forces them to. This is a disgraceful state of things when one remembers that a man may be serving food, wearing clothes, or using the bedclothes in a cell which may be used next day by a clean and healthy prisoner. A man in this state may also use a shaving-brush and razor immediately before another, with the certain result that the disease is imparted. This has happened several times, and quite lately a strong, healthy young man who was doing two months' imprisonment contracted a disease from another prisoner and left the gaol with his face and head covered with running sores. The only remark made by the officials was, "You have been unfortunate in getting hold of a razor or brush after a diseased man," and that was the only consolation he got. Men in all stages of all kinds of skin and other diseases are herded together without the slightest precaution to prevent contagion. No prisoner is allowed into the hospital unless he is suffering from accident or shows symptoms of fever. Indeed, the only test used is the clinical thermometer, and when admitted he is no better off in a sanitary way than before.

THE PREMIER : A prisoner could see the doctor, whenever he asked to do so.

MR. VOSPER : A prisoner could see the doctor, if the doctor happened to be there.

THE PREMIER : A prisoner could see the doctor at any time.

MR. VOSPER : A prisoner could put his name down, but the doctor only stopped for half an hour or so.

THE PREMIER : The doctor came every day.

MR. VOSPER : The doctor stayed at the gaol on an average half an hour a day.

THE PREMIER : And saw every man who wanted to see him.

MR. VOSPER : There might be 40, 50, or 100 men who desired to see the doctor.

THE PREMIER : Not so many as that.

MR. VOSPER : And if the doctor had not time to see all, he went away until the following day.

THE PREMIER said he did not think that statement was true.

MR. VOSPER said he understood that the cases were weeded out by the superintendent, and those whom he considered the doctor should see were seen.

MR. A. FORREST : Dr. Hope was a Christian man.

MR. VOSPER said he knew that Dr. Hope was a Christian, and could bear testimony to that gentleman's humanity. Although the authority quoted condemned the present system *in toto*, there was a good word to say for Dr. Hope. He (Mr. Vosper) was not attacking officials.

THE PREMIER : The statement was that Dr. Hope did not see every prisoner who put his name down.

MR. VOSPER : What was said was that the doctor did not see a prisoner on the same day, but only two or three days after, when disease might have developed.

THE PREMIER : That was an important statement, which he hoped would be taken down.

MR. VOSPER : Then it was contended that the doctor should have supreme control, and that his orders should not be over-riden. He would again quote :—

The doctor is not (as he should be) supreme in all matters connected with the hospital and inmates, and is compelled or allows the department to override his orders, and I give an instance, and could give others. A recovering typhoid patient was ordered by the doctor two pints of milk and 3oz. of brandy daily. His case had been a very bad one indeed, and his life had been despaired of ; but one morning an officer came into the hospital while he was drinking his milk and inquired how much he was being allowed. Upon being told he said, "Oh. I think one pint enough," and then turning to the orderly in the most unfeeling manner asked him if he knew "that milk was 10d. per quart," and accordingly the poor fellow's two pints of milk per day was cut down to one.

That was the state of things in regard to the contravention of the doctor's order. To show that these remarks were not intended as an attack upon the officials, he would read what this person had to say on the subject of Dr. Hope :

Of Dr. Hope as a medical man, and in regard to his kind and beneficial treatment of prisoners, one cannot speak too highly ; but the careless system adopted is as bad as can be. The doctor sees as many prisoners as choose to see him and as he can inspect immediately after church—that is, 8 a.m. each morning—and in 10 minutes, which is all the time allowed, sees 25 or 30 men.

MR. A. FORREST : There must be plenty of sickness, to have 25 to 30 persons to see the doctor every morning.

MR. VOSPER said he had already pointed out that there was more disease amongst prisoners than amongst any other class in any other kind of institution in the world. There would perhaps be 25 per cent. of sick persons in a gaol every day, and such was the state of things in gaols all the world over. There were certain physiological reasons for this fact, and any person who looked into the works of Lombroso or Morrison would see the truth of that statement.

MR. A. FORREST : Perhaps the prisoners wanted the brandy.

MR. VOSPER : Possibly that might have something to do with the matter. The article went on :—

... bad cases are detained in the hospital the next morning, and in the interval are not attended to in any way unless they are serious. The hospital contains 17 beds, and has been full for the past five or six months. The patients are locked in the ward from 5 p.m. until 6.30 next morning. The only sanitary accommodation for the whole of the inmates, until about two months ago, consisted of one bucket on the floor at the end of the room ; and once again I repeat that no disinfectants are used.

That statement had been made before—that "no disinfectants are used." The article proceeded :—

I was three or four days there about six weeks ago, and there were then five patients with typhoid (one since dead), one bad case of heart disease (since dead), one hopeless case of rheumatic gout, one or two cases of pulmonary disease, and others. At 6 a.m., in all weathers, the floor is swabbed over with mops, and allowed to dry itself, and that is all the washing or cleaning it gets ; the effect of this being to lower the temperature at once some 12 or 15 degrees for an hour or two, and whether

this is good for fever or pulmonary patients the reader can guess. As stated before, the doctor is only able to see the patients once a day (at 8 a.m.), and the rest of the time they are under the care of a warder in the day time, and two prisoners at night. Neither warder nor prisoners have any knowledge whatever of medicine or treatment, though they carry out the doctor's instructions as well as they are able; and it must be said that the two men at present acting as orderlies could not be excelled for kindness and attention to their suffering fellow-prisoners.

There was plenty of kindness, also plenty of attention. There seemed a genuine desire on the part of warders, officials, and doctor to do all they could for the prisoners, but the system stepped in and prevented any good being done. The persons in charge of the prisoners had far more charity than the law, and that was not a proper state of things at this period of the 19th century. It was very important that what rights a man had in prison should be carefully guarded. There ought, for instance, to be a proper scale of diet. The scale as laid down was:—"18oz. of bread, 10oz. of meat, 16oz. of potatoes, 2oz. of oatmeal, $1\frac{1}{2}$ oz. of sugar, $1\frac{1}{2}$ oz. of salt, and 2 pints of tea, coffee, or cocoa, and 1oz. of pepper to each 100 men; in addition, 1oz. of rice or oatmeal to be added to the soup on Tuesdays and Fridays each week." What a prisoner said was served out was:—

For breakfast, 10oz. bread and a pint of tea (sweetened?). Dinner, 5oz. meat, 16oz. potatoes, 1 pint of thin gruel, and 1 pint of so-called soup. Tea, 8oz. bread and 1 pint tea. Now, I have had my breakfast loaf weighed nine times during 10 months, and have always found it from $\frac{1}{2}$ oz. to 2oz. short. I have had my dinner meat and potatoes weighed seven times, and have always found both short weight, the meat, bones and all, from $\frac{1}{2}$ oz. to $1\frac{1}{2}$ oz. short, and the potatoes from 2oz. to 6oz. short, and very frequently bad at that.

Why should there be that discrepancy, supposing the statement he had read were true? This was not the statement of one prisoner, but of dozens, and similar information had been given by ex-officers of the prison. He had had plenty of reason for inquiries in connection with prison matters, and amongst those from whom he had inquired were two ex-officers who had resigned.

THE PREMIER: A few of the letters addressed to the hon. member had been intercepted.

MR. VOSPER: That was quite possible, and that was a matter which might be dealt with later on.

THE PREMIER: The law would have to go for the hon. member for being in correspondence with the prisoners.

MR. VOSPER: There was no right on the part of the Government to interfere with letters from prisoners, except within the rules and regulations of the prison.

MR. HUBBLE: The hon. member had no right to publish those letters.

MR. VOSPER said that he defied the member for the Gascoyne to prove that a single letter from a prisoner had been published in the paper which he (Mr. Vosper) conducted. The letters published could be compared with the letters received, and it would be found there was not a single corresponding sentence.

MR. HUBBLE: The hon. member published extracts from the letters.

MR. VOSPER: That was not so.

MR. HUBBLE: It looked very much like it.

MR. VOSPER: What articles had been written and published had been written by ex-prisoners or by ex-officers.

MR. HUBBLE: It was known what the letters were.

MR. VOSPER: Wherever the information was obtained, he was going to use it. The articles that had been written were written for the public, and in order to expose faults in the prison administration of the colony. He would remind hon. members that he was not asking for a reform of the law, but simply for an inquiry as to whether the statements he had read were true, and as to whether a reform of the law was necessary. Surely that was a reasonable request, because if the statements were not true it was so much the better for the country.

THE PREMIER: The statements of prisoners in gaol could not always be believed.

MR. VOSPER: Never mind; there was then the more reason for inquiry. It was an old saying, "there is no smoke without fire."

THE PREMIER said he did not know as to the truth of that aphorism. Some of the biggest scamps in the colony were in the gaol. It was not a prison, but a home.

MR. VOSPER: It was not the kind of home the right honourable gentleman would like to be in. It was a very easy matter for a person in comparative luxury to talk about a prison being a home—"He jests at scars who never felt a wound."

THE PREMIER: The prison was comfortable enough, years ago.

MR. VOSPER said he had had experience of gaol, and he could speak with some sympathy and knowledge of the subject.

THE PREMIER: That was not in this colony.

MR. VOSPER: That was not in this colony, and for that he was devoutly thankful. There was a far more intelligent and humane prison system in Queensland than in Western Australia. In Queensland they would be ashamed to be accused of working under an Act dating from the year 1849, and to leave to one single magistrate power to inflict 36 lashes. Whatever faults there might be in the Queensland prison system, that was a power they did not leave to any one magistrate. This man said:

I have had my dinner meat and potatoes weighed seven times, and have always found both short weight; the meat, bones and all, from ½ oz. to 1½ oz. short, and the potatoes from 2 oz. to 6 oz. short, and very frequently bad at that. Now the prisoners are told, if they complain, that only 5 oz. of meat is supposed to be issued, although the scale is clear enough, and says 10 oz., and all that is done to remedy matters is to make quantity up to 5 oz. More than one complaint leads to their being told that they are making themselves troublesome, and a threatening hint stops any further grumbling in most cases.

He did not know whether that was true or not, but it was reasonable to suppose that in a number of complaints there would be some truth. That alone was sufficient to call for an inquiry. Then, there were the bad potatoes. This complaint had not been made by one person only, but by several. It was hard enough to get good potatoes outside.

MR. HUNBLE: The prisoners picked out the bad potatoes. It was their own fault if they allowed the bad potatoes to remain amongst the good ones.

MR. VOSPER: The prisoners told what they knew to be a fact. The hon.

member only stated what he heard. Here was one case:—

In one case about January last, nine of the prisoners working in one of the pump-yards went together and complained in the proper way to the chief warder that the gruel had been thin and musty for a week past, and that the potatoes were mostly unfit to eat. He told them he would see about it (which is all he could do, as he has no power allowed him at all), and the men thanked him and withdrew. They thought that the matter ended, and went to work as usual, but they had reckoned without their host. At dinner time next day they were sent for by Mr. George, and confronted with the Inspector of Prisons, who told them that he had been informed by Mr. George that they had been complaining of the food, and that in his belief they meant to mutiny or refuse work (quite an imaginary belief), and he threatened them with a flogging if they ever complained of the food again. This made some of them righteously angry, and they had the hardihood to tell the superintendent to his face that he was a "blanky blanky," and then the inspector promptly sentenced them to three days' dark cells, on 2 oz. of bread and 2 pints of water per diem, for their temerity.

Here the inspector himself told the men that he would order them to be flogged. The result was that a disturbance took place, and the men were sentenced to three days in the dark cells. There were a series of other complaints in the letter. There seemed to be a class of prisoners in the prison, those connected with the cook-house, to whom it was said the butchers were rather friendly, and brought them a larger quantity of meat than was allowed by the prison regulations. Here was a letter which would explain it:—

The butcher leaves daily for the use of the cooks and their friends 7 lb. or 8 lb. of sausages, chops, and beefsteak, and on Sunday a loin and leg of pork, and they live in style. There is also a "gaol restaurant" kept up for the use of about half-a-dozen favoured prisoners, and these jolly chaps cook their own meals in one of the offices, and make curries, stews, puddings, etc., every day. This must be known to the superintendent and all the officers.

This was where the serious part of the business came in. The prisoners who were in the cook-house had largely the control of doling out the provisions, and they might agree to a general shortage, and be paid by the contractor, by presents of meat.

THE PREMIER: A warder generally weighed out the food.

MR. VOSPER : It seemed to him that there must be some reason why these men in the cook-house were granted these special favours. To his mind the special reason was that there was peculation going on in regard to the food supplies, and these favours were given so that these men in the cook-house would allow it. Then, again, he had some reference to a club in the "guard-room." He did not know why it was called a "guard-room."

THE PREMIER : It used to be a guard-room, he supposed.

MR. VOSPER : It was now a "club," where luxuries were cooked, and it was a question for the House to consider where these cooks got the luxuries from, and why they got them. There must be swindling somewhere.

MR. HUBBLE : Perhaps they got them the same way as the hon. member got the letters.

MR. VOSPER : Only there was this difference, that they accepted this food, and he had the letters delivered to him by the Postmaster-General. He had these letters, and if a Royal Commission were appointed, he would place the documents before the Commission, and no doubt they would give a clue to many things which went on in the prison.

MR. SIMPSON : Surely the governors of the prisons would not object to this inquiry.

MR. VOSPER : No, but their friends might. He did not think the governors of the prisons would object. There was another consideration : whether the sanitary conditions of the gaol were all that they should be. There were many things about the gaol which even the hon. member for the Gascogne (Mr. Hubble) would not deny. Here was a description of the gaol itself, and anyone who had been there would know whether it was correct or not :—

The gaol building proper consists of one long corridor (or "division," as it is called), and contains about 500 single cells, disposed on the ground floor, and on three galleries, all opening into a common centre. These cells measure 7ft. long by 4ft. broad, and are 9ft. high, and taking the embrasures of the window and door into consideration, contain each about 270 cubic feet of space, being less than one-half of the amount (640ft.) allotted by the Board of Health for the accommodation of one person in hotels or boarding-houses.

This alone was a sufficient reason for the building being destroyed, and another building more suitable to the requirements of the place erected. This description went on :—

Each prisoner is locked up in his cell from 5 p.m. until 6.30 a.m., and therefore spends 13½ hours, or just about double the time spent by an ordinary lodger in a hotel, in one-half the space. As they are locked in, it follows that if the demands of nature are complied with—and, of course, they must be—at least one-half are penned up in these little cells with results that lead to a close stench in every such cell, that defies description. This is not all, however. As each cell opens upon the division, the whole air space in the building is horribly contaminated, and the relief of getting into the open air in the morning is one of the luxuries of the prisoners.

Under this state of affairs it was to be wondered at that typhus fever and gaol fever had not broken out. He might say that, throughout the length and breadth of the gaol, there was nothing in the shape of a disinfectant used, except whitewash. Some little time ago Superintendent George said it would be well to supply pipes and tobacco to the men, and the men were permitted to use tobacco in the gaol ; and he (Mr. Vosper) knew that tobacco was permitted now. The men who were locked up for 14 hours in these small cells were now allowed to smoke.

THE PREMIER : Where did they get the tobacco from ?

MR. VOSPER : The doctor had to allow tobacco to be used because it was the only disinfectant available.

MR. HUBBLE : It was only used by a few.

MR. VOSPER : It was used by everybody. Nearly every man there was permitted to smoke ; not openly, but it was winked at. The tobacco was smuggled into the gaol. He knew there was a regulation against the importation of tobacco into a gaol, but that regulation had almost to remain in abeyance for the best of reasons, because the doctor thought that life in the cells would be intolerable without it. There used to be a similar system in Dartmoor and in other gaols in England, but the buildings were pulled down at Dartmoor, and the small cells demolished. The size of the cells had now been increased in the gaols in England, and the prisoners were allowed as much air as the Board of Health said should be

supplied in the case of boarding-houses. These small cells were not as large as decent vaults. Just fancy being pent up in one of these little cells for 14 hours on one of our hot nights!

THE PREMIER: Could not the window be opened?

MR. VOSPER: If the prisoner could open the window, then he might not be there.

THE PREMIER: But there were bars outside.

MR. VOSPER: There were windows in boarding-houses, but the Board of Health compelled a boarding-house keeper to allow every individual 640 cubic feet of air, and if there was a room with fourteen people in it there must be 14 times 640 cubic feet.

THE PREMIER: Every one of the cells opened to the air.

MR. VOSPER: Admitting that, yet a majority of the houses approved by the Board of Health were far superior to these cells. At least, two of these cells might be knocked into one, so as to allow prisoners to have sufficient air. If a man was a convict, the Government had no right to say he should not have sufficient air. He (Mr. Vosper) had a very long extract in regard to the Fremantle Gaol, but he thought he could summarise it, and save a little time. Members who knew anything about the Fremantle gaol knew that the establishment was situated on the side of the hill on a flat space. Behind the gaol there was a wall of rock, and behind that there was a ledge or terrace, and then another ledge of rock, and then there was the contour of the wall itself. There were a series of five yards in this gaol, in which prisoners were confined for a considerable time. One of these yards was called the "pump yard," because in it there was a deep well, and two prisoners were continually kept there to work the pump, and to pump water into a reservoir on the top of the hill for the supply of the people of Fremantle. In addition to this there were three or four shafts, and these ran out under the walls and under the streets of Fremantle, and the water ran into an underground reservoir—a sort of catacomb. From here the water was pumped into the reservoir by an engine. This reservoir

was carefully concreted, but the wells were not, and water could drain into them. This well, which was in the pump yard, was at the very bottom of the three terraces. It occupied the lowest position in the whole gaol. The country rock down there consisted of disintegrated stone. If any quantity of water were thrown on to the surface, it would disappear into the soil, go into the rock, and finally find its way into this well. If the water was filthy, some of the filth must find its way into the well.

THE PREMIER: There was nothing above the well that could get into the water.

MR. VOSPER asked where the excreta which came from the gaol was deposited.

THE PREMIER: It was all carried away.

MR. VOSPER: Where to?

THE PREMIER: Outside the prison, somewhere.

MR. VOSPER: There was reason to believe that some portion of this excreta was buried within the walls. On Sunday, for a considerable period, nearly all the male inmates of the gaol were put into the pump yard, and these men smoked tobacco and expectorated about the yard, and the flooring of the yard became very brown with the expectoration of tobacco-juice.

MR. HIGHAM: Tobacco was a good disinfectant.

MR. VOSPER: But not sputum. This expectoration was washed into the well itself, and was afterwards pumped up and ladled out subsequently to the people of Fremantle. It was curious how the people of Fremantle survived this. It was a curious fact, also, that most of the cases of fever at Fremantle came from a place called Canvastown, and it was a notorious fact that Canvastown was the haunt of the criminal classes, more than any other portion of the town of Fremantle. This showed that these criminals, who had first been drinking this water when in the gaol, then drank the water supplied to them from the Fremantle water supply, and became diseased in this way. He had heard that the Government Analyst had been asked to examine the water at Fremantle, and that officer had stated that the water was perfectly pure. He

thought the best thing they could do with that analyst was to analyse him. It was impossible to get pure water in Perth or Fremantle, and he (Mr. Vosper) could have understood this analyst admitting that the water was not exactly pure, and then the analysis might have been believed. Shafts were sunk in the prison yard, which served to drain not only the yard, but the street also, and these drains had a tendency to percolate into the wells. Another complaint he wished to bring forward was that when the prisoners went into the gaol their clothes were burnt. No matter what a man's position in society might be, or what might be his crime, it was alleged that his clothes were burnt, and when he was set free he was provided with clothes on which was the broad arrow mark. It would be interesting to know whether these clothes were really destroyed, as alleged, or whether they were only put aside. It was further alleged that the prisoners did not get sufficient food, sometimes only five ounces instead of ten. This matter should be inquired into. It was said to be owing to the fact that the officials used to have the disposal of the surplus food; but one effect of the exposures made in the press had been to bring about an apparent reform in the disposal of the surplus food. Formerly, this surplus food was given to the pigs, for the benefit of those who owned pigs. At Pentridge, hogs were allowed to eat the surplus food from the prison, but in that case the pork was sold and the money handed over to a prison delegate, and spent in furnishing the prison library, with the result that it was one of the best of its kind in the world. That seemed about the most useful way of dealing with surplus food. The result of the exposure of this evil in the columns of the local press was that it had been remedied. It would be interesting to know how the surplus food was now disposed of. It must be obvious that if an official was given surplus food as a perquisite, he would be interested in cutting down the allowance to the prisoners. One need not say that the officials at the Fremantle gaol did such things, but it was unwise to allow the possibility of their doing so. It appeared that the appointment of the warders was in the hands of the superinten-

dent, Mr. George. He did not know whether Mr. George was a good judge of men, but it was said that former warders—he was not referring to those who were now in the gaol—had been inmates of prisons. He was speaking of warders who were in the gaol twelve months ago, one of whom had only a little previous to his engagement by the superintendent served a term of five months in Melbourne for wife-beating, and had since served four months in Fremantle for a similar offence. Another warder had but just escaped being sentenced for making an attempt on his own life at Perth. A third was a dismissed policeman, from the rank and file here; while a fourth was detected conveying outside messages to a prisoner named Clarke—a noteworthy criminal. It did not matter so much what the class of warders was as it did matter what sort of superior officers there were connected with the gaol. He knew Mr. George, the superintendent, very well, and he considered him a reasonably humane man, who did his work according to his lights. But he had hardly put his foot outside the prison doors for 35 years. He had been connected with the prison for 40 years, and he knew little or nothing about scientific criminology. According to the best authorities on criminology, the superintendent of a gaol should be a man of the highest attainments. It was one of the most important positions in the community to be placed in charge of the criminal population. We should be able to look up to such a man with respect, and honour him. In a recent handbook on prison management, by Herr Krohne, an eminent prison director in the German service, the qualifications requisite for successful prison work were clearly laid down. This authority said:—

The most successful management of a prison demands special knowledge and ability. This knowledge should first of all consist in a comprehensive general education, so that the head of a prison may be able to form a competent opinion in all those branches of knowledge which bear upon the punishment of crime. He thus stands on a footing of equality with his subordinates. If he is deficient in this knowledge he will not be able to carry out the sentences of the law efficiently, and the maintenance of his official authority will be encumbered with difficulties. He must also possess an understanding of the economic and social causes of crime, as well as of its individual causes. An understanding of its

economic and social causes supposes that he should be acquainted with the principles of sociology and political economy; an understanding of its individual causes supposes that he should know something of psychology. The historical, philosophic, and legal aspects of criminal jurisprudence, as well as its formal contents, ought not to be unknown ground. In the domain of prison science he should be thoroughly at home. He ought to be acquainted with the historical development of punishment by imprisonment, as well as with the nature of the various prison systems in existence among modern civilised communities. He ought to have a clear understanding of the aim and object of imprisonment, and be thoroughly cognisant of the legal and administrative arrangements by which it is effected, more especially those of his own State. He should possess a competent knowledge of all matters and regulations bearing upon prison administration, so that his own arrangements may be based upon a refined judgment.

Did hon. members think that the present superintendent or the visiting justices were possessed of such qualifications as those laid down by the German authority? The criminal population of this colony was growing out of all proportion to the ordinary population, and it was extremely advisable that the officer in charge of the Fremantle Gaol should be thoroughly well qualified to deal with all questions connected with prison discipline, and the treatment of prisoners after the most approved methods. As a matter of fact, the officers in charge of the Fremantle Gaol had not benefited by the development which had taken place of recent years in scientific criminology, but remained exactly where they were 40 or 50 years ago. An endeavour should be made to obtain the services of a really scientific man at the head of affairs, instead of one who did his work very largely by rule of thumb—with the best of intentions, no doubt, but sometimes with the worst of effects. The very worst defect in the prison management of this colony was the total absence of any system of classification. Every criminal, no matter what the nature of his offence—whether he was merely committed for a fortnight for drunkenness, or whether he was committed for the serious offence of rape—was sent down to Fremantle, where the prisoners were all herded together. They were brought from all parts of the colony. If a man was convicted of drunkenness at Coolgardie or Kanowna he was brought to Fremantle.

Such a man might be overcome by a dose of liquor. His previous character might have been irreproachable; his standing in the community and his morals might be good; he might only have this one thing against him; yet he would be sent for a month to Fremantle, and would have to mix with some of the vilest criminals in the world. At the end of the month he would be turned out of the prison without, perhaps, a farthing in his pocket, and without a friend, and set adrift in the streets, instead of being returned to the place whence he had been brought. If he were a person of weak mind, he would naturally go to those persons who would talk to him. Thieves and prostitutes had one relieving virtue or vice—that of generosity. They were inclined to be charitable to those who were situated like themselves. Such a man as he had spoken of, who was not naturally a criminal, was herded with criminals, and from them, perhaps, got a fresh start in life. This was one reason why there was a greater proportion of criminals in this colony as compared with the ordinary population than in any other.

THE PREMIER: They were not first offenders.

MR. VOSPER: Perhaps not; but the number of criminals was being increased by this system. The Fremantle Prison was a college for the teaching of crime, provided with some of the very best professors of the art from the other colonies. It was highly essential that there should be a prison system in this colony of a reformatory character, and a proper system of classification. A young man of seventeen years of age, who had committed his first offence, should not be herded with a lot of desperate criminals. Each class should be carefully graded. If not, we would be making the criminal portion of the community worse than it was at the present time. The idea we should set before us was laid down by W. D. Morrison, of Wandsworth Prison, a recognised authority on the subject, who, in his work on "Crime and Its Causes," had the following remarks:—

In our view, punishment ought to be regarded as at once an expiation and a discipline, or, in other words, an expiatory discipline. This definition includes all that is valuable in the

theories just reviewed, and excludes all that is imperfect in them. The criminal is an offender against the fundamental order of society in somewhat the same way as a disobedient child is an offender against the centre of authority in the home or the school. The punishment inflicted on the child may take the form of revenge, or it may take the form of retribution, or it may take the form of deterrence, but it undoubtedly takes its highest form when it combines expiation with discipline. Punishment of this nature still remains punitive, as it ought to do, but it is at the same time a kind of punishment from which something may be learned. It does not merely consist in inflicting pain, although the presence of this element is essential to its efficacy; it consists rather in inflicting pain in such a way as will tend to discipline and reform the character. Such a conception of punishment excludes the barbarous element of vengeance; it is based upon the civilised ideas of justice and humanity, or rather upon the sentiment of justice alone, and justice is never truly just except when its tendency is also to humanise.

The Government should investigate the different systems of classification which existed elsewhere, and discover which was applicable to this colony. So long as the existing system was continued, so long would the proportion of the criminal population to the ordinary population tend to increase. Every day this criminal colony would become more and more difficult to grapple with, and more and more difficult to remedy. Intimately connected with this system of classification was the equally important one of the remission of sentences. A little while ago the Chief Justice expressed his surprise at finding before him, as a prisoner, a man whom, only three years ago, he had sentenced to ten years' penal servitude; but when hon. members considered the way in which the remission of sentences was carried out, it was not surprising at all. A prisoner received a certain maximum number of marks for good conduct; but if a prisoner was worthy of trust, he might be put into various positions.

THE PREMIER: Billets.

MR. VOSPER: Exactly, billets. And by reason of occupying those billets, the prisoner was given remission of sentence.

THE PREMIER: That was it.

MR. VOSPER: In Fremantle gaol it was a known fact that some men were pluralists, and had perhaps a dozen different billets, in respect to each of which remission of sentence was given. There was a man named Randell sentenced in 1897 to four years' imprisonment.

THE PREMIER: That prisoner was in gaol now.

MR. VOSPER: That prisoner was there now, but he had got remissions so that he would be released in August next after serving one year and nine months out of an original sentence of four years. That prisoner was simply a person who was favoured by some official.

THE PREMIER: How much time ought that prisoner to serve?

MR. VOSPER: According to the penal code of the Attorney General, the prisoner should have served about three years and nine months.

THE PREMIER: But that prisoner was under the old system, under which there was a different rule.

MR. VOSPER: There had been a change, but the great point was that remissions of sentences were given by reason of billets into which men were put at the discretion of the presiding officer of the gaol. The presiding officer or the superintendent might give ten billets instead of one to a single person. The officer in charge of the prisoner reported to the inspector, who in turn reported to the Attorney General, and the Attorney General, in the midst of his multifarious duties, could not give complete attention to details of the kind. The consequence was that the autocrat who controlled the prisoners was the Superintendent who was on the spot, and whose recommendations were always acted on. The man Randell, to whom he had already referred, would come out after one year and nine months' imprisonment.

THE PREMIER: That was subject to good behaviour.

MR. VOSPER: What "good behaviour" was rested with the Superintendent. The point was that the man who had the power of granting remission of sentences had really more power in some respects than a Supreme Court Judge. The Attorney General might have control over the Superintendent, but of course the Attorney General had confidence in his officers, and had not time to pay attention to details. The consequence was, as he (Mr. Vosper) had said, the Superintendent was an autocrat, and could give or withhold remission of sentence to any prisoner he liked. In other words, the prerogative of mercy was given to the

Superintendent in the same way as it was given to the Sovereign. A man named Guppy was sentenced to three years' penal servitude. That prisoner had been in the gaol for less than two years—one year and nine months—and already he had been officially informed he was entitled to nine months and fifteen days' remission. If that prisoner went on behaving himself, it meant he would probably not serve more than two years.

THE PREMIER: That was under the old rules. Prisoners served longer sentences now.

MR. VOSPER said he had already pointed out that so long as the interpretation of the rules rested entirely with the Superintendent, there would arise these accusations of favouritism.

THE PREMIER: A recommendation for mercy had to come through three or four persons, including the head of the Law Department.

MR. VOSPER: That was very true, and hon. members all knew how the recommendation came.

THE PREMIER: Such a recommendation had to come through the Sheriff, the Attorney General, and the Governor-in-Council—a good many persons.

MR. VOSPER said he did not think the Act provided that a recommendation for remission should go before the Governor-in-Council, but only recommendations for the release of a man altogether.

THE PREMIER: There was not now a remission of sentence, but a remission in regard to labour. A prisoner was not free when he was granted a remission after a sentence of penal servitude.

MR. VOSPER: No doubt a prisoner was under surveillance, but the fact remained that some men got out of gaol before their sentences were fully served, and it did not matter much how that was managed. The Superintendent favoured certain persons, or was said to do so; and he also had it in his power to prevent men getting any remission at all. For example, a man might go to the gaol for twelve months and obtain the maximum number of marks for good conduct, and thus be qualified to hold a position or billet within the walls. A man who applied, under the circumstances, to be given a position in order

to make up the marks necessary for a remission of sentence, might be refused, and have to serve all his time at hard labour, getting no more than the bare remission for good conduct. This would seem to indicate that billets in gaol were not given with a fair and impartial hand.

THE PREMIER: That prisoner might not have been very well-behaved, perhaps.

MR. VOSPER: He got the maximum number of good-conduct marks.

THE PREMIER: Then, perhaps, there were not enough billets.

MR. VOSPER: The complaint was that a man got four or five billets, and another man did not get a billet at all—that only the particular pets of the officers got billets. But he (Mr. Vosper) was not there to comment on what the Superintendent did. That officer might be treated as a mere cypher in the whole business. The reason for bringing up this question of remission of sentences was to urge that the method should be properly systematised. A remission of sentence should depend on classification, and on the special kinds of labour performed, and the conduct of the prisoner. A remission of sentence should not be at the will of the Superintendent or officers, but should act mechanically. A man serving a certain sentence, and fulfilling certain duties, should be promoted from one class to another, as in the English system; and the man who got the greatest number of marks should be given the greatest amount of remission, and should also have a sum of money paid to him on account of those marks when he was released. In England a prisoner, when he was discharged, got about £3 in money, which was sufficient to give him a start, and he also got a railway ticket to any part of the country he chose. That gave a discharged prisoner a fair chance. But in this colony the remission depended absolutely on the whim of the Superintendent. Here a man was turned out of gaol without a cent in his pocket, no matter how valuable his labour had been within the walls of the prison. There should certainly be established a system of classification for the purpose of preventing young criminals from mixing with the older ones, and also for the pur-

pose of rewarding a man according to his deeds or misdeeds, and not according to the whim of any officer. Before concluding, he would like to take a brief glance at English legislation on this subject. He had often heard it said that it was desirable, in matters of social legislation, to be content not to race ahead of other communities, but to follow their example, and that it was well to follow the example of the grand old mother country from which we had all sprung, and whose institutions we all admired. He, to a very great extent, agreed with that doctrine. While this colony was going ahead in certain particular directions, its socialism was absolutely still, more particularly in regard to this one great question. We stood in exactly the same position now as we did in the year 1849, and that was most undesirable. In England a Penal Act was passed in 1867, and since that time there had been six or seven amending Acts. Then there had been a Royal Commission appointed in England which had made a series of recommendations, with results he would now read to the House. First of all, in regard to labour, the Commission recommended:

Unproductive labour should be abolished whenever possible. Association for productive work and technical instruction should be extended gradually and with due caution throughout the prisons. Productive prison industries should be increased as much as possible, especially as regards gardening, farming, and land reclamation.

Here was an idea for the Premier and for the Commissioner of Crown Lands. It was recommended by this English Royal Commission that a prison, instead of being in the midst of a town, as was the case in Western Australia, should be out in the country, where the prisoners could be employed on useful and remunerative employment, and where utility was regarded more than the idea of punishment. A prison should be erected in some country place where the prisoners could be taught the elements of farming, gardening, clearing, and reclaiming land, and when they came out they would no doubt develop into useful citizens. That was the system in New Caledonia, and even at Dartmoor, the most barren and desolate penal settlement in England. Under such circumstances, useful discipline and the dignity

of labour were taught. At present prisoners were kept within the four walls of the gaol, and were turned into the streets to be the scoff and the gibe of the passers-by. Prisoners regarded labour as a punishment, and, consequently, when they came out of gaol they avoided labour as much as they were inclined to do inside the gaol. The regulation "Government-stroke" was all that prisoners were taught at Fremantle. But if such a plan as indicated by the Royal Commission were carried out, prisoners would receive a training to enable them to become useful citizens when they were finally released. Again the Royal Commission recommended that "prisoners should be enabled to earn something continuously during their sentence." It would be well if the Government gave a liberal subsidy to any institution which provided work for discharged prisoners, in the same way as the Salvation Army prison brigade. He earnestly hoped that in future prisoners would be made to understand that if they worked hard they could earn something—not very much, but a sum of money sufficient when they came out to give them a degree of independence, instead of leaving them to cadge round the town in order to get something to eat. This discharging the prisoners without means was a most frequent cause of crime.

THE PREMIER: Prisoners were given rations.

MR. VOSPER: That was so, but discharged prisoners were given no money.

THE PREMIER: No.

MR. VOSPER: And everywhere else prisoners were provided with money. The Royal Commission further recommended that gymnastic exercises should be organised for the prisoners. The only gymnastics at Fremantle Gaol were on the triangle, and that was not at all desirable. As to juvenile and young offenders, the Commission recommended that the age of "juvenile" under the Prisons Act, 1865, should be raised from 16 to 17, and that juveniles should be specially treated in prison. He had already pointed out that the majority of the unfortunate wretches flogged during the last 12 months had been young men of 20 to 25 years of age. The report of the Commission went on to recommend that juveniles should not be subject to ordinary prison discipline

and regulations; that courts should have fuller powers for securing parental responsibility and liability; that discretion should be reserved to prison authorities to distinguish between first offenders and habitual criminals caught for the first time; and that the age of admission to reformatories should be raised from 16 to 18, and of detention to 21. If such humane law had been carried out in the case of the young man Randell, it would have been impossible for that prisoner to be now suffering punishment, seeing that he would have been released 12 months ago. The report of the Commission went on to recommend that the court should have power to commit to a Government penal reformatory offenders above 16 and under 23 for periods of not less than one year and up to three, with a system of licenses graduated according to sentence, and that power should be given to transfer prisoners under 23 from prisons to the penal reformatory, if the Secretary of State were satisfied that the treatment there would be more suitable, and provided that the unexpired portion of the imprisonment was not thereby lengthened. That was a very important innovation. This was in the case of a man who was found to conduct himself in an exemplary way inside the prison, and surely something of the kind might be done in this colony. A man sentenced for a term of years should, by good conduct, be entitled to be sent to a penal reformatory, where he could learn a trade and associate with men as well conducted as himself. The Commission report went on to say that habitual criminals should be kept as a class apart from the other prisoners, and it should be considered whether a new form of sentence might not, with advantage, be placed at the disposal of the judges by which these prisoners could be segregated under special conditions for long periods of detention. In Western Australia young men and old men, the practised criminal and the novice, were all herded together, while in England the Royal Commission expressed the opinion that even the system there in vogue was not sufficient. The Commission suggested there should be an intermediate prison between the discharge and the release. In other words, the Commission suggested that a man should be put into

gaol, where he would have an opportunity of being thoroughly trained. It must be remembered that there were three or four men in the gaol here who might reasonably be suspected of being insane. On this point the English Royal Commission recommended that weak-minded persons should be kept in special prisons, and it should be considered whether it was right to treat such persons as ordinary criminals. Referring to the small cells, on which he had already adverted, the Royal Commission recommended that the small cells in Portland and Dartmoor prisons should be abolished as soon as practicable. That recommendation had been carried out since, and the small cells in England were a great deal larger than the cells in Fremantle gaol. The duties of the visiting committee should be reformed. There should be no visiting justice living at a distance from the gaol, who therefore did not visit at all. In England the visiting committees consisted of the chief residents of the town, who saw everything for themselves. But in Australia there was a whole committee in one person, and that made a vast difference in the discipline of the gaol. In regard to female prisoners, the report of the Royal Commission recommended that there should be prison inspection, and a lady-inspector appointed. Since those recommendations had been made, many of them had been carried out, and with a few suggestions, showing the result of the penalogical legislation in England, he would close his remarks on the subject. During the five years ending 31st March, 1885, the number of prisoners per 100,000 of population of England and Wales was 37.8, and during the five years ending March 31, 1897, the proportion was 24.0. The decrease between 1885 and 1897 was no less than 36.5. In summary convictions the decrease was no less than 19.0 per 100,000 in the same period. That showed the fairness of the legislation in England. Year after year the criminal population of England was diminishing in consequence of the wise and magnificent discipline in the gaols. In England they did not rest content with the old unwise laws, which were supposed to constitute criminology 50 years ago. There was now, according to *Hazell's An-*

nual, a noteworthy diminution of juvenile prisoners under 16. At the end of 1897 there were only 42 as against 127 and 89 at the end of the two preceding years. In England there had been formed a "star class;" that was a class of persons convicted for the first time, such as the men to whom he had referred as undergoing the punishment of irons at Fremantle at the present moment. Firstly concerning first offenders, and since the formation of what was called "the star class" in convict prisons in 1879, up to September 30th. 1896, 2,183 male convicts were placed therein, of whom only 20 of those discharged returned to penal servitude under fresh sentences, and only 11 had their licenses revoked or forfeited. That was a total of 31 out of nearly 3,000 prisoners, and the figures showed the wisdom of the legislation in the old country.

At 6.30 p.m. the **SPEAKER** left the chair.

At 7.30 p.m. the **SPEAKER** resumed the chair.

MR. VOSPER (resuming): The English system of prison treatment had a beneficial effect in diminishing the numbers of the criminal population, thus elevating many who came under its operation, and making them useful members of society. In Western Australia, on the other hand, owing to the antiquated character of the laws and other causes, prison treatment had always been more or less unscientific, and in some cases barbarous; so that it was not at all surprising to find that no great improvement was observable among the criminal class generally, and that their numbers had a tendency to increase rather than to diminish.

THE PREMIER: The reason was that criminals were constantly coming here from other places. They were criminals before they came here.

MR. VOSPER: Apart from such importation, the criminals in the colony tended to increase. As a reformatory institution, our penal system was a failure. In Britain, the criminal class suffered from heredity, from their environment, and from extreme poverty; yet these

evils were being overcome. Here, although having the drawback to which the Premier had alluded, still here was not the drawback of a vicious environment, nor that abject state of poverty which prevailed in England. Neither was crime traceable to heredity in this country, to any great extent. Comparing the two countries, one disadvantage weighed against the other; and, on the whole, our system was a failure, while that of Great Britain was a great success.

THE PREMIER: Very few natives of the colony would be found in Fremantle gaol.

MR. VOSPER: While admitting that most of our criminals were imported, the fact remained that this consideration was counterbalanced by the causes already stated. In conclusion, he would say the treatment of criminals in this colony had, in almost all cases, been irrational, because obsolete and antiquated; very frequently of a stupid character, and sometimes absolutely inhuman, mainly because the prison officers knew nothing of penology, apart from penology as it was explained in the Ordinance of 1849, which was not a scientific ordinance by any means, because it was passed before the treatment of criminals had been elevated to a science. It had also been shown that some persons suspected of being lunatics had been treated as if they were responsible for their actions. He had now in his hand an absolute proof of that—an authorised letter, sent to him by a prisoner, duly passed by the Superintendent, who endorsed it with this remark: "I do not think this man is quite right in his mind." If such were the case, the author of the letter should never have been in prison at all. He (Mr. Vosper) was referring to a prisoner named Courthope, whose demeanour at his trial in Perth excited comment in the Press. It was the height of barbarity and brutality to punish such a man for mental defects of which he might not be conscious, and for which he was certainly not responsible. It was also observable that young men, who in other countries would be treated not leniently, perhaps, but rationally with a view to their reformation, were herded with older criminals, learning all their vices, and frequently getting into a desperate frame of mind

which led them to rebel against the prison discipline, thus bringing on themselves repeated punishments which amounted to a system of inhuman torture and cruelty. Possibly they deserved such treatment, in the strict sense of the term; but the offences, as well as the punishments, were created by the system itself. Some evidence had also been brought forward to show there was reason to believe that acts of an illegal nature had been committed in connection with prison administration; that men had been flogged, for instance, without having had a fair trial even according to the present law. That the law was absolutely obsolete he had also shown by quotations from the Act itself; and that the punishments were brutalising there could be no doubt, when the effect of a flogging on an average man was considered, or the suffering entailed by a long period spent in irons. The whole object of our prison system had been shown to be the infliction of retribution—not the reformation of a prisoner, but the wreaking of the vengeance of society upon him for his offence. Society could never be adequately compensated for wrong done to it by inflicting vengeance in a prison; but the wrong could be compensated, to some extent, if criminals were treated as morally diseased, until they were fit to be released in such a condition as to become decent citizens. The existing law contained a few humane provisions, which were sometimes evaded, more particularly with regard to the sick and the helpless, who were often the victims of arbitrary action on the part of those in authority, contrary to the humane dictates of the statute, by the carrying out of which their cure might be effected. He had also shown there was a possibility of disease being spread among prisoners; and there had been speculation, leading to prisoners being deprived of portion of their food. If a Commission were appointed, he hoped it would inquire into these contracts, and see that some system was established so that there should be proper inspection of food; also see that everything was weighed, and that contractors were not afforded opportunity of robbing one of the most helpless classes in the com-

munity. He did not say that robbery had been committed.

THE PREMIER : The hon. member might just as well say it right out.

MR. VOSPER said he did not say it right out because he did not know positively that it took place; but the opportunity existed, and the opportunity very often made the crime. Not only were prisoners deprived of portion of their food, but they were threatened with punishment if they made a complaint about it. No attempt had been made to deny that architectural defects existed in the building. Superintendent George and the other officers of the gaol had his sympathy, because no matter how desirous they might be of classifying the prisoners, they could not do it in the existing gaol. One of the first things in the reform of the present prison system must be the establishment of a new prison. The absence of classification he had already dealt with. There were excellent reasons for believing that, if the present system was continued, Fremantle would become more and more a pest house, a social ulcer, and, as far as the training of criminals was concerned, a college of criminal merits. Year after year they saw men go into the prisons harmless beings, and come out finished criminals. It was highly detrimental that such a school of crime should exist. In the name of the moral health of the whole colony, in the name of humanity itself, and for the protection of these helpless, yet harmful, portion of the community, an inquiry should be brought about; and he hoped that, when an inquiry did take place, it would lead to a reformation which would place Western Australia on an equality with other places in regard to the prison system. He believed that if that were done it would lead to an untold and unimagined moral blessing for everybody within the colony of Western Australia.

MR. LEAKE seconded the motion.

THE SPEAKER : I would like to draw the attention of the House to Standing Order 214, which says: "If all motions shall not have been disposed of two hours after the time fixed for the meeting of the House, the debate thereon shall be adjourned, unless otherwise ordered, and the Orders of the Day taken in

rotation." If it is desired to go on with the Motions before we go on with the Orders of the Day, the House will have to order that the debate be continued.

Mr. LEAKE moved that the debate be continued.

Mr. GREGORY seconded.

Put and passed, and the debate continued.

Mr. HUBBLE: The motion before the House brought forward by the member for North-East Coolgardie was that a Royal Commission be appointed to inquire into the management of the penal system of the colony. The Government, as well as all members of Parliament, and also the officials connected with the gaols, would only be too pleased if a Royal Commission were appointed. As a visiting justice of one of the prisons of the colony, he must take exception to some of the remarks which had fallen from the hon. member. He would like to allude to the letters that had been published in the *Sunday Times* and *Sunday Chronicle*, which letters did a great deal more harm than good by inciting the prisoners and interfering with the discipline of the gaol. Hon. members had been informed that the member for North-East Coolgardie had received certain letters from prisoners, and the visiting justices to the gaol were in a position to know that the letters did not come through the right channel out of the prison.

Mr. VOSPER: Some of them.

Mr. HUBBLE: Some of them did, but some letters had to be returned to prisoners. The tenor of the letters which had been returned was something like those appearing in the Sunday papers. Some time ago a lull occurred in these prison letters, on account of the letters being taken away from prisoners before they reached the outside of the prison. It was not right to have an hon. member printing these letters, and that member should know that certain laws were being broken in so doing.

Mr. VOSPER: The publication of the letters had already been denied.

Mr. HUBBLE: The gaol authorities had in their possession at the present time some letters which no doubt were meant for publication; at any rate, they read very much like it. These letters

which appeared in the papers did a great deal of harm to the prisoners.

Mr. VOSPER: Had we not better have a press censor?

Mr. HUBBLE: The hon. member had spoken of one or two prisoners, and mentioned the names of Bankier and Robinson. He (Mr. Hubble), as one of the visiting justices, happened to have had these two individuals brought before him, and he thought Bankier was classed as one of the worst prisoners in the gaol. The hon. member said he was a young man; and if the record of that young man was known it would be admitted he was not a desirable member of the community. His Sydney history could tell that. The member for North-East Coolgardie spoke of Robinson as a young man of 22 years of age, who he said ought to belong to the "star" class, that was the class for first offenders. This young man had been in the Fremantle prison before. He was convicted a second time some few months ago, but broke out of the prison at Fremantle, and went back to Coolgardie, where he had been first arrested. He was re-arrested at Coolgardie and re-committed to the prison at Fremantle. He was then brought before three of the justices, and sentenced to 12 months' imprisonment in irons. After he had been some time in irons he tried to escape from the prison a second time. Therefore he (Mr. Hubble) did not think this man should come under the "star" class, as the hon. member called it. If prisoners had any complaints to make, they had only to make them to the Superintendent, and he (Mr. Hubble) did not believe there was any case on record, as far as he knew, of a prisoner desiring to make complaint to a magistrate, and not being able to see one. The cases were heard on their merits. Prisoners gave their evidence in the proper way. There was no doubt it was not sworn evidence before the magistrates, but the warders gave their evidence in a straightforward manner, and in very few cases did the prisoners deny the charges. On one occasion Bankier was brought up for fighting with another prisoner. Bankier tried to show that he was only "larking," but when the justices asked the man, whom he said he was larking with, what he was doing, the man said Bankier was

fighting. This was the man Bankier, to whom the hon. member had referred.

MR. VOSPER: No quotation was made from a letter from Bankier.

MR. HUBBLE: The justices had read all the letters reaching the hon. member directly or indirectly. As to the hospital complaints, the hon. member said there were something like 18 to 22 beds occupied in the gaol hospital. He (Mr. Hubble) was at the gaol on Saturday last, and saw three or four persons in the hospital—certainly there were several convalescent prisoners walking about, but these were getting along all right. As far as the baths were concerned, the hon. member complained that a number of prisoners were washed in the same bath, and that there was only one bath in the prison. If the hon. member would go with him (Mr. Hubble) to the prison next Saturday, he could be shown eight or ten baths.

MR. VOSPER: The men were put in the bath without examination. That was what he said.

MR. HUBBLE: The buckets of water placed in the prison cells were clean, and it was not true to say the pannikins were dipped in filthy water. The hon. member had spoken about the razors that were used on the prisoners. Any one who went into a barber's shop knew that the same razor was used upon numbers of people. The doctor visited the prison every day to attend to prisoners, and if a man had any complaint as to illness, he could see the doctor, and was given medicine to suit his case. The hon. member had also spoken about rotten potatoes. After reading a few of the letters which appeared in the Sunday papers, he (Mr. Hubble) inquired into this matter, and found that every potato, before being cooked, was picked over by the prisoners, and the bad ones were sent back to the contractor. If prisoners ate bad potatoes, it was their own fault in not picking them out. As to the food supply, he had before him the dietary scale, which showed the amount of food given to prisoners. They were supplied with 18 ounces of bread, 10 ounces of meat (before it was cooked). The hon. member made a lot out of the shortness in the weight of meat. No doubt the meat was re-

duced in weight by the cooking process. Each prisoner received 16 ounces of potatoes, two pints of tea, one pint of gruel, and one pint of soup, twice a week. The soup was actually given daily, although it was only supposed to be given twice a week. To certain prisoners, who had extremely laborious work to perform, an extra eight ounces of bread and six ounces of meat were given. These men worked in the deep drives, in the water, perhaps for half a day, or a certain number of hours; then there were blacksmiths and persons doing heavy work who received this extra supply. As to the smoking, the men who performed these laborious duties were allowed a pipe or two of tobacco; but as to allowing all the prisoners in the gaol to smoke, that was untrue. He had no doubt that prisoners who had to go outside the cells obtained tobacco, and other things, from people outside. Probably this was how some of the letters were sent out of the prison by prisoners. With reference to the cells for sleeping in, he wished to inform the House that they had lasted some 50 years, and he did not think many of the prisoners had suffered from suffocation in them. It would be difficult to find a cleaner place in any part of the globe. The bedding and the walls were as clean as it was possible to make them. He quite agreed with the member for North-East Coolgardie (Mr. Vosper) on the subject of classification. He had referred to it in his speech on the Address-in-Reply. Under the present system the prisoners were all mixed up together. It was utterly impossible under the present regulations for the Superintendent to separate the good from the bad, the very worst from those who might be sent to prison for some small offence. He hoped the Government would build a new prison outside Fremantle or Perth at some distance away, where they could have quarries, and where the prisoners could be made in some way remunerative to the colony. So far as juveniles in prisons were concerned, they were separated from the adults. The lads were not allowed to mix with the men. He would very much like to see some sort of fund started for the benefit of these unfortunates when

they came out of prison. When a man had been two or three years in prison, and was turned out on the world penniless, he was tempted to commit crime again. It would be a good thing if some fund could be raised by contributions, or by a vote from the Government, in order to give the men a start with a few shillings when they left prison.

MR. VOSPER: Let them earn a few shillings in gaol.

MR. HUBBLE: That would not be bad. In Adelaide they had a gaol close to the city, and a stockade or prison eight or nine miles away. Those who were committed on any charge under 12 months were, he believed, sent to the gaol, but those who were committed for over 12 months were sent to the stockade. Some such system of classification should be attempted here. He would be very glad to see a Royal Commission appointed to inquire into the whole matter. Such a Commission would do a lot of good. The officials of the gaol themselves would be only too glad to see one appointed. The Superintendent was very painstaking, but had to go by certain rules and regulations. He hoped that the result of the step taken by the member for North East Coolgardie (Mr. Vosper) would be to put the gaols on a good, sound footing.

MR. SOLOMON (North Fremantle) said the member for North-East Coolgardie (Mr. Vosper) should be thanked for bringing the matter before the House. As a visiting justice, he had very often spoken to some of the prisoners, although he might not possibly have come across those men who had been alluded to by the hon. member. He had visited the gaol at various times, and it had also been his duty to occasionally inflict punishment for insubordination, and for other offences; and he might say that, as a rule, the men who had been brought up for insubordination were men who had been constantly doing what they should not do, and had been sources of annoyance both to the Superintendent and to the warders. He felt sure that the country, as also the officials and Superintendent of the prison, would be glad if an investigation were held. The Superintendent had been second in command to a very old servant, who was the previous superintendent for some-

thing like 40 years. He had been placed in command now, and it had been difficult for him to find one equal to himself as second; consequently he had had a great deal to attend to. Of course the hon. member did not intend to cast a slur on the Superintendent or officers, or on the warders, in bringing this matter forward. The publication of the letters in the Press about the gaol had done more harm than good, as they had created a sort of combination among the prisoners themselves.

MR. GEORGE: A sort of trades union?

MR. SOLOMON: At any rate, it had led to conduct on the part of the prisoners which was due, he believed, entirely to the publication of the letters in the Press. The hon. member had said something about the water. As chairman of the Health Board in Fremantle, he had read the article published on that subject, and he immediately sent an inspector to get two or three samples of the water from the prison, and have them analysed by the Government Analyst. The Analyst reported that the water was as good as any he had hitherto tested at Fremantle. Of course, there might be something in the water which the Analyst was not able to detect, because he understood that typhoid germs required a series of experiments before they could be detected. Many of the complaints had been much exaggerated. There might be something in them, but it could not be expected that a number of men cooped up together in one prison would be satisfied; and, if they could find means of letting those outside, who were willing to take up the cudgels on their behalf, know of any grievance they might have, they would take the first opportunity of doing so. [THE PREMIER: Hear, hear.] The Superintendent had often complained to him of the friends of the prisoners planting letters, tobacco, and other things under stones, so that the prisoners could get at them. If there was a proper system of classification, this would not so readily occur. The time had gone by when the prisoners should be employed outside the prison. [SEVERAL MEMBERS: Hear, hear.] The prisoners should be employed at some kind of labour, either in the prison yard or in connection with the prison; and if some way were found by which the

time of the prisoners could be profitably employed, an immense deal of good would be done. It was quite time that an alteration was made, so that prisoners who were sentenced to seven days for some trifling offence should not be mixed up with the criminal classes. With reference to the two men Wilson and Bankier referred to by the member for North-East Coolgardie (Mr. Vosper), from their appearance and manner he should say they were about the two worst men who could be picked out from the colony, and it was only after a thorough investigation that they were sentenced. He thought the hon. member was somewhat mistaken in stating that the warders were not sworn before giving evidence. In almost every case the oath was administered to them before their evidence was taken. He forgot if, on this special occasion, the oath was administered, but as a rule the warders were all sworn before giving evidence. With reference to the potatoes being bad, he might say that it occasionally occurred that potatoes, which were to all appearances sound, turned black so soon as they were cooked. He knew such a case, and it was possible that similar cases occurred in the prison as well as outside. So far as cleanliness was concerned, he did not think that any prison could be found more cleanly inside than that of Fremantle. The cells were small, but if any one paid a visit, no matter whether that visit was a surprise one or not, it would be seen that everything was clean and healthy. He did not know whether the member for North-East Coolgardie (Mr. Vosper) had paid a visit to the Fremantle gaol, but if that member had done so, he, no doubt, had seen the cleanly condition of the place. In all that had been said about the administration of the Fremantle gaol, there was no doubt a great deal of exaggeration. At the same time, it was necessary for the colony and all concerned in the present administration, including the visiting justices, that an inquiry should be held. In connection with this matter he did not know whether he would be in order in alluding to the lunatic asylum. In the last *Sunday Times* he had read an article—

THE SPEAKER said he did not think the lunatic asylum had anything to do with this motion.

MR. SOLOMON: That being so, he might on some future occasion have something to say about the lunatic asylum. Visiting justices were a mistake; and he would rather see a visiting board appointed to investigate any matters or complaints arising within the walls of the gaol. It was very difficult for a justice of the peace to go there and ask prisoners if they had any complaint to make. In nine cases out of ten no man would come forward under the circumstances to make a complaint. There ought to be a visiting board to inspect prisons regularly, and then if there was any complaint it could be threshed out before the board, and in all probability be properly considered. He was very glad to think there was no opposition to the proposition now before the House. It was certainly one which would meet with the approval of the whole colony, and a thorough inquiry would be courted by all concerned.

MR. KENNY (North Murchison) said he had intended to have addressed himself somewhat lengthily to this subject, but seeing the discussion had gone on so long, and also noticing the general feeling throughout the Chamber, he felt there was no necessity to extend his remarks. In a varied experience in his native land, he had held for two years the position of an Imperial officer in a convict prison, and an ounce of experience was worth a pound of theory. His experience taught him there was a great deal of truth at the bottom of what the member for North-East Coolgardie (Mr. Vosper) had stated to the House. He was pleased to hear the hon. member for South Fremantle (Mr. Solomon) did not approve of having visiting justices. These he (Mr. Kenny) regarded as a slight mistake. Everything was put straight and clean and neat when a visiting justice was expected, and if one was expected, watch was kept, and arrangements made accordingly.

THE PREMIER: How long ago was that the case? A long while ago, I suppose?

MR. KENNY would remind the Premier of something, by-and-by. It must be presumed that the object of this motion was not to set man against man or officer against officer, or to discuss the merits or demerits of the officers, or of the present visiting justices. The ques-

tion was whether the present state of the gaols, not only in Fremantle, but throughout the colony, called for inquiry or not. He himself had been through the gaols at Geraldton, Carnarvon, Roebourne, and further north, and he had no hesitation in saying the House little knew the manner in which these various establishments were conducted. Nothing but good could result from a Royal Commission of inquiry. No doubt the last few years had added considerably to the criminal population of the colony, and this criminal population was infinitely worse than that of the olden days. When he was in Victoria, not long ago, the head of the Criminal Investigation Department informed him that in Melbourne there was not left a decent garrotter or artistic housebreaker. Every one of this undesirable class had come over to Western Australia, and the best thing would be for the Criminal Investigation Department of Victoria to follow them. Without pretending to throw out a suggestion, it would perhaps be well if the responsible Minister could see his way to import a few detectives from the other colonies to look after the undesirable arrivals of the last three or four years. He (Mr. Kenny) had heard a great deal of this question on both sides; but his experience in connection with the gaols of this colony did not agree with what people outside believed the condition of affairs in the gaols to be. He did not wish to go into the questions of cells, general treatment, bread and water, chains, and irons. Did he do that he could keep hon. members until daylight the following morning. But he felt he was appealing to a House which was in sympathy with the object of the motion. If the Commission were appointed, it would elicit a state of affairs hon. members little dreamt of. While speaking on this subject, he might refer to a little incident that happened a good many years ago—an incident which a previous interjection by the Premier had called into recollection. The time was when the Comptroller-General of Convicts had retired from his position.

MR. SIMPSON: Who was it?

MR. KENNY: And a high official in the Government service was appointed to take the place of the retiring Comptroller. In the discharge of his duties this high official visited the gaols, and there was

brought before him an unfortunate fellow-creature, weighed down with chains, hands tied behind his back, under the usual charge—some horrible outrage or breach of prison discipline. The new Comptroller looked at the prisoner, and asked him what he had been doing? "Oh," said the prisoner, "I do not know, and I do not care." "Well," said the new Comptroller-General, "what have you got to say?" "I have nothing to say," replied the prisoner. Then said the new Comptroller-General: "I think I know what is the matter with you. You want a friend, and I am going to be a friend to you." Thereupon the Comptroller-General ordered the irons to be struck off the prisoner, and his disgraceful suit taken off him. More than that, the Comptroller-General ordered that the man should be given a light situation in the prison. That prisoner served his sentence, and afterwards rose to a responsible position in the Government service. Now, I wish to say there are many unfortunate fellow-creatures to-night who want a friend.

MR. SIMPSON: Who was that Comptroller-General?

MR. KENNY: In those days he was known as plain Mr. John Forrest, but to-day he is the Premier of the colony. Whatever might be said of the convict system, this colony had nothing but good to relate of Sir John Forrest in his previous connection with the system.

THE PREMIER (Right Hon. Sir J. Forrest) said he was afraid the very praiseworthy incident referred to by the member for North Murchison (Mr. Kenny) was not quite accurate in its details, so far as he (the Premier) was concerned in it. There was an incident something like it, in which a man was charged with some serious offence against discipline, and for which offence he (the Premier) let the prisoner off. It was quite true that good results followed, though the incident was not quite so—

MR. SIMPSON: Dramatic.

THE PREMIER: Not quite so dramatic. The prisoner did not appear in chains, and of course there were no chains to strike off. That convict had committed many offences against discipline, and he (the Premier) came to the conclusion that the man was subject to loss of temper. At any rate, so far as he knew, that pri-

soner was afterwards always an exemplary character. As to the motion before the House, no one could have any objection to it, except that it was much longer than there was any necessity for. If the motion were altered so as to deal with the appointment of a commission of enquiry into the existing condition of the penal system of the colony, and to report to the House on the method now in vogue for the punishment of criminals, the classification of criminals, and the sanitary condition of Fremantle gaol, and also into the question of the contracts for the supply of food and other materials, it would be all that was needed at the present moment. It was unnecessary to increase the labours of the proposed Royal Commission by calling upon them to inquire into the manner in which prisoners were to be employed inside or outside, and also as to the remission of sentences, and the conduct and management of Fremantle gaol. There was no necessity to include in the proposed inquiry the conduct and management of the aboriginal prison at Rottnest, together with the methods used in the management of reformatories and gaols. Such a Commission would necessitate the members travelling from one end of the colony to the other, and he expected there would be found a difficulty in getting members to undertake the labour—at any rate within a reasonable time.

MR. ILLINGWORTH: The members of the Commission need not be members of the House.

THE PREMIER said he did not mean members of Parliament, but members of the Commission; and he would advise that the Commission should be asked to deal more shortly with the question than was now proposed.

MR. MORAN: Move an amendment.

THE PREMIER: Before sitting down he would move an amendment. No one could take much exception to the way in which this matter had been brought forward by the hon. member for North-East Coolgardie (Mr. Vosper). But there was the fact that the hon. member was the proprietor or editor of a newspaper which had been dealing with this question of prison reform for a considerable time. If that paper had not been inserting letters forwarded surreptitiously by prisoners

themselves, at any rate it had been publishing the information which such letters contained. That fact did not make the House more ready to listen to the hon. member or to be guided by his advice. The hon. member was in the position of a champion, who was anxious to fill his newspaper with sensational stories of what occurred in prison.

MR. VOSPER: Why accuse a member of such motives?

THE PREMIER said he was not accusing the hon. member, but simply stating facts.

MR. ILLINGWORTH: If there were no champions there would be no reforms.

THE PREMIER: Such advocacy had a bad influence on the prisoners, because it encouraged them to feel that all the fairy tales they liked to relate would find a place in the public press of the colony, and would be taken by a great many as truth. The hon. member for North-East Coolgardie had said "hear, hear" to the remark that there was no desire to impute anything adverse to the warders or officers of the prison. That was all very well. But some of the remarks of the hon. member for North-East Coolgardie, if they did not imply that those warders had been guilty of offences, at any rate went so far as to say that the warders had been accused of offences.

MR. VOSPER: Yes; that was true.

THE PREMIER: To tell a man he was accused of something did not necessarily mean a true charge, but there was a nasty sting left.

MR. VOSPER said he could not help that.

THE PREMIER: The House had been told of speculation in the gaol at Fremantle, of warders and contractors robbing the poor prisoners by giving them short weight or inferior food, and of treatment for which the system, not the officers, was responsible. All this left an impression on one's mind that such things were going on to a large extent, and that they should be put a stop to. As to robbing prisoners by giving them short weight and bad quality of food, and as to officers personally being in collusion with contractors, he (the Premier) hoped such practices were not possible in the Fremantle gaol, and that there were no contractors of that sort

at Fremantle. Instead of having a simply worded resolution such as would meet the circumstances of the case, the hon. member had proposed a Royal Commission to enquire into the penal system, apparently with the object of running down persons who were supposed to be guilty of the offences which had been suggested, and bounding them out of the service. For himself, he must say that he had no knowledge of the penal system at Fremantle at the present time, but he had no doubt it was similar to that which prevailed when he was in charge of that institution some years ago. Improvements could always be made, of course ; but he must say that during the twelve months in which he had control of that institution some years ago, there was nothing like inhumanity, there was no harsh treatment meted out to the prisoners ; but, on the other hand, he believed the prisoners were made fairly comfortable, and were satisfied with the treatment they received as prisoners. In those days—and he believed it must be the same now, as the present Superintendent was then one of the principal warders—there was a system of rewards for good conduct. The prison was kept clean and comfortable ; the beds and hammocks were good ; the dinners were sufficient in quantity and quality for anyone in ordinary circumstances, and he found them good enough for himself while there. The cooking also was good, the bread was excellent, the soup was good, and, in fact, no person complained of the quality of food, or that he was getting short quantity, while he (the Premier) had charge of the gaol. Indeed, the officers in charge at that time were only too ready to find fault with the contractors, and any little complaints as to food or other things being inferior resulted in the articles being returned, and a fresh supply obtained. He remembered that many complaints were made about the contractors at that time, and many things were sent back to be replaced with better articles. No doubt the same thing went on at the present day. He believed that, considering the necessary conditions of the gaol, and the persons confined there as prisoners, there was probably no prison in any other part of Her Majesty's dominions where those in confinement were better

cared for, or appeared to be better satisfied with the treatment received, while he (the Premier) was there. On Christmas Day, for example, the prisoners sang songs, held sports, and enjoyed themselves far better than could be expected from persons who were prisoners. He agreed with the hon. member that flogging should not be resorted to except for such serious offences as garrotting and other forms of violence, or for abominable or detestable offences. When such offences were committed, the best treatment was to give the offender a good thrashing. He (the Premier) was convinced, from his little experience, that kindness and good treatment to prisoners were better than too much harshness. As to the prisoners now in gaol, not many of them belonged to this colony, as was shown by the report of the Superintendent of Prisons just laid before the House ; for it appeared that out of 125 convicts serving sentences of penal servitude on the 31st December last, only seven were white natives of Western Australia, the others being from various parts of the world, and 50 of the number were Imperial prisoners who were sent here 10 years ago. He had heard from authorities in other colonies that some of the sharpest and most experienced scamps who used to infest the eastern colonies were at the present in Western Australia. While he (the Premier) was in Melbourne, he was told by the authorities that 600 of the criminal class had come from that colony to Western Australia, and were now here troubling the police and the magistrates. If that were so, he hoped these gentry would not find themselves so comfortable here as to induce them to stay, but that, what with the magistrates and the police, these scamps would find the reception too warm, and that they would return to their old haunts. While not advocating any harshness in the treatment of prisoners, he did believe that bad offences should have a punishment that would be deterrent. Amongst these scamps in gaol were no doubt some clever "bush lawyers," as they were called, and those were just the sort of persons to write to a newspaper such letters as they found to be acceptable to the editor, especially if they found

him so gullible as to believe any fairy tales they chose to write to him. Was it to be expected that such scamps would write commonplace letters from a prison for publication in a newspaper? Would they be likely to write their stories in such a way as to make it appear that the prison was a nice and comfortable place, and that everything was carried on there like clockwork; that the food was good, and that they had nothing to complain about? Of course, the hon. member, as editor of a newspaper, would want to create a circulation for his paper; and if he received letters of a common-place sort from prisoners at Fremantle, he would say they were rubbish, and would not publish them. But, on the other hand, if prisoners would only send him something sensational, something very spicy, relating some startling enormities committed in the prison by officers inflicting harsh and cruel treatment, the hon. member would doubtless be willing to receive such letters, and give them a publicity; and, of course, the prisoners, in writing such letters, would make them spicy, knowing that what they wrote from prison would be read by thousands, and that hundreds would believe the stories related. Members knew there were newspapers which had no standing, and which were carried on in a sensational way for the purpose of creating a circulation; though, of course, the metropolitan papers, as the principal newspapers of the colony, were not expected to pursue such a course. The persons who conducted some of the papers evidently thought the best way to get a circulation was to abuse respectable people. It would be noticed, in the report on the gaols and prisons for last year, that the Inspector of Prisons made suggestions in regard to the classification of prisoners, and also as to amending the criminal law in regard to prisons and the custody of prisoners. It would be admitted by all that a law which was passed so long ago as that for regulating prisons in this colony might well be amended. If it had not been amended before, that was not because there was no desire to do so, but because there had been so much to do in this colony in other directions, and this

matter had not received the attention which it deserved. He ventured to say, however, that when Parliament did pass a new law for regulating prisons, the tendency would not be to make the law easier for law-breakers; and those persons would find that this House, while wishing to be kind and considerate to those who were first offenders, or had committed small offences, was not disposed to show any maudlin sympathy with rascals who were pests in every country they went to. If the hon. member would accept the amendment, he did not think the enquiry would be less wide in its scope than would be that proposed in the motion. At the same time, it would not impose on the Commission such an amount of trouble, perhaps, as would be imposed if the motion were carried in its present form; and the amendment would have all the good effect which the hon. member desired. He noticed a remark made by the member for Central Murchison (Mr. Illingworth), as to the bringing in of a Bill during the present session based on the best legislation now in force in the eastern colonies. He thought there would be very little difficulty in doing that, if it were desired; but, if the Government were going to appoint this Commission, perhaps that matter would not be pressed, but would be allowed to wait until the report of the Commission had been received, and which might contain some suggestions for making the law more perfect. He had consulted with the Attorney-General in reference to this suggestion by the hon. member; but, if there was to be a Royal Commission, he did not think it would be wise to bring in a Bill during the present session. There would not be much trouble, however, in introducing a Bill this session, based on the best legislation in the eastern colonies. There was no reason why they should not have a Commission on this matter, and have a Bill introduced also this session. He would look into the matter. He thought it would be satisfactory to have a Commission in the interests of the people themselves, and the people of Fremantle. The insinuation was that the people of Fremantle were a lot of rogues. He knew that this Commission would be a white-washing

machine, and that the whole administration of the prisons would come out as clean as hon. members knew it to be. The insinuation which had been made was not creditable to the hon. member for North-East Coolgardie; but there were people who wanted notoriety, and who endeavoured to obtain that notoriety by abusing respectable people. He moved that the motion be amended to read as follows:—

That a Royal Commission be appointed to enquire into the existing condition of the penal system of Western Australia, and to report to this House upon the method now in vogue for the punishment of criminals, the classification of the same, the remission of sentences, the sanitary condition of Fremantle Gaol, as well as to enquire into all contracts for supplies of food and other materials.

MR. VOSPER: Before the debate proceeded, he was willing to accept the amendment of the right hon. gentleman.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse) seconded the amendment.

MR. LEAKE (Albany) said he was glad the amendment which had been proposed by the Premier had not met with any opposition from the mover of the motion. Members were pretty well unanimous on this very important subject. He approached the consideration of this subject with a certain amount of pleasure. From the experience he was able to gain personally from the Law Department and also in his profession, of the administration of the criminal law, he felt capable of speaking with some authority on the subject. He knew enough about the administration of the criminal branch of the law to feel interested in this question of prison management and discipline. The object of the hon. member for North East Coolgardie, he took it, was not to find any person guilty, but really to suggest necessary reforms in a particular system. An enquiry such as this would be favoured by the officials themselves. Enquiry undoubtedly was necessary; and what we wanted to impress upon the Commission was the duty of enquiring more particularly into the methods to be adopted in the classification of offenders, and the best means of ensuring their speedy reformation. If, in addition to these subjects, the Commission was able to recommend methods for discipline, so much the better.

One of the most important questions the Commission would have to consider would be that of the remission of sentences. No doubt, under the old system—though he believed there had been reform during the last few years—men who had been committed, particularly for capital offences, whose sentence of death had been commuted to penal servitude for life, were let loose on the community in the short space of seven years, to ply their calling once more. That sort of thing was not wanted. The Commission could very well report on that important phase of the question. He did not wish to appear to be hypercritical with regard to the hon. member for North-East Coolgardie's motion; but perhaps the hon. member's excessive zeal had led him into an error in mentioning the names of certain offenders. It would be better to refrain, as much as possible, from mentioning names. It either gave unnecessary notoriety or prominence to individuals, or possibly did an injustice to them. If the House could discuss the question on general lines, so much the better. Incidentally, in the criticism of the present discipline, flogging had been referred to. No doubt, when we had to deal with a certain class of people, reckless and daring, utterly regardless of consequences, there must be something held over them to terrorise them. The idea of the lash must have a terrorising effect on a certain class of people who contemplated the commission of offences. As far as the lash was concerned, he agreed with the right hon. gentleman opposite that it should not be used except in cases of great necessity, such as mutiny, or inciting to violence, or aggravated assaults on warders, and so forth; but it should be there to be applied when necessary. In his opinion, this Commission would very materially assist the administration, and he was glad to think he was in accord with the member for the Gascoyne (Mr. Hubble), who had plainly stated, in a few words, the position which a visiting justice held in Fremantle; and, no doubt, when any person had to be dealt with by that hon. member, he always got what he deserved; and if the person did not get what he deserved, it was his own fault, and not the fault of the visiting justice. Whatever might be the result

of the motion, he trusted the *personnel* of the Royal Commission would be seriously considered, and that the Government would select the best possible men they could obtain for making this inquiry. We wanted men who had had experience in the administration of law. We wanted professional and commercial men, who knew how contracts were entered into and affairs generally administered. It was not a show business; and he could assure the House that any one who accepted a seat on the Commission had a great deal of heavy and responsible work before him, because of the necessity of looking into many phases of the law, particularly the criminal law; and it would require the application of the best ability of any man. Where charges of a serious nature had been made against an administration by a public man in a public place such as this Assembly, in common fairness an enquiry should be demanded and acceded to.

MR. GEORGE (Murray) asked the Premier to add to the amendment, after "that a Royal Commission be appointed," the words "with power to examine witnesses on oath." It was highly necessary to examine witnesses on oath. A number of witnesses might go before the Commission already prepared to say what they had been told to say; and if any good was to be expected from the Commission, there must be power to examine witnesses on oath.

THE PREMIER: There was no power for that purpose.

MR. GEORGE: Then the witnesses could tell as many lies as they liked.

Amendment put and passed.

Motion, as amended, agreed to.

MOTION: COOLGARDIE WATER SUPPLY, OFFERS AND ESTIMATES.

MR. QUINLAN (Toodyay) moved:—

That copies of all proposals and offers made to the Government, relating to the construction of the Coolgardie Goldfields Water Supply, since the 1st day of October, 1897, and all Government estimates and reports relating to such Water Supply be laid upon the table of the House.

In asking for this information the object was that, as this subject had been thoroughly threshed out, it was well that information concerning the proposals made to the Government for carrying out this

scheme since the 1st of October should be supplied to hon. members. He wanted to give as much publicity as possible to these proposals. It was a very grave responsibility for the country to take this work in hand, and every information bearing on the proposals made to the Government should be placed before the country.

MR. ILLINGWORTH: Strike out the words "since the 1st day of October, 1897."

MR. QUINLAN: The reason for not referring to any proposals made prior to that date was that he was afraid it would be of very little use, as members would scarcely go to the trouble of perusing correspondence which had taken place before that; and the correspondence since that date was of a very valuable character, as certain definite proposals had been made to carry out the scheme by private enterprise.

MR. GEORGE (Murray) in supporting the motion, said he did not understand why the mover did not ask for the information prior to the first day of October last, and as the department could have no objection to giving the House the fullest information with regard to this water scheme, it would be well to lay the whole of the papers before the House. The inception of the scheme occurred about four years ago. The first proposal to pump water to Coolgardie was made by a contractor named John Maher; and it would be well if the House could see what that proposal had been, and that Mr. Maher got whatever praise he deserved for having first suggested this method of supplying the fields with water. He (Mr. George) moved, as an amendment, that the words "since the first day of October, 1897," be struck out.

Amendment put and passed.

Motion, as amended, agreed to.

MOTION: STEAMER CALLING AT GERALDTON *re* QUARANTINE.

MR. SIMPSON (Geraldton) moved:—

That there be laid upon the table of the House all papers and correspondence relating to the berthing of the s.s. Sultan alongside the Geraldton jetty, whilst flying the yellow flag. He said his only desire was to satisfy the public mind that reasonable care had been taken to prevent the introduction of

disease into the colony, as there was a very grave suspicion that influences had been brought to bear in connection with this matter inimical to the public health. The question particularly affected the constituency he represented. He trusted that the whole of the papers would be submitted. If all the information were furnished, it would throw a deal of light with respect to the alleged abrogation of the law and dereliction of duty on the part of an officer who held a very high position in the Government service.

Put and passed.

MOTION: WATER SOURCES ON PROPOSED RAILWAY ROUTE.

NIAGARA TO LEONORA.

Mr. MORAN (East Coolgardie) moved:

That in the opinion of this House it is advisable that a thorough examination of the country at and en route from Niagara to Leonora be made by the Water Works Department, with a view to obtaining exact information with reference to the alleged supply of fresh water obtainable underground in the district; the examination to discover approximately the commencement of the fresh water zone, and to include reliable tests of the quality and utility of the water for boiler purposes; and that a full report be laid on the table of the House before the introduction of the proposed Leonora Railway Bill.

He said this motion was following up what he had said the other evening with reference to the proposed railway policy of the Government. One of the reasons given by the Commissioner of Railways for the construction of the Leonora line was that the line would be going out of the salt water country into the fresh water country. It was admitted by the Commissioner in his report that it was expensive to run the railways as we were running them at present, and by going much further it would be more expensive. It was very important to know what liability would be incurred by constructing the proposed line. The Water Works Department was, therefore, asked by this motion to make enquiry into this matter. He was quite certain that the Commissioner could have obtained this information without this motion being moved, but he wished to draw public attention to it. If it were true that there was an illimitable supply of fresh water at Leo-

nora, 70 miles further than the railway now went, it would be very hard to object to the construction of the Leonora line, and to prevent the Commissioner stretching out an arm to obtain a good supply of water at the other end of the railway, which would not only relieve Menzies but would relieve the Commissioner from the necessity of carrying water right along the whole route. It was a matter of the very gravest importance that this Chamber should be accurately informed whether there was an inexhaustible supply of fresh water at the terminus of the railway line. If that were proven, he wanted to see a system of shallow boring adopted by the Commissioner. He wanted the Commissioner to prove where the fresh water began, and, if he could show the House that there was sufficient water not only for the railway but for the population along the line, it would be very hard to oppose the construction of this line, however much we might regret having to oppose the construction of the other lines proposed in the Government programme. With good water at either end, the Commissioner might be able to reduce his railway rates. He hoped the examination would not be made in a perfunctory manner, but would be a thoroughly exhaustive one, so that members might be able to give a clear and conscientious judgment with reference to the Mount Leonora Railway Bill.

Mr. GREGORY (North Coolgardie) said he had no objection to this motion being passed. He felt quite satisfied that when the Commissioner furnished the information to the House, members would be fully satisfied that there was an abundant supply of water in the north-east district. From Niagara right through that portion of the country there seemed to be an abundant supply of water at a depth of from 30 to 70 feet. He had great pleasure in supporting the motion.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse) said there would be no difficulty in supplying the House with this information. Most of it had already been obtained by the Water Supply Department; and he would have a statement made as to the quantity of water that was available.

Put and passed.

SHIPPING CASUALTIES ENQUIRY BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The object of this Bill, the second reading of which I now move, is to take advantage of the provision contained in the Imperial Act, known as "The Merchant Shipping Act of 1894." By Section 478 of that Act, power is given to any British possession to pass a law to enable such British possession to hold inquiries touching any casualties by sea, or relating to the misconduct of officers on board of British ships, even outside the jurisdiction of the colonies. Unless that section had been placed in the Imperial statute we, on our own motion, could pass no law to give effect to it. Therefore the Imperial Legislature inserted this section to give us power to take measures to that end. The preamble of the Bill recites:—

Whereas by the four hundred and seventy-eighth Section of the Merchant Shipping Act, 1894, the Imperial Legislature has enabled the Legislature of any British possession to "authorise any court or tribunal to make enquiries as to shipwrecks or other casualties affecting ships, or as to charges of incompetency or misconduct on the part of masters, mates, and engineers of ships" in certain cases, and has given such court or tribunal the same powers of cancelling and suspending certificates to be exercised "in the same manner as a court holding a similar investigation or enquiry in the United Kingdom."

The Bill is divided into two parts. The first deals with what may be termed preliminary enquiries, that is to say, with enquiries that may be instituted by the Collector of Customs where he does not suspect that any gross dereliction of duty has been committed, and where it seems requisite that a preliminary enquiry should be held. If there is suspicion of any dereliction on the part of the master and officers on board ship, or that human life has been sacrificed, then the formal enquiry is resorted to. The 4th clause defines what are casualties which come within the jurisdiction of the two tribunals established under this Bill. These casualties are described first as casualties which take place on or near the coast of Western Australia, and then on or near the coast of other countries or in mid ocean, so long as these casualties take place on British ships. If a casualty occurs on a foreign ship, of course we, in

this colony, have no power to interfere. Clause 5 provides that "where a shipping casualty has occurred, a preliminary enquiry may be held respecting the casualty by the following persons," which persons are mentioned as the Chief Officer of Customs, or any officer of customs nearest the place where the casualty has occurred, or where witnesses may be found. Then, powers are given to the person making the enquiry. He has power to board any ship, or to inspect any portion of the premises or examine witnesses, and to obtain production of books and papers, and to administer oaths on the taking of evidence. Clause 8 deals with the more serious form of enquiry, namely, the formal enquiry. In such a case it is the duty of the Collector of Customs to hold an enquiry, and in other cases, whether the enquiry be preliminary or formal, the Minister who administers the Act has the right at any time to insist on the Collector of Customs holding an enquiry, if he neglects to initiate an investigation. In this clause the cases are mentioned in which an enquiry shall be held. In the case of any person employed in the capacity of master, mate, or engineer on board a British ship being charged with misconduct, an enquiry shall be held in a judicial manner. In the Bill later on it is provided that the Collector of Customs, or the officer who conducts the enquiry, must furnish the charge that he intends to lay to the persons accused, and these persons are practically placed on their trial. The result of the trial may be a total or a partial suspension of the master's, mate's, or engineer's certificate, or a complete cancellation. In addition to that, power is given to the tribunal to report to the Board of Trade in England the result of the enquiry. That is a proper thing to do. If this provision were not inserted, a man who had had his certificate suspended in Australia might go back to the old country and pitch a tale about losing his certificate, and, if the Board of Trade at home were not aware of the true facts of the case, another certificate might be obtained. This clause, it will be seen, is inserted in order to prevent any error of that kind. Clause 11 and the succeeding clauses provide how certificates of officers

may be dealt with. It is also provided that in cases where officers' certificates are in question, the tribunal may be strengthened by the presence of two assessors, who are nautically skilled men. In order to secure greater certainty as to these nautical gentlemen doing their work, it is provided that in case of their disagreeing with the decision of the court they must in every instance give their reasons for their dissent. There are certain clauses to enable the court to protect itself, and one of them is a very obvious and sensible provision. That clause is sub-clause 2 of section 12, which provides that where an enquiry has already been held in any portion of the British dominions on the same subject, it shall not be competent, recognising the well known legal axiom "*res judicata*" once a matter has been adjudicated on by a competent tribunal, to have a reinvestigation. In other words, a man shall not be tried for the same offence twice. There is a provision in clause 13 that when persons intend to leave the colony, their evidence may be taken on oath beforehand; and a proper provision is made for notice to be given to the person whose conduct is challenged. The idea is to give the charged person an opportunity of being present and cross-examining witnesses. Witnesses are to be remunerated at the same rate as witnesses who attend the Supreme Court, and it is the duty, under heavy penalty, of the master or mate to surrender or deliver to the court his certificate to be dealt with. In the last section power is given to the Governor-in-Council to form regulations according to the tenor of the Act. These are the main provisions of the Bill, and I myself think they might almost go unchallenged. Such provisions are necessary for the protection of people who trust themselves to those who undertake to carry by sea. The Bill gives the country a very practical tribunal, and it will be to the benefit of the community at large, who will recognise in this measure an additional means of compelling people who are entrusted with the lives of men to be careful in the discharge of their duties. I have much pleasure in moving the second reading of the Bill.

MR. LEAKE (Albany): I have compared this measure with the Imperial Merchant Shipping Act of 1894, and, as

the Attorney-General has told us, this Bill is practically a transcript of the provisions of that Act. There is nothing to be said, at any rate by me, against the principle which is embodied in this most useful Bill. It consolidates the law relating to sea-going vessels in this colony, about which there is more or less difficulty and misunderstanding; and it sets out in clear and intelligible language what should be done. The clauses are almost word for word with those of the Imperial Act, with just one or two exceptions, to which the Attorney General has referred. If I might be permitted, I would like to point out what appear to me to be one or two errors in the phraseology. Slight departure from the English enactment, or a too close following of the Imperial Act, has introduced small mistakes which, however, may be altered in Committee. I may, of course, be wrong, and therefore I hope the Attorney General will regard what I say as not in any degree factious, but as fair criticism. To begin with, in clause 8 it is provided that the court of formal enquiry is to be constituted of the Collector of Customs, or a chief officer of Customs, and the Government Resident.

THE ATTORNEY GENERAL: Together.

MR. LEAKE: Yes. Why should there be an alternative tribunal? It is so in the English Act, but I do not know why that should be followed in this Bill.

THE ATTORNEY GENERAL: I think the intention is only to provide for small ports.

MR. LEAKE: In clause 9, sub-sections 4 and 5, I notice the Attorney-General has kept the exact phraseology of the English Act, and retained the reference to the Board of Trade. In my opinion it is wrong to have the Board of Trade mentioned in this clause. Undoubtedly the case must ultimately get to the Board of Trade; but inasmuch as we have here a local jurisdiction, and have no power at all to refer matters to the Board of Trade, the better means of communication would be through His Excellency the Governor or the Minister of the Department for the time being. In other parts of the Bill the expression "Board of Trade" has given way to that of the "Governor or Minister," and I throw this suggestion out to the Attorney General. In sub-clause 10 of the

same clause the English drafting is too closely followed. We may possibly create a little inconvenience for ourselves if we provide that an enquiry shall not be held in any place ordinarily used as a police court. No doubt, this provision crept into the English Act because in all places in England where enquiries are likely to be held there are any number of halls and rooms available; but in outlying districts in this colony it would very likely be found that the only available place was the local police court. Under the circumstances it would be better not to embody this limitation of the Bill.

THE ATTORNEY GENERAL: If there is no other suitable building, then it would be better to hold an enquiry in the police court.

MR. LEAKE: It would be better to leave it to the court itself to say where they would hold the enquiry. Then in sub-clause 3 of clause 11, reference is again made to the Board of Trade, and, as in the other instance, I think the Governor or the Minister might be substituted.

THE PREMIER: These reports are sent to the Board of Trade now.

MR. LEAKE: But that is through the medium of his Excellency the Governor. The Board of Trade does not recognise our jurisdiction.

THE PREMIER: I believe the Collector of Customs sends directly to the Board of Trade, and also to the Governor.

MR. LEAKE: Then in sub-clause 3 of clause 12 it is provided that where an investigation or enquiry has been commenced in the United Kingdom, an enquiry in reference to the same matter shall not be held in a British possession. That provision, I think, ought to come out, because we cannot legislate for other British possessions. The sense of the sub-clause would be sufficient if it stopped at the word "act." No doubt the words of the sub-clause as it now appears are those of the English Act, but they have been left in by mistake. Then, again, there is a clerical error in the marginal note of clause 16, where reference is made to section 743 of the Imperial Act. The number of that section is really 473. These matters, should, perhaps, more properly be mentioned in Committee; but I

hope the Attorney General will make a note of them, and in order to save time will make the suggested alterations before the Committee stage is reached. I support the second reading of this measure.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9.32 p.m. until the next day.

Legislative Assembly,

Thursday, 7th July, 1898.

Question: Printing of "Hansard" Reports by private contract—Public Education Bill; in committee, Clauses 1 to 39; Want of a Quorum—Adjournment.

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

PRAYERS.

QUESTION: PRINTING OF "HANSARD" REPORTS BY PRIVATE CONTRACT.

MR. KINGSMILL, for Mr. Wood, asked the Premier:—(1) Whether it was correct that the composition for *Hansard* was being done outside the Government Printing Office. (2) Whether a contract had been entered into, and under what conditions. (3) The reason for the adoption of this course.

THE PREMIER (Right Hon. Sir J. Forrest) replied:—(1) A trial is being made of an offer from the proprietors of the *Morning Herald* to set the type by their new rapid-working machinery, which, it is contemplated, will admit of the weekly advance issue of the debates with more regularity than was possible during the last session of Parliament, and at a reduced cost. (2) The formal