LEGISLATIVE COUNCIL,

Thursday, 21st July, 1887.

Cost of Railway Workshops at Fremantle—Universal Penny Postage—Subsistence allowance to Public Officers—Butterine Bill: first reading—Postage Stamp Ordinance, 1854, Amendment Bill: second reading—Documentary Evidence Bill: second reading—Mail service from Pinjarrah to Mourndong: adjourned debate—Prisoners Employment Bill: further consideration in committee—Governor's Message (No. 16): Responsible Government and a Loan Bill—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

COST OF RAILWAY WORKSHOPS AT FREMANTLE.

MR. SHENTON, in accordance with notice, asked the Commissioner of Railways to lay the following information on the table of the House:

1st. The amount of the first tender for the construction of the Railway Workshop, Fremantle.

2nd. The amount paid to the contractors for extras, to date.

3rd. The balance due to the contractors for extras.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) replied:

1st. The amount of the first tender for the construction of the Railway Workshops at Fremantle was £5,493 6s.

2nd. The amount paid to contractors for extras, to date, is £450.

3rd. The amount of balance due to contractors for extras is now being got out, and until this work is all finished it is impossible to arrive at the exact amount.

UNIVERSAL PENNY POSTAGE.

CAPTAIN FAWCETT moved that in the opinion of this House the time has arrived for the adoption of an universal penny postage system throughout this colony. It was time he said for a much cheaper rate of postage to be established between here and England, and it was absurd that a charge of two pence should be made for a distance of only nine miles, when a letter could be sent to the Eastern colonies for the same price. In his opinion, and he hoped in the opinion of other hon. members, it was time the postage rate was reduced to a penny.

MR. SHOLL seconded the motion.

MR. VENN hoped the hon. member would not press his motion. If they looked at the Post Office returns, they would find that that department was a very large charge upon the revenues. The reduction would not, he thought, increase the revenue, and he did not think the time had arrived for the change.

MR. SHENTON said that the postal service entailed an enormous charge upon the revenue, and, if it went on increasing, they would have seriously to consider whether the postal rates should not be increased instead of decreased.

MR. MARMION thought it was a right principle by which the people in populous centres paid the same postage rates as people living in isolated places. The townspeople obtained benefits from the people who labored in the country, and it was a small return they made in paying equal postage rates. The time had not arrived, he thought, when the postal rate should be reduced.

The motion was negatived, without a division.

SUBSISTENCE ALLOWANCE TO PUBLIC OFFICIALS.

MR. SHOLL moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid on the table of the House a return showing the total amount paid on subsistence account from the 30th June, 1886, to 1st July, 1887; such return giving the amount paid to each individual, and the vote out of which such payments were made. Three years ago, he said, fault was found with the mode of payment adopted by the Government to officials when travelling. On the recommendation of the House, he believed, the Government then adopted a new system. The scale ran from 30s. per day paid to the Chief Justice when travelling, down to 10s. per day. Very large amounts had been paid on account of these travelling expenses. He was not blaming the Government, but the system. Some of the charges were excessive, and he thought the Government had not carried out the scale according to the intention of the framers. For instance, in some cases where officials travelled by steamer, not only did they have their passage paid to their destina-

tion, but they received full salary during the voyage, and in addition, the daily subsistence allowance. It was never intended that these allowances should be added to passage money (which included maintenance for the time) and salary. He also noticed that in one instance a sum of money had been voted for the Indian and Colonial Exhibition; but he noticed that one of the Commissioners had actually been paid out of general revenue for attending those meetings. The charge, he thought, should have come out of the vote for Exhibition purposes. The system of subsistence allowances, he was convinced, was abused and very largely abused. One officer drawing £350 a year had received £7 odd for a month in subsistence allowances. It was a question for the House whether the system ought not to be altered. The better plan, he thought, would be to pay so much a year to these travelling officials and let them pay their own travelling expenses. He also noticed there were large sums on the account for travelling expenses in connection with the expenditure of loans. That was a charge that should be paid out of the loans.

MR. SHENTON seconded the motion. In looking over the accounts he had been surprised at the manner in which these charges had been passed. He would mention one or two instances. A junior officer of the Government was promoted, and was sent to the northern portion of the colony. During the voyage he received his salary and his passage and also 10s. a day subsistence allowance. He thought that such a charge did not come within the schedule. Then as to the case mentioned in which an officer of the Government was appointed one of the Commissioners for the Indian and Colonial Exhibition. He should have thought that that officer would have looked upon it as a mark of honor in receiving such an appointment. This officer, who resided in Fremantle, sent a bill in to the Exhibition Commission for his travelling expenses from Fremantle to Perth, and they refused to pay. To his surprise, he found that this Government officer, who, as a mark of honor, was made a Commissioner, sent in his bill for travelling expenses to the Government and it was paid. He would ask if that was not an abuse. Such facts led hon. members to believe that this vote had been abused.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he had not the slightest objection to producing the returns asked for.

The motion was then carried, *nem. con.*

BUTTERINE BILL.

MR. HARPER introduced and moved the first reading of a bill to regulate the sale of butterine and like substances.

Motion agreed to.

Bill read a first time.

POSTAGE STAMP ORDINANCE, 1854, AMENDMENT BILL.

THE COMMISSIONER OF TITLES (Mr. J. C. H. James) moved the second reading of an Act for the amendment of "The Postage Stamp Ordinance, 1854." The Ordinance of 1854, he said, dealt with postage stamps generally in this colony, and, among other provisions, it contained certain penal clauses dealing with the counterfeiting of the postage stamps of the colony. The object of the bill was for the Legislature to have an Act which would make it a penal offence to counterfeit in this colony the stamps of any other country. It might be described as the outcome of the Postal Congress held at Lisbon in 1885. At that Congress, as was well known, various postal administrations were represented, and it was unanimously agreed by those who were present that the countries represented should help one another to this extent, that if a country was used for the purpose of counterfeiting the stamps of any other country, there should be power for the Legislature in the country where the stamps were counterfeited to meet these cases and to punish the offenders. In England the Imperial Post Office Protection Act, 1884, had been enacted, and already the colonies of Queensland, New South Wales, Victoria, South Australia, and Tasmania were taking similar action by legislation. It seemed then that in mere gratitude we should allow these countries to be protected here against their stamps being counterfeited. We might be assured that the country which omitted to take such a step as was proposed in the bill, would be the country chosen as a field of operation for persons

skilled in counterfeiting stamps. If they refused to pass the bill, the consequence to the colony might be the introduction of a by no means eligible, though perhaps very highly skilled, body of immigrants.

Mr. HENSMAN said it did not appear that the United States was taking any part in this movement, but that France and Germany were moving in it. It did not appear that any other countries were actively concerned in the matter. In this case, therefore, they were certainly not looking behind, but rather were in advance of other nations. He thought that, instead of bringing in the bill in its present form, it would have been better if the Government had taken the old Act and re-enacted it with those fresh words which would have been necessary to have answered the purpose in view.

Mr. MARMION said he also thought the better course would have been to have repealed the old Act and re-enacted it with a clause or clauses covering the objects of this amending bill. He did not think, however, it would be desirable to oppose the second reading of the bill.

The ATTORNEY GENERAL (Hon. C. N. Warton) said there were usually two ways of doing things, and it was very easy, when one way had been adopted, to say the other ought to have been chosen. The remarks of Mr. Hensman and Mr. Marmion recalled to his mind the objections to the Pearl Shell Fisheries Acts Amendment Bill. He would be glad to meet the wishes of hon. members in this matter, but he would like them to give him a list of the Acts which they wished to have consolidated. There were various Acts and also Regulations authorised by those Acts. As to the bill before the House, in adopting it the House would simply be following the example of several countries, amongst them England, France, and Germany.

The COMMISSIONER OF TITLES (Mr. J. C. H. James) said that Western Australia was not in advance, as Mr. Hensman had said, in this matter, but rather last of all, for similar action, as he had said in his opening remarks, had been taken in England, on the Continent, and in the other Australian Colonies.

The bill was then read a second time.

DOCUMENTARY EVIDENCE BILL.

The ATTORNEY GENERAL (Hon. C. N. Warton), in accordance with notice, moved the second reading of the Documentary Evidence Bill. The bill, he said, was based on the Imperial Documentary Evidence Act, 1868. The Act of 1868 made a number of officers belonging to different departments the right persons for giving certificates as to copies of documents to be tendered in evidence in courts of law. There was attached to the Act a schedule, which was drawn in two parts. On this schedule was given a list of departments in one column, and, corresponding with the names of departments, there were the names of certain officers of those departments. Of course in this colony heads of departments were not the same as in England, nor had we some of the departments named in the schedule of the Act of 1868. He had to the best of his ability taken the different departments and stated the persons employed in each who might be allowed to give certificates of documents to be used in evidence in the courts of justice. Beginning with the Executive Council, he had named His Excellency and the Clerk of the Council, who were the proper persons to certify to anything done by the Executive Council, if it was necessary for it to come before a court of justice. The Clerk of the House had been put down as the person who should certify as to what was done by that Council. He need not go through the different Departments as it would be unnecessarily occupying time. He had included in the schedule the different Boards, such as the Immigration Board, the Aborigines Protection Board, and the Board of Health—and in each case had named the chairman and secretary as the proper persons to certify as to documents to be given in evidence. The object of the bill was clear—it was simply to see that the right person assented to a document.

Mr. HENSMAN said he did not intend to oppose the bill. It certainly did not appear perfectly clear what portion of the Imperial Acts applied to this colony at the present time. Without wishing to suggest until convinced that it was so—that what the Attorney General had stated was correct and accurate, yet at the same time he should like to

reserve to himself the power to look into the matter at a later stage. He did not say this in any hostile spirit.

Bill read a second time.

MAIL SERVICE, PINJARRAH TO MOURADONG.

The adjourned debate on Captain FAWCETT's motion for the running of a weekly mail from Pinjarrah to Mouradong was resumed.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said, for the information of hon. members, that if they referred to the postal guide or to the postal table, they would find there was a mail service between Bannister and Mouradong and *vice versâ* every fortnight. It could not be said that the district was neglected, seeing that it was served by the Albany mail every fortnight. He thought the service was sufficient for the district.

MR. SHENTON thought that these applications for postal facilities were getting beyond all reason. Here was a place with, he supposed, not more than twenty settlers, asking for a weekly instead of a fortnightly mail.

CAPTAIN FAWCETT said that the mail was a fortnightly one between Bannister and Mouradong, but if the route were from Pinjarrah to Mouradong, a weekly service would not cost more than £10 a year more.

POINT OF ORDER.

MR. HENSMAN asked for the Speaker's ruling as to whether, when the mover of a resolution had spoken in reply, other members could speak to the motion and answer the mover's reply. If such were the case, he said, the mover had not the right of reply in a proper sense.

THE SPEAKER said he was not invested with the power of closing a debate, though, if hon. members chose to invest him with that power, he should be prepared to exercise it. It was very difficult for him to determine when all the members who wished to address the House had expressed their opinions on the matter in debate. The right of reply rested more on the understanding of the House that the mover of a notice should have the right of reply rather than upon any rules or regulations.

CAPTAIN FAWCETT rose to a point of order. He had been called the hon. member for Pinjarrah. He begged to assert his title, which was "The hon. and gallant member for Murray-*cum*-Williams."

MR. RICHARDSON opposed the motion, which was negatived without a division.

PRISONERS EMPLOYMENT BILL.

The House went into committee for the further consideration of this bill.

Clause 3 reverted to (p. 76, *ante*):

MR. HENSMAN said that clause 3 was meant to supersede existing legislation on the subject of the employment of prisoners on the roads and on other public works. As to that part of the clause dealing with the working of prisoners in chains, he did not think the committee would ever wish again to see white prisoners in chains on the roads. For ten years they had seen no white prisoners on the road in chains, and he did not think that House would ever sully the Statute Book with provisions which were not wanted. The only point now worthy of considering was this—in adding a clause to take the place of the old repealed clause, whether it was desirable to give the power to work prisoners on the public roads. He had no doubt, under the circumstances, that was the view of the committee. Well, then, having done that, he would submit that they should only keep that part of the clause. He had no objection to that part of the clause. At the same time he should be sorry to see men sentenced to a short term of imprisonment with hard labor being put to work with a number of other prisoners on a road or public work. It appeared to him that to a man who might be under sentence of hard labor for a short term it might be an infinitely greater punishment to him to be put to work on the roads than the mere imprisonment. It was humiliating to a man to be put on the roads, and therefore he should think that an alteration to the effect that no prisoner should be put to work on the roads unless his sentence of imprisonment was beyond a certain period might be made in the clause. The term might be fixed at three, six, or twelve months. A man undergoing imprisonment might, in a certain sense, be considered respectable, and it seemed to him that to such a man having to work on the roads would greatly

enhance the severity of the sentence. He wished to express his strongest objection to the last three lines of the clause, which read as follows: "Any such prisoner so set to work as aforesaid, either alone or with any other prisoner or prisoners, may be kept at such work in chains or otherwise secured as may be deemed expedient." This was an Act which, he supposed, would deal exclusively with whites, as it could not be applied to natives upon Rottnest Island. If it was meant to be applied to natives, he contended that the Act was not necessary. The whole subject of the employment of aboriginal prisoners was taken into consideration last year in that House, and one portion of the Aborigines Protection Act of 1886 dealt expressly with the employment of aboriginal prisoners. Speaking of these aboriginal prisoners, this Act said that that they might "by order of the Governor be employed under the provisions of this Act in such suitable labor, outside the precincts of the gaol, as the Governor may direct." If, therefore, aboriginal prisoners were brought under the Act under debate, they would have two orders dealing with the same subject—the order of the Governor under the Act of 1886, and the order of the gaoler, provided for in this third clause of the bill. Further, the Act of last year gave full power for the securing of an aboriginal when he was at his work outside the gaol. The Act of last year intended to deal with the subject of the employment of the native prisoners; and therefore to pass this bill, or to allow this clause to refer to aboriginals would be the same thing as to say that last year, when the whole subject was considered, provision was not made properly for the employment of aboriginal prisoners outside the gaol. The House last year well knew that the aboriginal prisoner would escape, as a general rule, when he got the chance. Under the Act of 1886, the Governor had full power given him to make a regulation to see that when native prisoners were employed outside a prison they were kept in safe custody. He did not think that it would be suggested to work white prisoners in chains on the roads. It appeared to him that, for the reasons he had given, it would be most undesirable that, if they had power to secure native prisoners during the performance of their labor on the roads, they should put specifically on the Statute Book anything about chains. Chains were not wanted for white prisoners: chains had not been used upon them for ten years. They did not need an Act, since they had that of 1886 enabling them to chain natives. Therefore, he failed to see what necessity there was for this clause.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that acting on a suggestion thrown out by the hon. member for Greenough, he would move an amendment to the effect that after the word "labor," in the second line of the clause, the words "for any period not exceeding three months" be inserted. There seemed to be a great deal in what the hon. member had said about the additional degradation it must be to certain prisoners under short sentences to have to work on the roads.

MR. RANDELL said that he thought neither the Attorney General nor the hon. member for Greenough had had much practical experience of the working of prisoners sentenced to short sentences, or they would not have brought forward this amendment. The greater number of the men sentenced to short terms were in the habit of committing offences against law and were nearly always in prison. To force the Government to maintain these men in idleness would be good neither for the prisoner nor for the State.

MR. PARKER also opposed the amendment. In the majority of cases, he said, the prisoners set to work outside the prison were men who were undergoing sentences not exceeding three months. If prisoners were to be kept within the prisons, those prisoners undergoing short sentences in the Northern districts, where the gaols were little more than small and inconvenient cells, would suffer greatly in health during hot weather. To be kept within a prison for a term of three months would certainly cause the death of an aboriginal. By far the larger number of white prisoners were men who had been more or less in and out of prison all their lives, and, to talk about degradation in their case, was nonsense. The State had to be at the cost of convicting them, and then it was asked that they should not be employed outside the prison walls. The whole clause might as well go if that were put in.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that the majority of the men now prisoners had been convicted over and over again. With regard to the native prisoners, he would ask whether they were going to make one law for the blacks and another for the whites? God forbid. Some people said "Chain the nigger; he is only a nigger, but do not touch the white man." They must not make any such distinction, they must make the law common for both. He had no sympathy for the "respectable" man who committed a crime and got three months. Why should they have any care for the respectability of any man who had committed a crime; if he had been respectable, he would not have gone to prison. Let them be clear in this matter and say that any prisoner whether black or white should be worked on the roads. For the last ten years no white man had been worked on the roads in chains, and probably in the future there would be no necessity for it. Natives, however, could not be worked on the roads without their being manacled. If would be far better if, where short sentences were given, native prisoners could be detained in the districts where they were sentenced, and there have to work outside the prison. But, as he said before, he would never consent to one law being made for the white and another for the black.

MR. HENSMAN said that in putting a law on the Statute Book they were providing for all cases. He was sorry to hear the speech of the Colonial Secretary, as it seemed to him to confuse together whites and blacks, and working on the roads and working in chains, which were quite different. The question was whether it was "canting humbug" to say, as the Colonial Secretary had said, that it was desirable to work white men in chain gangs on the roads.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I never said so. I never said anything with regard to working white men in gangs and chains on the roads.

THE ATTORNEY GENERAL (Hon. C. N. Warton), with leave, withdrew his amendment.

MR. HENSMAN moved that the word "male" be inserted before the word "prisoner," in the first line of the clause.

Carried.

MR. HENSMAN moved that the words "any such prisoner so set to work as aforesaid," in the twelfth line, to the end of the clause, be struck out.

Negatived.

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved that the words "either alone or with any other prisoner or prisoners" be struck out, and the words "who shall have attempted to escape" inserted in lieu thereof. The hon. gentleman said there was no intention of putting white prisoners to work in chains in gangs. That was a state of things that had disappeared years ago. Power should be given to the Government, however, to deal with prisoners who attempted to escape in order to get rid of work.

MR. PARKER opposed the amendment, on the ground that it would not refer to white prisoners, while native prisoners working on roads were necessarily under restraint.

Amendment, by leave, was withdrawn.

MR. PARKER, speaking to the clause as a whole, said that it was necessary that some person other than the Governor, as named in the old Acts, should have the power to cause prisoners to work on the roads and, if necessary, in chains. It would often happen that the sentence had expired in some places in the Northern districts before the Governor could know that it had been imposed. If the clause were not passed, the Government were in this position: they might send natives down to be worked at Rottnest, or keep them in prison, without work. They knew very well that the latter course would be most injurious to the health of these natives, and be cruel. Under these circumstances, the committee would not be acting wisely in opposing the clause as it stood. Native prisoners might be worked outside in chains, but if a white prisoner were so incorrigible as to need chains, it would be much better if he were kept within the prison.

MR. HENSMAN, speaking to the clause as a whole, said that its object appeared to be to give the Government power to cause white prisoners to work on the roads in chains. If it were meant to apply to natives only, there was no need for the bill, as the Act relating to aboriginals passed last session gave the Governor sufficient power to secure

native prisoners when engaged on public works. The Attorney General had told them that white prisoners would not be worked in chains under the proposed Act. He had to ask, therefore, why pass it when power was given in another Act to deal with aboriginals?

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that the clause gave the gaoler power to order a prisoner to work or to put a prisoner in chains if it were necessary so to detain him. The Governor under other Acts might have power to give general orders as to the working of prisoners—whites and natives—on roads, but His Excellency could not deal with individual cases. The bill empowered the gaolers to do this, and this was necessary in a colony where local prisons were so far distant as Derby and Wyndham. If the bill were made to apply only to aboriginal natives they would be making one law for the black and another for the white. The bill had for its object the securing, where necessary, of any prisoner set to work on the roads.

MR. VENN said he concurred with Mr. Hensman on this matter. He believed that the powers of the Governor as to the employing of native prisoners did exist, under the Act of last session.

MR. LAYMAN said he hoped to see the clause thrown out. He thought that to work prisoners in chains generally was perhaps the worst thing they could do, especially about towns. If it was intended to apply this Act to natives only, why could it not have been included in an Act dealing with natives? It was said that the Governor could not see to the chaining of prisoners in different parts of the colony, but why could not this be left in the hands of the Resident Magistrates?

The question was then put—that the clause as amended (by the insertion of the word "male") stand part of the bill. The committee divided, with the following result:

Ayes	18
Noes	3
Majority for ...	15

AYES.	NOES.
Mr. H. Brockman	Mr. Layman
Mr. E. R. Brockman	Mr. Venn
Mr. Forrest	Mr. Hensman (*Teller.*)
Hon. Sir M. Fraser	
Mr. James	
Mr. Loton	
Mr. Marmion	
Mr. McRae	
Mr. Parker	
Mr. Pearse	
Mr. Randell	
Mr. Richardson	
Mr. Scott	
Mr. Shenton	
Mr. Sholl	
Hon. J. G. Lee Steere	
Hon. J. A. Wright	
Hon. C. N. Warton (*Teller.*)	

Preamble agreed to.

Title agreed to.

GOVERNOR'S MESSAGE (No. 16): RESPONSIBLE GOVERNMENT AND A LOAN BILL.

MR. MARMION called attention to the fact that on the reading of His Excellency's important message on the previous day, no notice of motion had been given of the day on which it should be taken into consideration. The message took hon. members rather aback, and at the time the fixing of a day for its consideration was overlooked. Hon. members should think over the matter, and decide whether a day for the purpose ought to be fixed, if they were in order in doing so.

THE SPEAKER said that any hon. member could at any time move for the message being put down for consideration on any day. It was not necessary to do this on the reading of a message.

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