

fancy—nay I feel sure—it will meet with the wishes of hon. members generally that, as some mark of respect to the memory of the late Lockier Clare Burges, whose remains we have just laid in their last resting place, I should move that this House do now adjourn.

MR. PARKER: Sir,—as the Colonial Secretary has stated, the name of Burges will ever be memorable in the history of this colony. The three brothers were amongst the earliest settlers of the colony; they were amongst the earliest settlers not only on the Swan, but also on the Avon; and our late friend, Mr. Locke Burges, and Mr. William Burges, his brother, were amongst the earliest settlers in the now celebrated Victoria district of this colony. They played a prominent part among that noble band of pioneer settlers who faced many difficulties, who overcame many struggles, who suffered many hardships in making for themselves a home in Western Australia, in the early days of settlement. Eventually they succeeded in making those homes perhaps more pleasant and comfortable, for their sons and their descendants to enjoy pleasanter lives than the pioneers had done in the struggling days of old. The late Mr. Locke Burges had ever been noted, not only as one of our earliest pioneers, but also as a most liberal and considerate landlord. He was noted also as a generous friend to all charitable institutions; he was noted as a good and kind master—in fact, it is generally recognised that our departed friend, during his sojourn amongst us, was one who did his duty as a simple-minded, Christian gentleman. During the time he occupied a seat in this House I am sure he gained the respect of us all, for we felt that in all his actions he was simply guided by his own honest convictions, and that in all he said, whether we agreed with him or disagreed with him, he was only expressing opinions which he conscientiously believed in. Sir, on behalf of those who sit on this side of the House I am sure I am only expressing the general sentiment when I say that we feel it is due to the memory of our late friend, due also as a mark of respect to the members of his family still surviving, that this House should postpone its business and now adjourn. Under these circumstances I beg to second the pro-

position which has been made by the Colonial Secretary.

The motion was unanimously affirmed.

The House adjourned at a quarter past seven o'clock, p.m.

LEGISLATIVE COUNCIL,

Tuesday, 3rd August, 1886.

Railway to Kelmscott, *via* Canning—Duplication of telegraph line, Perth to Geraldton—Charges against the Secretary of the Board of Immigration—Telegraph line, Derby to the Goldfields—Repeal of 14th Vict., No. 20 (Penal settlement regulations)—Chaplain for Roebourne Prison—Point of Order—Benevolent Institution, Freshwater Bay (Message No. 10): adjourned debate—Goldfields Bill: second reading—Masters and Servants Bill: second reading—Criminal Law Procedure Amendment Bill: third reading—Magisterial Districts Bill: in committee—Public Health Bill: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

RAILWAY TO KELMSCOTT, VIA CANNING (PETITION).

MR. PARKER asked the Commissioner of Railways if the Government had received any petition relative to the construction of a railway from Bayswater to Kelmscott, *via* the Canning; and if the Commissioner had inspected the proposed line; and whether the Government intended submitting any proposal to the Legislative Council, or taking any steps with a view to promoting this railway.

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

"1. The Government has received a petition relative to the construction of a railway from the terminus of the present Race-course line, *via* the Canning, Kelmscott, and Narrogin, to Woon-gong.

"2. I have inspected the proposed line, and it is the intention of the Government, if funds are available, to have a survey made, so as to frame a reliable estimate of the cost of construction.

"3. A proposal for the construction of this line, as a first section of one to Bunbury, has been laid upon the table of the House."

DUPLICATION OF TELEGRAPH LINE, PERTH TO GERALDTON.

MR. WITTENOOM asked the Director of Public Works whether it was the intention of the Government to duplicate the wires on the telegraph line between Perth and Geraldton, and, if not, whether any money had been placed on the Estimates to put the line into good order, so as to avoid the constant interruptions that now took place? He asked the question because of the constant interruptions that were now taking place, and which, in view of the extension of the line to Derby, would be still more liable to interruption and the line blocked up.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied: "The constant interruptions on the telegraph line, to which the hon. member refers, have in reality, during the present year, been thirteen only: of which five were only slight, not causing stoppage of the wire, four were in consequence of atmospheric conditions, three were caused by broken wire or poles, and one was through a bush fire having destroyed two poles. A portion of the line has been re-poled with iron poles, and more will be undertaken, as necessity calls for it and circumstances allow. It is, however, not the intention of the Government to erect a duplicate line between Perth and Champion Bay, which is not required."

CHARGES AGAINST THE SECRETARY OF THE IMMIGRATION BOARD.

MR. WITTENOOM, in accordance with notice, asked the Acting Colonial Secretary whether there was any truth in the statements made by an immigrant named Edward Scott, in a letter to the *Victorian Express* of the 24th July, against the Secretary of the Immigration Board:—

"1. That he, Scott, was promised pay for work in the dépôt, and did not receive it?

"2. That he was charged for his passage to Geraldton, when his papers said he was to be sent free to any part of the colony?

"3. That men were turned into the streets, because they would not accept 25s. per month?

"4. That the wives of two married men were turned out of the dépôt, because their husbands were unavoidably detained from the dépôt one night, whilst looking for employment?

"5. That he was charged £3 for board whilst in the dépôt?"

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) replied—

"With reference to the statements made in a letter to the *Victorian Express* of the 24th July, against the Secretary of the Immigration Board, and to the questions put by the honorable member, I beg to reply as follows:

"1. Edward Scott was not promised pay for any work done in the dépôt, and did not ask for any payment when he left. Scott, in common with the other immigrants, had to do his share of the cooking and cleaning in connection with the dépôt.

"2. Edward Scott was a Nominated Immigrant. He was nominated by W. Ireland, of Champion Bay. When he landed, there was no one to receive him, and he was allowed to go into the dépôt until there was an opportunity of sending him to Champion Bay. His fare (£6) to Champion Bay was paid, and the account was sent to W. Ireland. He was charged for his board at the rate of 1s. 9d. a day per adult, which came to £3. Any person nominating immigrants undertakes to receive them on arrival in the Colony, and further, that they shall not cause any expense to the Local Government between debarkation and arrival at destination.

"3. No Immigrant has been turned out into the streets from the dépôt. When men have been actually at work and receiving wages, their rations have been stopped. The lowest offer of wages has been £2 10s. per month with board and lodging.

"4. There is no truth whatever in the statement that the wives of married men were turned out of the depôt, because their husbands were unavoidably detained from the depôt one night, whilst looking for employment. In order to have the depôt ready for the immigrants to arrive per *Oriana*, accommodation was provided at North Fremantle Depôt for the remaining immigrants who had found employment and were at work, but could not find house-room."

TELEGRAPH LINE FROM DERBY TO THE GOLDFIELDS.

MR. McRAE, in accordance with notice, asked the Acting Colonial Secretary if the Government intended to make any provision, during the present session, with a view to carrying on the telegraph line from Derby to the goldfields.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) replied:—The Government have no present intention to make any provision during the present session, with a view to carrying on the telegraph line from Derby to the goldfields. They are of opinion that it would be premature to take any steps in that direction at present, until the question of the permanency of the goldfields has been settled beyond doubt. Moreover, it is a work that would have to be constructed out of loan money.

REPEAL OF 14TH VICT., No. 20.

MR. SHENTON, in accordance with notice, moved, "That in the opinion of this House there is now no necessity to carry out the provisions of the Act '14th Vict., No. 20, and the same should be repealed.'" His reason for asking the House to affirm this motion was because the Act in question was one of those Acts passed when convicts used to be sent here, and it was to empower the police to search all vessels before leaving the harbor, in case there should be any absconders on board, that the Act was passed. Some two sessions ago the hon. member Mr. Randell, it might be remembered, brought forward a resolution in favor of repealing one of the clauses of this Act which required boatmen to report them-

selves to the authorities at Fremantle before they crossed the river bar, and the House then came to the decision that the regulation should be repealed, as, like the regulation he had just referred to, it was only a relic of the convict days of the colony. At present, when so many steamers were trading with the colony and passengers were coming here from all parts of the world, he thought it was very desirable that we should not make any unnecessary parade of the fact that the colony had been a penal settlement. It was most disagreeable to have the police going on board steamers, and mustering the passengers before the vessel was allowed to leave the harbor, and altogether unnecessary in these days. His attention had been drawn to the matter on several occasions by gentlemen visiting the colony, who expressed their surprise that we should in this way draw the attention of everybody to the stain that clung to the colony as a penal settlement. It might be that the law officers of the Crown considered that it would be still necessary to retain some of the clauses of this Act—that, of course, would be for them to decide. He simply moved the resolution to see if something could not be done to put a stop to the present practice of the police going on board vessels, and mustering all the passengers. He could understand that there might have been some objection up to last year to repeal the Act in question, but now that the Convict Establishment had been transferred to the Colonial Government he thought there could be no objection to putting an end to the practice referred to. Objection might be raised to the form in which he had brought forward the matter, and it might be asked why not bring in a bill to repeal the Act. The reason for that was because he thought it would be better in the first place to ascertain the feeling of the House on the subject and the views of the Government, before having a bill printed. If the House approved of the resolution, a bill might then be brought in to repeal the Act, or such portions of it as the Government thought might be dispensed with.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he had not had any time whatever to give his attention to this matter; he had only just looked at the Notice Paper and seen the hon.

member's motion. As at present advised, he thought there were many portions of this Act which it would be very unwise indeed to repeal. As to the inconvenience of the practice which the hon. member alluded to, he did not think it could exist in every case of a vessel leaving Fremantle that passengers were mustered on deck. So far as his own knowledge went, he had never seen it done yet, in case of any steamer leaving. He had seen people ordered out when the steamer was about to leave the jetty, but he never saw the passengers mustered by the police. It was very necessary that the police should be empowered to board vessels, for other purposes than mustering passengers, and there were other provisions of the Act in question which it might be very desirable to retain; and he certainly could not advise that the Act should be repealed altogether. If the hon. member would like to adjourn the debate until he had an opportunity of looking into the matter, he would see what portions of the Act might be relaxed.

MR. PARKER said it was clear on reference to the Act that it contained many provisions relating to the port regulations which it would be undesirable to repeal. For instance there was a provision to enable the Governor to appoint superintendents and constables of water police—it would be necessary to retain that provision. There was also a provision requiring masters of vessels to deliver a list of their crew and of the passengers before clearing out—another provision that ought to be retained. There was also a provision empowering the police to detain any person found on board unlawfully—he should think that also was a necessary provision in the case of stowaways. There were various other useful provisions in the Act, and, looking at it cursorily, he thought it would be well not to repeal the whole Act. He would move that the debate be adjourned until Tuesday, August 10.

Agreed to.

Debate adjourned accordingly.

CHAPLAIN FOR ROEBOURNE PRISON.

MR. GRANT, in accordance with notice, moved, "That an humble address be presented to His Excellency the Gover-

"nor, praying that he will be pleased to place upon the Estimates a sufficient sum of money to subsidise a chaplain to attend the prisoners at Roebourne and Cossack." The hon. member said he had been asked to do this by the churchwardens at Roebourne, who considered it necessary that the prisoners should have some spiritual teaching—and he thought so too. He might inform hon. members that they got no portion of the Ecclesiastical Grant at the North, although they had applied for it, and he thought the churchwardens were quite justified in asking for this assistance.

MR. PARKER: Does the hon. member mean to tell the House that they get none of this Ecclesiastical Grant at the North?

MR. GRANT: You were told so last year, and I tell you so again.

MR. PARKER understood this grant, as apportioned by the House, was given in a lump sum to the heads of the various denominations, for distribution by them; and if the Church of England had a clergyman at Roebourne it appeared a very strange thing indeed if no portion of the grant went up there. The North was a very important district, and contributed largely towards the revenue out of which this grant was voted, and it certainly seemed to him very unfair if none of the grant found its way to the district.

MR. CROWTHER said he need hardly say that he for one should oppose this motion, for he looked upon it as an attempt to increase the Ecclesiastical Grant by a side wind. He should like to know whether this chaplain was intended to attend upon the black prisoners as well as the whites; for, if so, it would be necessary that he should matriculate in the native languages. He noticed that the Ecclesiastical Grant for the Church of England for this year was £2,075 6s. 10d., and he presumed that a portion of that went to aid the chaplain at Perth. He thought if they were going to vote this money at all it ought to go to the country districts, and not be spent about Perth and Fremantle. If they were going to subsidise the chaplain of the Church of England to attend the prisoners at the Nor' West, they ought also to subsidise the chaplain of every denomination, to enable them to attend their own black sheep.

MR. PARKER: There is also this to be considered. I presume the chaplain at Roebourne if he got this subsidy would not be prepared to guarantee that all the prisoners he attended were Church of England prisoners. He might find they belonged to the Church of Rome. Would he still attend to their spiritual wants? They may belong to other denominations altogether.

MR. WITTENOOM: They may be Gribbleites.

MR. SCOTT hoped the hon. member would withdraw his motion, upon reconsideration. He would point out to the hon. member that the present Resident Magistrate at Roebourne (Colonel Angelo) was well qualified to attend to the spiritual as well as the magisterial wants of the district, and he had no doubt that if the hon. member were to move for a slight addition to the salary of the Resident, that estimable officer would be glad to do this work, and so obviate the necessity of subsidising a chaplain.

MR. GRANT said he had no intention of withdrawing his motion. He meant to press it. He thought it was a downright shame that a district that contributed such a large portion of the revenue should be deprived of all assistance in this respect. He thought—he would not say what he thought. He was sick of the treatment that the Northern district was receiving at the hands of that House. In fact, he might say that the selfishness of that House was unbounded. He thought anyone with a spark of fair play would agree with him that the North was entitled to a share of this Ecclesiastical Grant. [Mr. PARKER: Certainly.] Then, why didn't they get it. He had pressed it on the authorities more than once, and he was sick of it himself.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Why doesn't the hon. member go to the Bishop? We have nothing to do with it here. We don't distribute the money.

MR. SHENTON said that according to a report laid on the table last session it was quite true that none of the grant went to the North. On more than one occasion when the Ecclesiastical Vote was before the House he had maintained that the House ought to retain some control over the distribution of the money, for

it appeared to him there was not the slightest doubt that the bulk of the grant was monopolised by the towns, and that only a comparatively small portion of it went to outlying districts.

MR. PARKER suggested that the debate should be adjourned until they had some information as to how the money was distributed. Should it really be the case that the Church of England or any other denomination had a minister at Roebourne, or in the North, and that none of the grant found its way up there he would tell the hon. member this: that when the Ecclesiastical Vote came before the House this session he would move to deduct a fair and reasonable amount from it, and have it voted specially for the North.

MR. VENN said that so far as he was concerned it would be impossible for him consistently to take any other course than to oppose the motion, for he was opposed on principle to any State aid to religion. Therefore he could not think of increasing the present Ecclesiastical Grant for any purpose whatever. At the same time, if what the hon. member for the North stated was a fact—and he presumed the hon. member was stating what he knew to be a fact—that the North received none of this grant, it struck him that the hon. member certainly had a cause of complaint. But he thought the hon. member had come to the wrong place to make his complaint when he came to that House. That House took no cognisance whatever of the grant once the money was voted. Its distribution rested with the Bishops and the heads of the various denominations. He was inclined to think that, if the hon. member made his complaint to the Bishop or to the Standing Committee of the Church of England, the wants of the North would be attended to. He was, however, still inclined to think that the hon. member must be laboring under some mistake.

MR. GRANT: No mistake at all.

MR. VENN said if the hon. member would postpone his motion, or bring it before the House in some other form, he would probably be supported by all those who were opposed on principle to the continuance of this Ecclesiastical Grant at all.

MR. McRAE said as to there being any mistake there was no mistake at all.

He knew for a fact that the churchwardens at Roebourne had applied for a part of this grant, and that they had never received any of it.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Hon. members must recollect that this grant is distributed amongst all the various denominations—

MR. RANDELL: Not at all.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Well, all who are willing to accept it; and when hon. members talk about different districts not getting any of it, the answer to that is a very simple one, and it is this: the money won't run everywhere. It won't reach to every district. It is not an inexhaustible fund. What is the amount voted, after all? The Church of England gets £2,075; the Roman Catholics get £1,073; the Wesleyans get £265; and the Presbyterians get £128. I suppose the fact of the matter is—the money won't run as far North as Roebourne, and I do not suppose it will run very far down South, or very far Eastward. Look at the number of clergymen required to minister to the wants of a big colony like this, and see how they have to be scattered all over the country. I expect the fact of the matter is that the calls upon the grant in other portions of the colony are so great that there is none of it left for the North. If the clergyman at the North got it, I take it that some clergyman at the South would have to go without it. We must take it for granted that the church authorities do the best they can with it. It is only a very small amount after all. It would only maintain about eight clergymen at about £250 each, and we know that there are more clergymen than that belonging to the Church of England scattered about the colony.

MR. RANDELL: I understand they get £100 for each clergyman.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Then there isn't £100 left for the poor man at the North; that is about it. If the hon. member were to succeed with his motion, some poor man at the South would have to go without. If the grant were increased that would be another thing; but it appears that hon. members are not in favor of that at all.

MR. SHENTON said he was pretty sure that if the returns furnished by the heads of the various denominations, last year, showing how the money was distributed, were referred to, it would be found, as he had already said, that the bulk of it went to Perth and Fremantle. Therefore the country districts had to go short. So far as the grant itself was concerned, personally he was opposed to any State aid to religion, as regards our towns; but, in country districts no doubt there was an absolute necessity for some such assistance; and, now that the hon. member for the North had opened this question, he thought this would be a very good opportunity for the House to go into the whole matter. He thought it would be found that if the grant were fairly distributed through the country districts—and the country districts only—there would be ample for their requirements. Although the religious body to which he belonged received a portion of the grant, none of it was spent in Perth—not a sixpence; the whole of the grant went to the country districts, for they thought that the towns of the colony were now in a position to maintain their own clergy, and thus relieve the Ecclesiastical Grant from any charge as regards urban ministrations, and enable the whole of it to be devoted to country places where they could not afford to pay the stipend of a minister.

MR. MARMION said it seemed to him that the discussion now taking place was one that might more fitly take place when the Estimates were before them, and the Ecclesiastical vote was under consideration. From what he could see, the question of the distribution of the grant was one quite outside the question now under discussion. These moneys were placed in the hands of the heads of the various denominations to assist in providing for the spiritual wants of their congregations, scattered over a vast area of territory; and if there was any fault to be found as to the manner in which the money was distributed after it was voted by the House, it seemed to him that the proper place to lodge a complaint was with those who were responsible for the distribution. If he remembered rightly, the hon. member for the North had always been an opponent—a conscientious opponent, no doubt—to

this grant altogether; and it certainly did appear strange to find the hon. member now moving to have it increased, and, not only that, but that a specific vote should be taken in favor of one particular religious body in one particular portion of the colony. That would be State aid in its most obnoxious form. He thought the hon. member, if he would not consent to withdraw his motion, would act wisely in, at any rate, postponing it, until the House was placed in possession of further information on the subject from the various ecclesiastical authorities concerned. As to the distribution of the grant, if it were made on the basis of population, it would only be a very small portion indeed that would go to Roebourne, or the North District at all, for they must remember that that district was divided into several other districts, including the Gascoyne and the Kimberley. But if the hon. member carried his motion all the money would go to Roebourne and Cossack.

MR. SHOLL said, whilst he did not altogether agree with the hon. member for the North that a chaplain was wanted for the prisoners at Roebourne and Cossack, he did think that considering the large amount which the inhabitants of the district contributed to the general revenue, and also considering that up to the present they had supported a clergyman without any State aid whatever—he did think they were entitled now to some little assistance from this grant. He was inclined to agree with the hon. member for Perth, that, should it be found, upon inquiry, that none of the grant was likely to go to the North, they ought to deduct some amount from the vote on the Estimates, and vote it for the North separately. Or, if they could not do that, he should be inclined to oppose the grant altogether.

MR. GRANT said it was quite true he was not in favor of State aid himself, but, so long as they granted that aid, he thought it ought to be fairly distributed. He had brought forward the motion at the request of his constituents. He had received this telegram from the churchwardens at Roebourne: "Sixteen prisoners in Roebourne gaol, and more expected. Chaplain should be subsidised by the Government. Endeavor to obtain a grant for this purpose from the

Council." He had tried to do this before. He had brought it forward over and over again, inside the House and outside the House, without any result whatever; and he thought the time had come when the question should be put to the test. He neither felt inclined to postpone it nor to withdraw it. He thought it was a great injustice to the district that it should be left in the cold without any assistance. He thought it was a very hard case. It simply showed that centralisation was the great object of the people of Perth.

MR. PARKER said he had just found the return that was laid on the table last year, and it appeared that the North had received no grant at all from any denomination. The Church of England return showed that £250 out of that body's share went to the clergyman attached to St. George's Cathedral; £150 to Fremantle; £50 to Freshwater Bay; and grants varying from £125 to £50 to several country districts, and £50 towards the Bishop's travelling expenses. Geraldton was the farthest place where the grant extended. Of the Roman Catholic grant £280 went to the Vicar General and two priests at Perth; £104 to Fremantle; the remainder being distributed among the country districts. Bishop Griver pointed out that he had a priest now in the Kimberley district, but it appeared that none of the grant went to that district, nor farther north than Northampton. The Wesleyan grant was all distributed among the country districts, as far as Geraldton; while the Presbyterian grant went apparently towards the payment of the minister's stipend at Perth, and another somewhere in the Eastern districts.

MR. WITTENOOM thought the House had nothing to do with the distribution of the money, and that if they were to interfere with it they would be usurping the administrative functions of the heads of the various denominations. Moreover, he thought if they were to adopt this address it would be establishing a bad precedent, and they would have other clergymen applying for pay for attending prisoners. He thought the clergy ought to regard prisoners as a section of their parishioners.

MR. CROWTHER said the returns which had been quoted by the hon. mem-

ber for Perth supported what he had already said, that a large proportion of the vote was expended in Perth and Fremantle and the surrounding localities—the centres of population. These things ought not to be. The only ground at all for granting such aid was the poverty and the paucity of the population in the country districts.

MR. RANDELL thought that the motion went even further than the Legislature itself went in voting the Ecclesiastical Grant at all, for the vote here would be a specific grant to a Government official, which would open the door for similar applications from other parts of the colony. This he thought would be decidedly objectionable. He thought the hon. member's course was to apply to his Bishop. It appeared to him a gross misuse of this money that £300 of it should be devoted towards the stipends of clergy attached to the metropolitan Cathedral—the wealthiest congregation in the colony. [THE ACTING ATTORNEY GENERAL: That is under the law.] If it was under the law, of course the House had nothing to do with it; but he did think it was most unjust that such a large proportion of the vote should go to the wealthiest congregation in the colony—a congregation which ought not only to support its own clergy, but to a very large extent provide for missionary work in the outlying districts.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) trusted the hon. member would think fit to withdraw his motion, after hearing the returns read by the hon. member for Perth, for it was evident that the money granted was distributed as far as it would go. If there was any means of assisting the clergyman at the North, he had no doubt the governing body of the Church would do what they could for the hon. member if he applied to them.

MR. GRANT: It comes to this. The money is voted by this House and we have asked for some consideration from the Church authorities, and not received it. We now come to this House, and I suppose we shall finally have to appeal to the Governor himself.

The motion was then put and negatived.

A POINT OF ORDER: IRREGULAR QUESTIONS.

CAPTAIN FAWCETT: I am anxious to ask why a notice of motion which I handed to the Clerk last night has not been printed on the notice paper.

THE SPEAKER: The hon. member is out of order now in asking the question, after the House has proceeded to the Orders of the Day; but, still, by leave of the House, he may ask it.

CAPTAIN FAWCETT: I shall be happy to postpone it until to-morrow.

THE SPEAKER: I am quite prepared to answer the hon. gentleman. Perhaps it would be as well that I should do so at once.

CAPTAIN FAWCETT: I will read out the notice.

THE SPEAKER: The hon. member need not read it out, unless he likes.

CAPTAIN FAWCETT: Last night, sir, I gave notice, and handed it to the Clerk, that on Wednesday I would ask the Commissioner of Railways the following questions: "(1.) Whether the invitations to the ceremony of the opening of the York and Beverley Railway have already been issued? (2.) By whom, or under whose authority, has the list of invited persons been prepared? (3.) Whether the expenses of the ceremony will be defrayed out of Public Funds? (4.) Whether the Chief Justice of the colony has received an invitation to attend the ceremony? (5.) If not, for what reasons, or by whose authority has the name of the Chief Justice been omitted from the list of the invitations issued?" I handed that notice to the Clerk in the usual way, and I wish to know why it does not appear on the notice paper? I was very much disappointed at not seeing it there, as I expected to do, today; and I should be very much obliged if you would inform me why it has not appeared.

THE SPEAKER: The House will probably remember that the hon. member did not read out his notice last night, but, after the House adjourned, the Clerk showed me the questions which the hon. member wished to ask, and I at once formed the conclusion that they were among that class of questions that ought first to be put to the House. I think it is as well that I should now state that the Speaker has a certain amount of control given to him by the laws of Parliament as to the questions

that shall be put in the House, and as to altering the language of those questions. If he considers that the language is not respectful to the House, or is improper language, he may refuse to put the question, or if the question is irregular, or refers to matters beyond the cognizance of the House. I think I should be wanting in my duty to the House if I did not exercise that discretion when the occasion occurred for doing so. It is not a very pleasant thing for me to have to do it, but still it is a duty cast upon me as Speaker, and I should be wanting in my duty if I shrank from it. When I saw the questions of the hon. member for Murray and Williams I came at once to the conclusion that they were questions calling for the exercise of that discretion, and that they were not proper questions. The practice of Parliament says this: "Questions relative to matters outside the House; questions seeking the opinion of the Government; questions advertent to matters beyond the cognizance of the House, and those which deal with subjects which would properly be matters for motions, are improper questions to be asked." There is no doubt whatever in my mind—and I think there can be no doubt in the minds of hon. members—that these questions of the hon. member for Murray were questions of a personal and private character, totally unconnected with any public business over which this House has any cognizance—a question as to who should be asked to a public entertainment, which was a question that solely concerned the Executive. Therefore, in the exercise of the discretion vested in me in relation to these matters, I concluded, after consulting all the authorities on the subject, that this was one of those cases in which I ought to interfere, and not allow these irregular questions to be put. I informed the hon. member privately of my opinion of the case. Of course the hon. member can appeal from my decision if he likes, by putting his question in the form of a motion, and so bring it before the House, and let the House deal with it as the House thinks fit.

CAPTAIN FAWCETT: I should like to amend it. I should like to ask the Commissioner of Railways whether the expenses connected with the ceremony of the opening of this railway

will be defrayed out of public funds, and, if so, what will be the probable cost; also that the Commissioner should lay on the table a list of the invited persons.

THE SPEAKER: Yes; I think the hon. member has a perfect right to ask any question as to public expenditure. There can be no objection whatever to his asking that question. If the hon. member will hand it in to the Clerk it will appear on the notice paper, to-morrow. I may add that I shall be very happy indeed on all occasions—I think it is my duty—to assist hon. members in framing their questions, if they will consult me at any time as to the practice. That would obviate these questions being handed in without my being aware of them.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): I may point out that the hon. member's question includes this—he asks for the names of those who have been invited. That has nothing to do with the cost of the ceremony.

THE SPEAKER: The Commissioner will please himself as to whether he gives that information or not. Ministers are not obliged to answer all questions that are put to them.

CAPTAIN FAWCETT: I do not know whether I should be out of order, but it seems to me an extraordinary thing that the gentleman who occupies the second highest position in the land, the Chief Justice of the colony, should not have had the compliment paid him of having been invited to a public ceremony; and—

THE SPEAKER: The hon. member is out of order in making any reference to the subject.

CAPTAIN FAWCETT: Very well, sir, I will hand in my notice.

BENEVOLENT INSTITUTION AT FRESHWATER BAY (MESSAGE No. 10).

On the order of the day for the resumption of the debate upon His Excellency's Message (No. 10), relating to the establishment of a Benevolent Institution at Freshwater Bay,

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) informed the House that when he stated the other day that the estimated approximate cost of the building, as designed by the Director of Public Works, was £5,600, he should have added that this estimate was condi-

tional upon prison labor being available for the work. There was no particular reason to suppose that such labor would not be available.

After a pause,

MR. MARMION said as nobody appeared inclined to say anything upon the subject, he should like to say a few words, though he must confess that he had not had time to give the subject much consideration since the last occasion it was before the House. He thought there could be no doubt as to the desirability of some building being provided; but, as to the policy of recouping the cost of the building by the sale of the other properties, one at Mount Eliza and the other at Fremantle, there might be a considerable difference of opinion. There was no doubt that the property known as the Knowle with the surrounding ground was a very valuable one,—the site was about the prettiest in the colony; and the house itself, if renovated, and a considerable sum of money expended upon it, would be second to none in the colony,—except Government House itself. As to whether it might not be well to retain possession of this property, for some years at any rate, when, should it be deemed advisable to sell it, it would be worth a great deal more than now; or, whether it would be well to convert it hereafter into a seaside residence for the Governor of the colony, or utilise it for some other public purpose—these were questions well worthy of consideration. He did not know either to what extent the Government were desirous of going, with reference to selling these properties. The Knowle itself stood on a comparatively small piece of land, but the surrounding piece of ground was rather extensive. As to selling the Dépôt under Mount Eliza, he did not know what amount of money it was likely to realise—he should imagine it would not be a very large one; and it was a question whether this property also had better be retained. It would not be a bad place, hereafter, for an Immigration Dépôt. He should have liked to have heard the opinion of some hon. members upon the proposal. His only object in moving the adjournment of the debate was to afford an opportunity of inspecting the plans of the proposed building. With reference to

the site suggested for the building, Freshwater Bay, he should think very little could be said against it. It was easy of access from both Perth and Fremantle and in close proximity to a railway station, and the site itself was a sufficiently healthy one. What the area of it was he did not know, but, doubtless, it would provide a sufficient quantity of ground for the purposes of exercise and recreation for the inmates of the institution. It would probably be necessary to incur some extra expense in consequence of its being a considerable distance out of the town—a medical officer, for instance, would be required. There could be no doubt, judging from our past experience, that the future would largely increase the number of those requiring eleemosynary aid from the State. We had already, in proportion to our population, a very large number of these people, a large proportion of whom were, unfortunately, persons who had been sent out to the colony when it was a penal settlement. He was afraid that the majority of those now in these Dépôts were men of that class. Of course, as they died out, their number would decrease, but still we might reckon upon having a considerable increase in the number of poor people requiring an asylum of this kind. He thought the Government deserved credit and praise for taking this question into their consideration, and that the thanks of the House were due to His Excellency for his Message. The plans of the proposed building met with his entire approval; but as to the question of ways and means he should prefer hearing some expression of opinion from some other hon. members before giving any definite opinion upon it himself.

MR. PEARSE said, with regard to the proposal to construct this building at Freshwater Bay, he thought it was very desirable that these poor people should be kept out of town as much as possible. At present they were frequently to be seen in a state of intoxication, in the streets; and he thought the proposal to remove them out of town was a good one. But as to selling the Knowle property he was altogether opposed to it. The Government had very few public reserves at Fremantle, and he thought it would be a pity to dispose of this

beautiful property, which was one of the finest situated properties in the whole town. It would make an excellent marine residence for the Governor of the colony, and he thought it would be a very great pity indeed to sell it. With regard to the Mount Eliza property, perhaps that was not so valuable; but he would certainly ask the House to pause before it recommended the sale of the other property, for he felt sure, if we did so, the day would come when we should be sorry for it.

MR. SCOTT said probably many hon. members did not even know where this Knowle was situated—he certainly did not; and it would be impossible for them therefore to say what had better be done with it. As to the desirability of adopting some better system of treatment as regards our paupers, there could be no difference of opinion about that, and that the suggestion of the Government was a good one. But the two questions—the question of ways and means and the question of adopting a different system of relief—were entirely different questions: one was a question of policy and the other was a question of finance.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he should like to say a few words upon this matter. There was no doubt that the sale of the property at Fremantle, in the beautiful position which the Knowle was in, would be a pity, and, so far as he had any voice in the matter, he should recommend that if there was to be any alienation of this land, it should only be after careful consideration of the question of the future extension of the town in that direction, and the necessity for reserving a sufficient space for streets. There was a considerable area of land altogether—about 40 acres, he thought—connected with the Convict Establishment, and he hoped the time would come when they would require public thoroughfares made in this direction, and it would be very desirable to reserve some open space for the sake of the public health. He did not think that the Government, in proposing the sale of the Knowle, intended that the whole of this land should be sold, but that due regard be had to the future requirements of the town of Fremantle. He thought the only object

to provide sufficient funds for this new building; and, if the money could be procured in any other way, he did not suppose the Government would object.

CAPT. FAWCETT said he agreed entirely with the junior member for Fremantle, and disagreed entirely with the junior member for Perth. In Colonel Henderson's time the Knowle was considered one of the nicest houses in Australia, and he thought that Governor Hampton did very wrong in converting it into a dépôt. It would make a charming residence, and, if we sold it now, and wanted to repurchase it, we should have to pay a very high price for it. He thought it would be a great mistake to sell it, merely in order to obtain funds for building a benevolent asylum. It would form a charming recreation ground for the people of Fremantle, and a delightful marine residence for the Governor of the colony.

MR. RANDELL thought the question under discussion was an important one, deserving their very careful consideration. He thought the site selected for the proposed institution was a moderately good one, and the proposed combination of the two dépôts into one might be an economical arrangement; but he fancied it would require a considerable increase in the staff, and that possibly we might be called upon to provide for some new offices in connection with the proposed establishment,—probably a resident medical officer, and possibly even a resident chaplain. He thought they ought to consider the proposal in all its bearings, and, to his mind, there was no question but that there would be a considerable addition to be made in the annual outlay, in this respect. He had been in expectation that the Director of Public Works would have given them some further information with reference to the details of the buildings. The present dépôt under Mount Eliza was a very agreeable residence for the old men who were obliged to avail themselves of its hospitality, but, if it was too small, and it should be determined to erect a new building, he thought the site selected was a good one, being easily accessible by road and rail, and also by river. Unfortunately, we would have to maintain such an institution for the relief of the destitute, the

aged, and the infirm, whose habits had precluded them—even if their circumstances had admitted of it—to make provision for their old age; and, unfortunately, a large majority of them had been sent out here.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said that all the information he had to give had already been furnished by the Colonial Secretary, and the plans laid on the table. The building had been arranged to contain 256 beds. The present number at the Knowle and at Mt. Eliza was 199,—60 at the Knowle and 139 at Mt. Eliza; and there was no room for any more. As to there being any large increase of expenditure, he did not think so, because instead of having to maintain two separate establishments we should only have to keep up one. The building, it would be observed, would have two wings, with the centre portion appropriated for administrative offices, with a kitchen and dining room at the back. The whole building was as compact as possible, and provided the largest amount of accommodation at the smallest possible cost. What the Government suggested with regard to obtaining funds was that sufficient should be procured by the sale of the two properties mentioned: it might not be necessary to sell the whole of the two properties.

POINT OF ORDER.

MR. VENN moved that the House should go into committee to consider the question.

THE SPEAKER: I am not prepared to say at the present moment whether it would be a regular proceeding to go into committee now, in order to give an opportunity for hon. members who have already spoken to speak again. At the same time I am not prepared to say that it cannot be done.

MR. VENN: I think it is a matter involving an expenditure of public money.

THE SPEAKER: It is a question involving a prospective expenditure, but no direct vote is asked. The House last session altered its Standing Orders on this subject, to the effect that such questions as these may be discussed with the Speaker in the chair. This is one of those questions of policy involving an

expenditure of public money which, according to that rule, may be discussed with the Speaker in the chair.

DEBATE RESUMED.

MR. VENN said his view of the matter was this: he thought we had rather too many Government buildings now to keep in order, and a strong objection was raised by the Government itself the other day to the erection of additional public buildings because of the expense of keeping them in repair. He thought that so long as we had no particular use for such buildings as these depôts, or so long as they were found to be of no use, the sooner they were sold the better. They would probably realise a pretty large sum, and, if a new building was necessary, he did not see to what better use we could devote the money than for an establishment of the kind proposed. So long as it was understood that the whole of the land at Fremantle should not be alienated, he felt inclined to support the proposal.

MR. WITTENOOM thought it would be very unwise to alienate these Government reserves at all. The time was coming when the Government would require them, and they would lose nothing by keeping them. The property would always be increasing in value, and, in a place like Fremantle, he thought it would be most unwise to sell such property as this Knowle property. The experience of all the other colonies went to show what mistakes the Governments of them had made in not providing more public reserves, for purposes of recreation. He thought it would not be many years before this property would become very valuable, and very useful to the Government.

MR. SHOLL thought that an institution of this sort was required, but it appeared to him that the Government had hardly matured their scheme. It was suggested that the expenditure would be something between £5,000 and £6,000, provided they could get prison labor. But he was informed that there was very little of that kind of labor now available; and if the Government had to fall back upon private labor, this building would cost a great deal of money. Moreover, as had been pointed out, the probability was that the cost of keeping

up such an institution, so far out of town, would be very considerable. As regards selling the Knowle and the Mount Eliza property, he thought, in view of the present heavy taxation, it would be better for the Government to get rid of all useless properties, rather than make a further drain upon the public revenue. If not, he thought the money should come out of a loan, for it would probably cost £7,000 or £8,000 to put up this building. No doubt it was necessary that some better provision should be made in this direction, in view of the increasing number of paupers, though he thought a great number of these people might be made to do something in the shape of work. If this were insisted upon, probably there would not be so many applicants for relief. So long as the Government provided them with regular food and lodging, and allowed them to come into town and get drunk occasionally, and gave them nothing to do, they must expect a great demand for admission into these depôts.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the question that arose here was not under what circumstances the men should be admitted into this institution, or the rules and regulations under which they should be kept there, but simply whether the House was prepared to authorise this expenditure, and whether the funds should be provided in the manner indicated. Everyone seemed to be in favor of the proposition itself, but there seemed to be some doubt as to the expediency of selling the property known as the Knowle. He was afraid that if this Knowle was not sold, the result would be that they would have a scramble for it among the Government officials as to who should get it to live in. He believed that was the reason why Governor Hampton converted it into a depôt. It would cost at least £1,000, and perhaps £2,000, to put it in order, and, if it should be let, he did not think there were many people at Fremantle who could afford to pay £100 or £150 a year rent for it, and it would always remain a white elephant on the hands of the Government, or a constant source of scramble and ill-feeling among Government officials at the port. There would probably be no occasion to sell the whole

of it, and no doubt some of it might be reserved for public purposes. He really thought himself it would be far better to leave the matter in the hands of the Government to dispose of what they found necessary rather than keep the place as a sort of white elephant, for Government officers to fight and scramble over. He should be inclined to leave the matter in the hands of the Government, who, after having sold the Mount Eliza property, would then be in a position to say how much of the Knowle they would require to sell.

MR. HARPER thought, judging from the tone of the debate, that a good many members did not appear to be prepared to vote upon the question, and, as he did not feel quite prepared to do so himself, with the information at present before them, he should move that the question be referred to a select committee; such committee to consist of the Director of Public Works, Mr. Marmion, Mr. Parker, Mr. Shenton, Mr. Randell, Mr. Loton, and the mover.

MR. BURGESS failed to see what was to be gained by referring the matter to a select committee. The subject had been put very plainly before the House by the Government, and he thought it ought to be settled one way or the other by the House itself. If they referred it to a select committee, they would find themselves just in the same position as they were in now. The question was a very simple one,—whether they approved of the suggestion of the Governor or not, whether this new building should be erected or not, and whether the necessary funds for the purpose should be raised by the sale of these other properties. He thought the House should decide that the funds should be provided out of the public revenue, and that the proceeds of the sale of the property at Mount Eliza and the other property at Fremantle should, whenever the Government decided upon selling them, be refunded to the general revenue. He was not in favor of selling these properties now. Situated as they were in close proximity to the principal towns of the colony, they must increase in value, and in course of time become valuable property to the State. He thought it would be unwise to compel the Government to sell them now, if it could possibly be avoided. The

main question for their consideration was whether this new building was necessary or not; and he thought it had been plainly shown that it was necessary, that it would be a great boon to these poor people themselves, and an economical arrangement for the State. He could not see what possible object would be gained by referring the matter to a select committee.

Mr. MARMION said it seemed to him a matter of indifference whether the money came out of current revenue or from the sale of these two properties. They would be disposing of an estate that in a few years hence would be worth considerably more than they would realise at present. It certainly appeared to him that a great deal of information was required before they rashly agreed to the resolution now before them, especially when it appeared that the whole estimate of the cost of the building was based upon the expectation of convict labor being available. He thought it was out of the question to dream of convict labor being available, or that if it should be available, it would be expedient to depend upon that class of labor. They had seen what delays occurred by relying upon convict labor in connection with the small building on the Gaol hill, which had taken years to construct, and, after all, it was found necessary to employ private labor to get the work done; and to talk of building a place of this magnitude with the small amount of prison labor now available was simply out of the question. That being the case, they might safely estimate that instead of the building costing £5,000 or £6,000 it would cost probably double that sum. In view of the desirability of eliciting some further information on the subject, he hoped the House would agree to refer the matter to a select committee.

Mr. SHENTON pointed out that on the summit of Mount Eliza there was a site for a public park, and it might be necessary hereafter to include the Dépôt grounds in this park, in order to obtain a water supply, and possibly convert a portion of the ground into a botanic garden. The property at Fremantle, too, might be required for public purposes hereafter, and, if it could be shown that the necessary funds could be found from some other source, he thought it would

be better not to alienate either of these properties. They were already beginning to find the inconvenience of having too limited spaces reserved for purposes of public utility. They had an example of this in connection with the railway station at Perth, a portion of which ground was sold by the Government, and now they would be glad to get it back again for double what they sold it for. It was the same with the Custom House at Fremantle. The Government tried to sell these buildings, but fortunately they could not get a purchaser. He thought that some further information should be placed before them before they consented to the alienation of these two properties.

The motion to refer the question to a select committee was then put and passed.

GOLDFIELDS BILL.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading of this bill, said it was designed to regulate the management of goldfields, generally, throughout the colony—not only in the Kimberley district, but also any other goldfield that might hereafter be discovered. Looking at the fact, however, that the only goldfield in the colony at present was the recently-discovered goldfield in our Kimberley district, he might say it was early yet to attempt to legislate in a satisfactory manner, and with any degree of finality, as to the management of this particular goldfield, because they were utterly unable at the present moment to say what class of goldfield it may turn out,—whether it would prove to be what was called a “poor man’s goldfield” or a goldfield that for its development would require a large expenditure of capital and the combined enterprise and activity of wealthy mining companies. It might be that alluvial diggers might not find it to their advantage to stay there any length of time, and the field might resolve itself into one that could not be utilised except by the expenditure of a large amount of money in costly machinery. At the same time, the present bill, he thought, would be found ample to meet all present requirements. It sought to regulate the proceedings of miners and the rights of miners, on the field; and it provided for

the issuing of mining licenses and the granting of business licenses; and generally for the administration of justice on the goldfields. Looking at the fact that the site of these goldfields was some considerable distance from both Wyndham and Derby, large administrative powers were entrusted to the Warden, and provision was made for dispensing justice on the spot. Provision was also made, in the event of litigants demanding it, for the appointment of assessors to assist the Warden. Hon. members would recollect that the Council on several occasions had expressed a desire that Chinamen and other Asiatic aliens should be excluded from working upon any goldfields that might be discovered in the colony, at least for a certain period after the goldfield was proclaimed. They had precedents for adopting that course of legislation in some of the other colonies—at any rate, in Queensland—and the Government proposed by this bill to exclude, as had been done elsewhere, any Chinese or Asiatic alien from working on the goldfields for a period of five years from the date of the first proclamation of the goldfield. In doing that, the Government were responding to a unanimously signed petition lately received from the European diggers already arrived at Derby, and who were about to start for the goldfields, or had lately returned from the field. With regard to mining leases, the Government did not propose to issue any leases for a period of two years from the date of the first occupation of the goldfields, in order that in the meantime it may be ascertained what class of goldfield it is likely to turn out, and whether it would be in the interest of the colony to grant these leases. If the country should prove to be exceedingly rich and turn out to be a “poor man’s field,” it might be better policy to keep the field open, working it under what were called miner’s rights, rather than to have leases issued to companies holding large tracts at a nominal rent. This was a provision also that had found favor, apparently, in the neighboring colonies. It was not usual to allow mining leases for the maximum term of twenty-one years at the opening of a new goldfield. Having said that much, and that he believed the bill would be found amply sufficient to provide for the administration of justice

on the goldfields, he thought he need say no more about the principle of the bill. There were certain regulations now in force relating to auriferous lands, and those regulations were supplemented by the new regulations which the House was now considering from day to day. These regulations, however, would have to be done away with when this bill came into force. The bill now before the House proposed to repeal the present regulations affecting auriferous land, so that the goldfields would be regulated by this bill and the regulations which the Governor was empowered to frame under it. These regulations would deal much more in detail with the management of the goldfields than the bill itself did, and would of course be much more elaborate than the provisions to be found in the bill. These regulations would be framed by the Governor in Council, and be subsequently placed on the table of the House. If the House viewed the present bill with favor, they might rest assured that the Governor in Council would make such regulations as were required for carrying out its provisions, and, when hon. members saw them, he believed they would be found satisfactory regulations for the purposes for which they were designed. He had already said that the bill was in a measure a tentative bill, the Government being called to legislate before they were in possession of full information as to the class of goldfield they had to deal with; and it might be that before the House met again it would be found necessary to have the Act amended in some particulars. But the bill it was believed would do all that was at present necessary to be done, and, should it be found necessary to amend it next session, the matter would then receive further consideration, and be dealt with in the light of the experience and of any additional information which they hoped to acquire between this and then. Having said so much as to the principle of the bill, it only remained for him to move that it be now read a second time.

The motion was agreed to, *sub silentio*.
Bill read a second time.

MASTERS AND SERVANTS BILL.

MR. PARKER, in moving the second reading of a bill to amend an Act passed

in the sixth year of the reign of Her Majesty Queen Victoria, No. 5, intituled "An Act to provide a summary remedy in certain cases of Breach of Contract," said that in the year 1842 the Legislature of the colony passed an Act which was usually known as the Masters and Servants Act, by the provisions of which any servant convicted of any offence under the Act was liable to imprisonment for any term not exceeding three months, with hard labor. The Act was intended, according to its preamble, to provide a more simple remedy in cases of breach of contract, and it enacted that any servant who entered into an agreement to perform any work for a master, and who did not fulfil the same, might be imprisoned for three months, with hard labor. Forty years afterwards, in 1882, the Legislature came to the conclusion that it was not advisable that it should be made absolutely compulsory on the part of a magistrate to imprison a man who had been guilty of non-performance of his engagement, either by absenting himself from his work or not carrying out his contract, and the former Act was amended making it discretionary on the part of the Justice trying the case to impose a penalty of imprisonment or to fine the offender. The bill now before the House was intended to take away this discretionary power of imprisonment in the first instance, for a breach of his engagement by a servant, and to empower the magistrate only to inflict a fine, and, if that fine was not paid, that the offender might be imprisoned, with or without hard labor. Of course the argument with regard to this question was very simple and very plain, and it was this—and it appeared to him an unanswerable argument: that while we did not impose the penalty of imprisonment in the first instance upon the other party to the contract, the master, for any breach on his part, it was not fair or just to impose a penalty of imprisonment in the first instance upon the servant; in short, that it was unfair to have class legislation, making a distinction between one man and another. There was no doubt about it that so far as the law was concerned it did make a distinction, and a very invidious distinction between the master on the one hand and the servant on the other, and, although to his own know-

ledge there had been but very few cases in which servants had been imprisoned under it, still the mere fact of there being such a law upon our statute book had occasioned a great deal of rancorous feeling in the minds of the artisan and working classes of the community. These people argued, and he thought fairly argued, that there was no just cause for making this distinction between them and their masters. Hon. members would observe that although the bill now before the House proposed to do away with imprisonment in the first instance, yet, if the fine that was imposed was not paid, imprisonment might follow, with or without hard labor, and for a term proportionate with the amount of the fine imposed. For instance, the second clause enacted that: "In every case of breach of engagement, contract, or service by any servant, it shall be lawful for the Justices hearing and determining the complaint, upon the conviction of the defendant or defendants, to impose a penalty upon the defendant; or if there is more than one defendant, upon each defendant, not exceeding the sum of Fifty pounds; and if such penalty be not paid forthwith, the defendant or defendants in default shall be imprisoned, or imprisoned and kept to hard labor, if the penalty does not exceed Ten pounds, for one month; if it exceeds that sum and does not exceed Twenty-five pounds, for two months; and if it exceeds Twenty-five pounds, for three months; unless the penalty shall be sooner paid." He thought if hon. members would consider this matter fairly, and bear in mind that the class of persons with whom this bill dealt were as a rule a highly respectable class, and that it was very desirable to show that we did not wish to have one law for the rich and another for the poor,—he thought hon. members, upon a calm review of the circumstances, would agree with him that the bill was one which commended itself to their favorable consideration. He believed that some two or three years ago the Government brought in a bill dealing with this question, one of the provisions of which, he thought, was to do away with imprisonment entirely, and that he voted against the measure on that occasion because it did not appear to him that the bill went far enough in re-

moving certain disabilities, and he promised to support the Government if they extended the provisions of the bill. Without now entering into that question he might say that the present bill removed the objection which he had to the measure introduced by the Government, and he thought would commend itself to the good sense of the House.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said though at one time there existed good reason for adopting the present law, in view of the peculiar circumstances of the colony, and the way in which population was scattered, he was happy to say that, now we were obtaining another and a different class of labor entirely—free labor, the occasion no longer existed for any exceptional legislation in the case of servants, and, for his own part, he intended to offer no opposition to the bill introduced by the hon. member for Perth.

MR. RANDELL said he rose merely to express a wish that the hon. member had gone a little further while he was about it, and repealed other old enactments that were a blot upon our statute book. Some of these enactments were not very creditable even under the past circumstances of the colony, and he should be glad to see them removed off the statute book. He accepted the present bill, however, as a small measure of relief, and he had great pleasure in supporting the motion for its second reading.

The motion was then put and passed.

Bill read a second time.

CRIMINAL LAW PROCEDURE AMENDMENT BILL.

Read a third time and passed.

MAGISTERIAL DISTRICTS BILL.

This bill passed through committee, without amendment or discussion.

PUBLIC HEALTH BILL.

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

Clause 12 (new clause introduced by **MR. SCOTT**—*vide* p. 240 *ante*):

MR. RANDELL said that since this clause was moved the other day it had struck him that there was this anomaly about it: the Mayor or Chairman of the

Municipality was, *ex officio*, a member of the Local Board of Health, the members of which might be removed from office by the Governor; and it appeared to him that the Governor would not be able to touch the *ex officio* members of these Boards.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the power of removal only related to those members who were appointed by the Governor. As the hon. member said, the Mayor could not be touched. This power of removal was nothing new: the same provision existed in almost every other case where the power of appointment was given.

MR. SHENTON drew attention to the fact that a Mayor only held office for a year, and he would only remain a member of the Board whilst in office.

MR. SCOTT presumed that the object in making the Mayor an *ex officio* member of the Board was in order to give Municipal Councils some voice in the deliberations of the Board, and some control over the finances.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said if it was the desire of the committee that this amended clause should be incorporated with the bill, he had no great objection to it, though he could not help thinking it would be better to leave the clause as it stood. There were some verbal amendments which it would be necessary to make, so as to make the intention of the clause clearer. He would move that the words "on the recommendation of the Central Board," in the second line, be struck out, and that those words be inserted after the word "and," in the fourth line.

The amendment was adopted, and the clause as amended put and passed.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he had an amendment to move in the 15th clause, to carry out a suggestion made by the hon. member **MR. RANDELL** that the Central Board should have power to summon the officers of the Local Board to attend the meetings of the Board. He would move that the following words be added to the clause: "and may attend any meetings of a Local Board, when and as directed by the Central Board."

This was agreed to.

New clause:

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said that a suggestion was made the other day by the hon. member Mr. Randell that provision should be made in the bill, requiring the Central Board to keep an account of their expenditure. In order to carry out the hon. member's suggestion, which was unobjectionable, he had to move the following New Clause, to stand as Clause 21: "The Central Board of Health shall cause accounts to be kept of all moneys received by such Board and of the expenditure thereof for the purposes of this Act, and shall submit such accounts at least once a year to the examination of the Auditor General."

The clause was agreed to, *sub silentio*.

New Clause:

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said it would be also necessary to provide for the auditing of the accounts of the Local Boards of Health. He would therefore move the following New Clause, to stand as Clause 22: "Every Local Board of Health shall cause accounts to be kept of all moneys received by such board, and of the expenditure thereof for the purposes of this Act, and such accounts shall be audited and examined by the auditors of the municipality at least once a year, and the auditors shall proceed in the audit in the same manner, shall have the like powers and authorities, and perform the like duties as in the case of auditing the municipal accounts. Each of such auditors shall in respect of such audit be paid by the Local Board a fee of two guineas. Within seven days after the completion of every such audit, the Auditors shall report on the accounts audited and examined, and shall deliver such report to the clerk or secretary of the Local Board, who shall cause the same to be deposited in the office of such board, and shall publish an abstract of such accounts in the *Government Gazette* and in some newspaper circulating in the district of the Local Board."

MR. MARMION thought it would be better to say "not exceeding two guineas." The work of auditing these accounts for the first year or two would be very small, and possibly the auditors would be prepared to do it for less than two guineas.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said it might be treated as a clerical error, and the clause altered accordingly.

The clause was then put and passed.

New Clause:

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) moved the following New Clause, to stand as Clause 23: "The accounts of the receipts and expenditure under the Act of a Local Board shall be made up in such form and to such day in every year as the Central Board of Health may appoint."

This was agreed to, without comment.

Preamble and title—agreed to.

Bill reported.

PERSONAL EXPLANATION.

MR. SHOLL said, before the bill was disposed of, he should like to make a personal explanation, to remove an injurious impression which the words he had made use of the other day, as reported in the *Daily News*, were calculated to make. He was talking at the time about the pigstye nuisance, and he was made to say that he had complained about a pigstye not thirty yards from his own residence to the Inspector of Nuisances, and that no notice was taken of his complaint. That was a mistake. He had made no formal complaint about the matter, and he was sure, if he had done so, steps would have been taken by the Inspector to remove the nuisance. He thought that in justice to the Inspector of Nuisances he should make this explanation. He should be the last person in the world to cast any reflections upon that officer, who was a most zealous officer. What he intended to have said was that if the City Council had power to remove these pigsties they did not exercise that power.

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