

CONSTITUTION BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), in accordance with notice, moved the first reading of a Bill to confer a Constitution on Western Australia.

Motion agreed to.

Bill read a first time.

ABORIGINES BILL.

Read a first time.

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

LEGISLATIVE COUNCIL,

Monday, 22nd October, 1888.

Provision for performance of duties of Chief Justice during His Honor's suspension—Supplementary Estimates, 1888—Bank Holidays Act Amendment Bill: first reading—Poor Houses Discipline Act Amendment Bill: first reading—Inquests on Infants Bill: first reading—Quarantine Bill: first reading—Gold Declaration Bill: in committee—Adjournment.

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

PRAYERS.

PERFORMANCE OF DUTIES OF CHIEF JUSTICE DURING HIS HONOR'S SUSPENSION.

MR. HENSMAN, in accordance with notice, asked the Colonial Secretary, Whether any agreement or understanding existed between the Governor and the Police Magistrate of Perth, and any of the other gentlemen who performed extra duties consequent upon the suspension of the Chief Justice, that they should only receive extra salary for the performance of their extra duties in the event of that suspension being confirmed.

2. Whether the Police Magistrate of Perth, and the other gentlemen before-named, or any of them, received any extra salary during that suspension; and, if so, whether they, or any of them, have been called upon by the Governor to refund the amount of such extra salary; and, if so, whether they, or any of them, have done so.

3. Whether the Police Magistrate of Perth was called upon to refund extra salary, and, if so, did he decline, and did a correspondence pass upon the subject between him and the Government; and did the Police Magistrate allege that no such agreement or understanding, as is referred to in the first of these questions, was arrived at.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that £298 12s. 3d. was paid to officers doing extra duty in consequence of the suspension of His Honor the Chief Justice. Of this sum, £200 10s. 4d. had been refunded, and £98 1s. 11d. was in course of being refunded, pending the vote of the House. The officers concerned were satisfied at what had been done, and were content to leave their claim to the decision of the House. The hon. gentleman also referred to a practice which, he said, had grown up of asking questions which necessitated the preparation of returns, and he pointed out that by a resolution of the House it had been agreed that such questions should only be put in the form of a motion, after due notice of motion had been given. He hoped that hon. members would remember this and that, in the future, all such questions would be submitted to the decision of the House as to whether such returns should be prepared.

MR. HENSMAN: I desire to say that I did not call for returns, nor have I received any answer whatever as to whether any agreement or understanding existed between the Governor and the Police Magistrate, or whether the Police Magistrate declined to refund his extra salary, or whether any correspondence had taken place upon the subject between him and the Government. I have received no answer whatever to the greater part of these questions.

THE SPEAKER: You cannot compel a Minister to answer a question, if he does not desire.

SUPPLEMENTARY ESTIMATES, 1888.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), having moved the House into committee to consider the Supplementary Estimates for 1888, said: Sir Thomas Campbell—The Supplementary Estimates which this committee is asked to consider and to confirm on this occasion involve, as members must be aware, no additional charge upon the revenue. If hon. members will refer to pages 3 and 5 of the Estimates before them, they will see at a glance that whereas a sum of £6,159 3s. 1d. is now asked for, in the votes which are there particularised, there is clearly shown a saving on the other hand of £6,312 12s. 3d. upon votes already confirmed, but which have not been expended. These Estimates, therefore, are somewhat singular this year, for although, as members are aware, as a rule, when we come to adjust accounts at the end of the year, the overdraft of expenditure exceeds the underdraft, but, in this instance, the supplementary votes now asked for do not in any way cause the expenditure for the year to exceed the amount which, by the Appropriation Act, was placed at the disposal of the Government. Still, for reasons which must be evident to any hon. member who has perused these Estimates now before them, certain unconfirmed expenditure had to be incurred; but a great many of these items, I may say, have been submitted to the Committee of Advice, whose minutes of proceedings lie on the table for the information of hon. members, and some of the larger items have been incurred in accordance with the advice of that committee. I am not aware, sir, that it is necessary for me to dilate at any length upon these supplementary votes now, because the committee will have an opportunity of considering each item upon its merits. But there are one or two items to which I think it is well I should make some allusion, especially in that division of the Estimates under the head of "Mining." Hon. members are aware that, in consequence of the prospecting which has been carried on with considerable success in the Eastern districts of the colony, a considerable sum of money has been expended on the conservation of water, and a further sum in establishing proper machinery for the working of the gold-

fields. But, while on the one hand, we ask for a sum of £300 for this latter purpose, there is on the other side of the ledger a saving of exactly that sum, which was voted on the annual Estimates for the services of a Warden, but which was not drawn for that particular purpose. Inasmuch, however, as the item was drawn against for other purposes, we come and ask the House to revoke that sum under this head, and to confirm the expenditure of £100 for water conservation at Yilgarn. With regard to this latter item the Committee of Advice were consulted, and readily joined the Government in the view that was taken of the necessity, at an early date, before this Council should meet, for taking some steps for the conservation of water on the fields. Then, again, I may allude specially to the items under the head of "Miscellaneous." Hon. members are aware that we have had to make temporary provision for the continuance of our coastal steam service, pending the decision of this House with regard to a fresh contract with the Adelaide Steamship Co. The Committee of Advice were consulted on this point also, and they agreed that under all the circumstances it was desirable that a provisional agreement should be made for carrying on that service; and, inasmuch as the sum of £7,000 which had been voted by the House was insufficient to continue the service at the rate that was being paid for under the former agreement, we have to ask this committee to vote £1,000 for this subsidy. With regard to the two following items—"Gratuity to the widow of the late E. T. Hardman, Government Geologist, £500," and "Gratuity to Hall and Slaterry and party, in recognition of services in prospecting for gold, £500"—hon. members will see that, on the other side page, we have carried to the credit of the revenue the sum of £3,000 which was provided on the annual Estimates under the head of "Reward for Gold Discovery." It has been decided, after due consideration of the claims sent in and of the conditions of the offer of reward,—it has been decided, after careful consideration of all the circumstances, that the terms of the advertisement offering a reward for the discovery of a payable goldfield had not been fulfilled, and that in the opinion of the Government no person or

persons could be said to be entitled to the whole of the sum appropriated for this purpose. But the Government, in justice to those energetic prospectors, Messrs. Hall and Slattery—who, undoubtedly, were the first to show practically what was the character of the auriferous beds of the Kimberley district—decided that in recognition of their services in prospecting for gold a sum of £500 should be awarded to them. With regard to the other item, the gratuity to Mrs. Hardman, I think all hon. members will agree that in the late Government Geologist the colony had a very able servant, and one who, I believe, injured his health very considerably during the two years he devoted, for the most part in the tropical division of the colony, to its geological exploration; and it has been thought, looking at the result of his labors, it would only be just, and fair, and equitable that, as the widow and family of the deceased gentleman have been left in very impoverished circumstances, this House should be asked to vote this sum of £500 as a gratuity to Mrs. Hardman. I believe, myself, that members, generally, will agree that under all the conditions and circumstances of the case, it would be a graceful act on the part of this House, and one which I am sure we shall never have reason to be sorry for, if we agree to it. I am not aware, Sir Thomas Campbell, that I need trespass upon the attention of hon. members any longer at this particular moment, and I will now conclude by formally moving the first item—"Keeper of Public Clocks, £20." This, I may say, was caused in consequence of no provision having been made on the Estimates for the payment of this amount.

Mr. SCOTT could not help feeling that the Government, at this particular period, deserved some congratulation for the difference in the amount of the Supplementary Estimates compared with those put before the House a year or two ago—he believed one amounted to something like £50,000. The present Estimates, considering the large calls that must have been made upon the Government, compared very favorably with such an amount as that. At the same time he thought some of the items should be looked into, and approached with a considerable amount of care. It was quite true that

the general saving which had been made on other votes showed that the Government had taken great care as to their expenditure, and he did not know that taking the items all round they should be justified in grumbling at the amount that they were now called upon to vote. The great question to his mind was whether, under the head of "Miscellaneous," it would not have been better if the Government had seen its way to do a little more in the way of helping our Eastern goldfields. For instance, he noticed under that head an item of £500 as a gratuity to the widow of the late Government Geologist; he thought that might have stood over for the consideration of the House—not that personally he was prepared to vote against it, and perhaps the Government was rather to be commended for doing in time what may have been urgently called for; for, from what he had heard, he believed the widow had really been left in very distressed circumstances, and, he thought, no member of that House would for one moment say that her late husband had not rendered good and substantial service to this colony. He knew that some months ago he heard that one well-known gentleman in the colony had out of his own pocket, simply on public grounds, contributed very munificently towards relieving the distress of the widow and family; and no doubt the House would not object to this vote. Taking the Estimates all round he thought the Government had acted wisely and prudently, considering the circumstances of the colony, though, looking at the necessity for assistance from the public purse in regard to developing our goldfields, he thought it would have been wise if the Government had done more than they had done in this direction. With regard to the item under the head of "Administration of Justice," being the provision made for performing the duties of the Chief Justice during His Honor's suspension from office, he apprehended that item would cause a great deal of discussion; but he thought the House might see its way even to vote that. They knew it was hardly fair to call upon the members of the Government, or the Governor, or any individual, to bear the brunt of this question; and, after all, though it had caused a good deal of

personal feeling, and though it had caused a good deal of excitement, he still thought the House, or the majority of the House, would agree that, considering what came out from the Home authorities, they would be justified even in voting this amount. He did not know there were many items on these estimates that called for particular remark; he thought that on the whole the Government were to be congratulated upon the care they had exhibited in regard to the supplementary expenditure.

The item moved was then put and passed.

MR. SHOLL, referring to the next item "Derby Tramway, working expenses, £61," asked for some explanation, and whether it was a fact that this tramway had been leased to a private individual. Last year they were told it was paying a handsome dividend to the Government—one of the few public works that was doing so.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the hon. member was confounding this tramway with the Roebourne and Cossack tramway. With regard to the item before the committee, he understood (in the absence of the Commissioner of Railways) that this amount had been found necessary to adjust the accounts before the tramway was leased.

MR. SHOLL: Then it has been leased?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I understand so.

MR. SHOLL: The reason I asked the question was because when the question of leasing these tramways was before the House last year, the Commissioner of Railways pooh-poohed the idea of leasing public tramways to private individuals; yet, it now appears, that actually while the House was then in session, and a motion was brought forward by the hon. member for the North in favor of leasing the Roebourne tramway, and the Government opposed the principle of leasing,—at that very time the Government had actually leased this Derby tramway to private enterprise. My argument is this, that if it was right and proper to lease the Derby tramway it would certainly not have been such a ridiculous thing, as the Commissioner of Railways would lead the House to believe, to lease the Roebourne one.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) pointed out the distinction between the two lines, one being a goods tramway only, while the other was a passenger line. He did not think it required much consideration to show that there was a marked difference between the two. They might as well compare the jetty tramway at Fremantle or Geraldton with a section of the Eastern Railway.

MR. RICHARDSON said it was the principle of leasing these public tramways that was discussed last session, and at that time the Commissioner of Railways laughed at the idea, and when it was proposed to extend the principle to the Roebourne and Cossack line he simply sat upon it, and their little amateur suggestion was completely snuffed out. But they now found the Government adopting that very principle of leasing with regard to another tramway, and he had no doubt that in process of time the Commissioner would be found acting upon their other suggestion, to let the Roebourne and Cossack line.

The item was then put and passed.

Postal and Telegraph (Golden Valley, postmistress, salary) £5 16s. 8d.:

Agreed to.

Medical Department, £702:

MR. A. FORREST said he called attention last year to the large increase in this Medical Vote. He thought those responsible for the vote ought to be able to judge pretty nearly what the expenditure for the year would be, without coming there for some hundreds more on the Supplementary Estimates.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) explained that quite recently three large and important hospitals had been opened in various parts of the colony—one at Roebourne, one at Geraldton, and the third at Albany; and that large demands had been made, and were being made, upon the Medical Department in connection with the establishment of these hospitals. Many of these expenses would not recur. In view of the fact that we had spent considerable sums in building these hospitals—and he believed they were excellent buildings, and well adapted to the requirements and circumstances of the districts in which they were—it was absolutely necessary that they should

be properly furnished, and, although it was with some reluctance that he had consented to agree to the views of the Colonial Surgeon to place this large amount on these Estimates, yet he was fully satisfied as to the necessity of the vote. As to being able to forecast with exactitude the amount that would be required for this department for the year, that was a difficult matter. It was something like the vote for poor relief, it was impossible to say what claims might be made upon it.

MR. HORGAN said he noticed one item "Provisions, etc., in Hospitals, £500." He should like to know what that "etc." represented. He had heard it repeatedly that some very high officials were in the habit of getting camphor, washing soda, and lots of other things from the Hospital, which they might get at their grocer's. It was never contemplated that they should receive anything except medicines and medical aid, and he thought this word "etc." covered such household articles as he had referred to. He thought some return ought to be made by the Colonial Hospital authorities as to what goods of this class had been given out to Government officials. The public money was wasted to a great extent in this way. Here was £500 asked for again for "provisions, etc."; that "etc." he believed covered a multitude of little things which that House possibly had no idea of, and he thought it was only fair that they should be supplied with particulars of all the articles that were given out of hospitals.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) could not think for a moment that the hon. member had been rightly informed, for, certainly, if such was the case, it was not what it should be. He couldn't believe the hon. member had been correctly informed; but, as the hon. member had mentioned it, he would certainly make it his duty to make strict inquiry as to the correctness or otherwise of the statement.

MR. HENSMAN had no doubt whatever there was something in what the hon. member had said, otherwise he should like to know where a certain article that they got from a certain quarter was obtained—soft soap, of which they got a good deal.

The vote was then put and passed.

Harbor and Light, £395 9s. 4d :

MR. RICHARDSON asked for some information as to the items "Firewood, etc., Jarman Island Lighthouse, £40," and "Oil, etc., Lighthouses, £150." He thought this "etc." was rather worse than the hon. member for Perth's "etc." £150 extra for oil for lighthouses seemed a very large amount.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said it was on account of the opening of a new lighthouse at Jarman island, and the inadequacy of the annual vote for lights. Under pressure, last year, the Estimates were cut down very low, there having been every desire on the part of the Chief Harbor Master to economise, and the result was the estimate was too low. It was absolutely necessary, if we established lighthouses, to maintain them afterwards, and to maintain them efficiently. The same with the item "Buoys and beacons," which were liable to fall out of repair, and others had to be added.

MR. RANDELL said he had noticed some large buoys on the Fremantle jetty the other day, and he was informed they had been imported, and that they had cost a considerable sum of money; but, when they were tested at the Railway Works they were found to be defective, and had to be repaired here. So far as he could judge—and he had some knowledge of that sort of thing—those buoys might have been made very easily in this colony, and probably as cheap, for the freight on these buoys must have been something very considerable. As it was the avowed desire of the House to encourage local industries, and public feeling also favored the desire, he should have thought these buoys might have been obtained by the Government in this colony.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said it would have taken a long time to get them made here.

MR. SHENTON said he also had seen these buoys, and he was sure there would not have been the slightest difficulty in having them manufactured here. The captain of one of the steamers had pointed out to him a certain defect in a portion of these buoys, which made that part far too light, especially for our northern waters, where they had such strong tides.

He thought it was a disgrace—he did not know whose fault it was—that the order for these buoys should have been sent out of the colony, when they could be made here, and give employment to our own workmen.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he quite agreed with those hon. members who had spoken. He believed that had it been known the exact style of buoy required could have been made in the colony, the work would not have been sent to Melbourne. He understood the tenders received in Melbourne were very moderate, and the buoys were constructed under the supervision of the Harbor Department there, and were considered very suitable; but when they arrived here—although he had been assured by Captain Fullerton, whom he saw in Melbourne, that they were identical in make with the buoys used by the Victorian Harbor Department, in the roughest seas on the coast—it was found that the eyes or links connecting them with the mooring chains were not sufficiently strong, and, as the Government did not like to send the buoys to a remote part of the colony without taking care that they were fit and proper, the fault referred to was remedied. He could assure hon. members that in future—and in this both the Chief Harbor Master and the Director of Public Works agreed—when any buoys or work of this kind was required, and it could be done in the colony, the work should be carried out here. The House might rely upon that.

MR. SHENTON did not consider the explanation offered by the Government at all satisfactory. These buoys could have been made here as well as in Melbourne, and the Government ought to have known it; and they might have known it if they had made any inquiries. He thought, taking into consideration the heavy freight, these buoys could have been made 20 per cent. cheaper here.

MR. A. FORREST said that last year the House resolved that everything should be done to encourage local industries, and it was the duty of the Government to carry out the policy of that House in these matters, and do all they could to keep work in the colony. There couldn't have been any hurry for these buoys, for they were allowed to lie on the Fremantle jetty for months, and there

was great depression in that particular trade at the time. Yet the Government must send our money away to the other colonies.

MR. SHOLL thought the House had no right to interfere with the Government in matters of petty administrative details. It was nonsense for the House to dictate to the Government where they were to get their buoys and beacons, and such things, when we had a Works Department.

MR. HORGAN did not think it was nonsense at all. He maintained that all contracts for any work that could be done in the colony should be given to local manufacturers, even if the work cost a little more than it would if made by outsiders. He thought it was the duty of the Government in all cases of contract to advertise in the proper way, and that everyone in the colony should have a chance of tendering.

The vote was then confirmed.

Administration of Justice—Provision for duties of Chief Justice, £298 12s. 3d.:

MR. A. FORREST said he should like some information upon this item.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he could not do better than refer the hon. member to His Excellency's message on the subject. The circumstances were well known to hon. members, and were referred to in the Governor's message. He could not do better than read the concluding portion of that message: "In conclusion, His Excellency trusted that the Legislature would appreciate the position in which the Executive Council of the colony were placed in this very painful matter, and would agree that this was a case in which a money vote may properly be passed to compensate officers who had to discharge, for a considerable period, important public duties beyond those of their respective posts." He was not aware that he had any further explanation to give, beyond what the hon. member would find in His Excellency's message.

MR. PARKER: May I be permitted to ask hon. members not to press for any further information with regard to this vote? I cannot help thinking, myself, that to raise a discussion upon the subject at this late stage would be most unwise. We have had quite enough of heated discussion on these topics in days gone

by, and to take the matter up again would, I cannot help thinking, serve no good purpose to anyone. I would ask hon. members to bear in mind that these officers for whom we are asked to vote this money have done this work, which did not pertain to their own particular office; bearing also in mind that, as a rule, the laborer is worthy of his hire, I cannot but think that to question this vote would be productive of no good, and only give rise to angry feelings, which may not be allayed for a long time to come. It is not likely to increase the vote, or reduce it, and I hope hon. members may be inclined to let it pass.

MR. HENSMAN said he was not going to use any arguments, for he was quite aware that in all human probability it would produce no effect. He did not wish to deprive anyone of the just reward of his services; at the same time, he did not think the people of this colony should be called upon to pay the expense of this interdiction. Therefore, without saying anything more, he should move the rejection of the vote.

THE CHAIRMAN said the hon. member, if he objected to the vote, could vote "No" when the item was put from the chair. That was the usual form.

MR. HENSMAN: Very well, sir.

The vote was then put, and declared carried, on the voices, whereupon the hon. member for Greenough called for a division, when the numbers were—

Ayes	19
Noes	2

Majority for	...	17
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AYES.	NOES.
Mr. H. Brockman	Mr. Horgan
Mr. E. R. Brockman	Mr. Hensman (Teller.)
Mr. Burt	
Mr. Congdon	
Hon. J. Forrest	
Mr. A. Forrest	
Mr. Keane	
Mr. Marmion	
Mr. Morrison	
Mr. Parker	
Mr. Pearse	
Mr. Randell	
Mr. Richardson	
Mr. Scott	
Mr. Shenton	
Mr. Sholl	
Hon. Sir J. G. Lee Steere,	
Kt.	
Hon. C. N. Warton	
Hon. Sir M. Fraser,	
K.C.M.G. (Teller.)	

Vote passed.

Grants, £10 4s. 2d.:

Agreed to.

Mining, £1,300;

MR. SHOLL asked why a difference was made in the goldfield allowance of the Warden at Yilgarn and the Warden at Pilbarra? He noticed the former was down for £200 a year, while the latter was only allowed £3 a week. Considering that Pilbarra Goldfield was in a tropical part of the colony, far removed from the comforts of civilised life, while horse fodder and every other supply was very dear, he should have thought this difference in the allowances of the two Wardens would have been the other way.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said this matter had been very carefully considered, when these provisional appointments were offered to the two gentlemen who at present occupied the position. The Warden at Yilgarn occupied the post of Acting Resident Magistrate at York, and it was considered it would be a hardship to take him away from his family, 200 miles to the eastward, without giving him sufficient to meet what might be called his personal expenses. With regard to the Pilbarra appointment, the officer who had accepted that position would continue to draw his salary as a surveyor, from the Survey Department, and he had readily accepted the additional allowance of £3 a week when he accepted the provisional appointment of a warden. Both these appointments were merely provisional arrangements, and would probably cease at the end of the year. The Resident Magistrate at Newcastle performed the duties of the Acting Resident at York during his absence, receiving no extra salary, beyond his travelling expenses.

MR. HORGAN asked was it not an improper thing to have a warden and a mining surveyor combined in one official? Did it not often happen that disputes as to boundaries and other matters had to come before the Warden, in which case he would have to act in a two-fold capacity, and be the judge in his own case?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said this officer would only act as a mining surveyor when it was consistent with his duties as Warden. It was simply a provisional arrangement, made for the time being.

MR. SHENTON, referring to the item "Water conservation, Yilgarn," said he

presumed a portion of this would be used for working the Tiffin borer. He thought it would be far more economical for the Government, instead of working these borers themselves, if they were to enter into a contract with those who made it a trade or profession to work these machines, and who usually charged so much per foot. That was the course universally adopted in the other colonies. He understood that a company was willing to enter into a contract with the Government here on the usual terms.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said there was a considerable portion of this £1,000 still at the disposal of the Director of Public Works, who was charged with the vote, and he had no doubt his hon. friend (whom he expected back from Albany in a few days) would be glad to work the machine in accordance with the views of hon. members who were interested in the subject. He understood the person now in charge of the machine was sanguine of its success.

MR. MARMION though not prepared to say it would be more advantageous to the Government to have the work done by contract, as suggested by the hon. member for Toodyay, still thought it was worthy of their consideration to ascertain from the Governments of the other colonies at what rate these borers could be put down, the method generally adopted, and other information which might be of use.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he would take an early opportunity of getting the information suggested.

The vote was then agreed to.

Works and Buildings, £1,226 3s. 8d.:

MR. SHENTON, referring to the item "Completion of Fremantle Post Office, £500," said here was this unfortunate item to the front again—was this really going to complete this building?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he understood so. He had consulted the Finance Committee with reference to this sum, and they remarked that they could not advise it without a vote being taken; therefore the Government had acted upon that advice. He had had a conversation with the Director of Works on the subject, and been assured by him that he would under-

take to complete the building with this £500, in a proper way, according to the original design and intention, and he (the Colonial Secretary) would be deceived entirely if there was occasion for any further sum.

MR. SHOLL asked for some information with reference to the item "Completion of Carnarvon Jetty and Tramway, £406 3s. 8d."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the temporary officer who had been in charge of the work—it was a piece contract—had authorised some extra work being done, and this was required to square up the accounts. The work had been done to the satisfaction of the Department, and at contract rates.

MR. SHOLL: Then the money has already been expended, before it is voted? Surely that is contrary to the Audit Act.

MR. HORGAN: How are we to know there has not been collusion between the official who authorised this extra work and the contractor? I think this is a most unsatisfactory way of passing large sums of money.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the facts were these: the officer in charge at Carnarvon gave instructions to the contractors, a very respectable firm (Messrs. Wishart and Davies), for some extras not provided for in the original contract, and without reference to the Director of Public Works. This man had since left the colony, and gone to Singapore. It only shows that in a big colony how impossible it is to control every item of expenditure. No doubt the work was necessary, and he believed the Works Department approved of it.

MR. SHOLL said there was telegraphic communication between Carnarvon and Perth, and there was no necessity to authorise this extra work without reference to head quarters. He believed the truth of the matter was—this officer borrowed some money from the contractors and then left the colony. A large sum had been spent on this work out of loan—£12,000, and here they were now asked to vote over £400 out of general revenue, besides some other items, such as the completion of Fremantle post office (£500), and another sum for the foundations of the Albany hospital

—all works undertaken out of loan, but which were now being completed out of general revenue. This was a policy which he objected to, and he thought it was most unfair that the revenue should be called upon to meet these charges. Even now, he believed the jetty at Carnarvon was not completed, there being no rails nor steps to the jetty, and no doubt a further sum would again be required to finish it. The money had been expended in the most extraordinary manner, and he was surprised to hear that the Government considered it satisfactory.

The vote was then agreed to.

Pensions, £139 17s.:

Agreed to, sub silentio.

Miscellaneous, £2,000:

MR. HENSMAN referring to the item "Gratuity to the widow of the late E. T. Hardman, Government Geologist, £500," asked what the salary of that officer was while employed by this Government?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the original temporary agreement was £600 a year, for a term of one year, and there was a renewal of the agreement and an understanding that he was to receive the appointment of Government Geologist, but in the meantime, unfortunately, he died. Although perhaps we could ill afford to vote away sums of money just now, he thought in this case, taking into consideration the circumstances of the case, and the valuable services rendered to the colony by Mr. Hardman, the sum could hardly be better bestowed.

MR. SHOLL was sorry that he must take an opposite view. It would have been more pleasant to him to have agreed with the Government in this matter, but, considering the short term of this officer's service here—no doubt he did his work well, but he received the salary he expected to receive—he thought the colony could not fairly be called upon to vote this money. They had all had very friendly feelings towards Mr. Hardman when he was here, and no doubt he was an excellent officer; still he thought it was rather hard, and almost too much to expect a poor colony like this to vote this gratuity to his widow. He could not help thinking that the whole of this £1,000 appropriated for a reward for the discovery of the Kimberley goldfields should have gone to the real discoverers, Hall and

Slattery. Of late years there had been too many of these votes for widows of deceased officers; it was almost offering an inducement to widows to get rid of their husbands. He thought it was wrong in principle, this item.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I must say I am surprised, and a little more than surprised, at what I consider the ungenerous spirit of the hon. member for the Gascoyne. One would think, after listening to what he has to say, that so long as we give a man what we agree to give him, he deserves nothing more, no matter what the value of his services may have been or what benefit we derive from those services. I don't think that is the way that Governments at any rate generally treat those who serve them honestly and well, and who do conspicuous service for the country; if it were so, we should not hear of the recognition of the gallant services in the case of the distinguished generals, the distinguished admirals, the distinguished scientists, who have served under the British Crown and whose services have shed a lustre upon themselves and their country—services which the British nation has always delighted to honor. According to the hon. member's argument, so long as these men received the bare amount that was due to them, they were entitled to nothing more—not so much as "Thank you." The hon. member's idea seems to me that it was only in the nature of a contract—so much work so much pay. I do not think there are many other members in this House, nor many people in this colony, who take that narrow and ungenerous view put forward by the hon. member for Gascoyne to-night. The late Mr. Hardman went to the Kimberley district on two occasions; he went there when the country was unsettled, and he endured great hardship—in fact, he nearly lost his life. But he found gold; and, notwithstanding what anyone else may say, I can assert without hesitation that until his telegram reached us, no one in this colony believed in the existence of gold up there. But, from that time up to this, gold has been discovered in many parts of the colony where he told us we might expect to find it. His report upon the Kimberley Goldfields was most exhaustive and most ac-

curate; and it is a most extraordinary thing that any man travelling over the country in the hurried manner that he had to do could have been so observant, for, in every spot where he marked "gold" on his maps, gold has been discovered. His report was a most valuable one indeed, and Mr. Hardman's name is honored and respected throughout the Kimberley district, and, not only that, he has also been honorably mentioned for the work he did in this colony, throughout the whole of the British dominions. It is a very sad thing that a life of such promise should have been so suddenly cut off, that a man of such talent in his profession, and such a bright career before him, should have been cut off almost in a moment; and I consider that Western Australia has received a very great loss in being deprived of his services. He did good work for this colony, and work that will have a lasting effect; and, so far as I am concerned, I consider it a privilege to be able to take part in voting this small amount for his widow. As a taxpayer, as a West Australian, and as a member of this House, I am proud to be here to-night to say that I think we should consider it an honor and a privilege to be allowed to contribute this trifling recognition of his services to the widow of a man who worked so honestly and so well for the colony.

MR. HORGAN said that Government officers in this colony appeared to assume that they had a right to be paid for their services during life, and that upon their death their widows should have a gratuity. Every other member of the community was expected to make provision for his widow and children by insuring his life, living economically, and that sort of thing; but, in this colony, Government officers were not expected to do anything to provide for those they left after them, and, for some years past, that House had been called upon to vote gratuities to widows. It gave a large sum of money to Lady Barlee, a large sum to Mrs. Smith, a large sum to Mrs. Slade, and now they were asked to give a large sum to Mrs. Hardman. They were not told whether this gentleman had insured his life, or made any provision for his widow, or whether she was in independent circumstances. He thought, when an officer like this came to a

strange colony, and went to a tropical part of that colony, it was his duty to have insured his life, and that this country ought not to be called upon to provide for his widow. This colony just now was in almost a bankrupt condition—[SEVERAL MEMBERS: "No, no."] It was; it had no money to pay its debts, and it was an outrageous thing to ask it to contribute a large sum of money for a purpose like this.

MR. A. FORREST was sure they all regretted to hear the hon. member for Perth (Mr. Horgan) giving expression to such views about a man like Mr. Hardman. He hoped that House would always recognise and encourage ability and talent. In the late Mr. Hardman they had a gentleman of conspicuous ability in his profession as a geologist. As had been said by the Surveyor General, he also felt a privilege in having a share in voting this slight recognition of the services of her late husband, to the widow. He travelled the Kimberley district with Mr. Hardman, and knew what kind of stuff he was made of; and he was very glad indeed to have this opportunity of showing his respect for his memory, and his appreciation of his services. With regard to the other vote, the gratuity of £500 to Hall and Slattery, he was pleased to find that the Colonial Secretary had not forgotten what he had been asked to do, last year. It was well known that these two gentlemen and their party were the first who actually found gold in the Kimberley district, and brought it down to show us that gold was there; and he was sorry, himself, that the Government had not seen their way to give them more than £500, out of the £5,000 reward which was offered for the discovery of a payable goldfield. He supposed the Government would be able to explain how they were going to get out of it, for he believed these people thought they had a fair claim to a good portion of that reward, and were dissatisfied with the small amount it was proposed to give them.

MR. HENSMAN said it would be as pleasant to him as his hon. friend on the right (Mr. A. Forrest) if he could see his way to vote in favor of this gratuity to the widow of the late Mr. Hardman. It was an unpleasant thing to have to say anything against a suggestion of this

kind; but he was sorry to say that, since he took part in the deliberations of the committee on a former occasion for a similar purpose, he had had reason to regret that he had not had the courage to speak out more clearly than he had done, when that vote was before the House. He should like to know upon what system or principle they were ask to vote these sums of moneys to widows. It appeared that when a case commended itself to certain members of that House or of the Government, it was brought forward; and he should like to know where they were to draw the line. Did it not occur to hon. members that they were rather too apt to vote these sums to the widows of gentlemen rather high in the service? He thought they should remember that, although the Commissioner of Crown Lands had told them that the speech of the hon. member for Gascoyne was ungenerous, this voting away of public money was not a question of generosity. It appeared to him it was a question of justice, rather. It was not difficult to be generous with other people's money—[The Commissioner of Crown Lands: Our own.] He did not think it was our own. In that House they represented the people of the colony, and they were voting away the public funds and not their own money. If they wanted to be generous in a case of this kind, let those who wished to do it put their hands, not in the pockets of their country but in their own pockets. The Commissioner of Crown Lands said he considered it a privilege to be allowed to vote this gratuity; but, what struck him (the speaker) was that these votes for widows were beginning to increase, and they would soon find it difficult to take their stand and say, "No, we shall vote no more." He thought it was the duty of those who married to make some provision for their widows, to the best of their ability. This gentleman's salary, they had been told, was £600 a year—a considerable sum for a small colony like this; and he thought it was a pity the deceased gentleman did not make some provision for his widow. But it had been stated he had not done so, and they were now asked to vote this gratuity. The question that rose to his mind was this: Can I, consistently with what I think is one's duty to the people of this

colony, vote these sums of money out of public funds? He could only answer the question in the negative; and, so far as he was concerned, although he had no wish to press the matter to a division, he should vote against it.

Mr. RICHARDSON said, as he had stated before, on similiar occasions, this was a bad principle—or rather there was no principle in it, and, as the hon. member for Greenough had said, if they started this game where were they going to end? It did seem to him that it was only the widows of officers high up in the scale who had any substantial notice of this kind taken of them. He had no doubt there were scores of other deserving officers, who had occupied a lower grade, whose widows and families had been left destitute, and to whom £50 would be as acceptable as £500 to people in a higher position. But they heard nothing about the claims of these, and no appeal was made to the House in their favor. He had opposed these votes, on principle, on former occasions, and he did so now, on the same principle. Where he considered a wrong step was taken was in the Government asking the House to vote these sums; it placed the House in a very invidious position, and it was a very unpleasant thing to refuse what was asked for. He blamed the Government for putting these sums on the Estimates, thus putting members in a position of some embarrassment and unpleasantness. He did not think it showed any generosity or any genuine feeling of charity at all on the part of members to vote these gratuities. Probably their own individual share of the taxation that went up to make the amount did not come to more than a shilling each, and it was a misnomer to call it generosity. It was a practice that was becoming too common, and it would be very difficult to make a stand or draw a line hereafter. He believed this particular officer was in the service of the British or Irish Government for many years—had they voted his widow anything? He served that Government a great deal longer than he did this colony—possibly it was not such distinguished service as he rendered this colony—though this Kimberley gold-field, after all, was but a blessing in disguise as yet, and had done no real good for the colony.

MR. MORRISON thought that one reason for voting this gratuity had been overlooked. The next item (the gratuity to Hall and Slattery) reminded him that the late Mr. Hardman, as everybody acknowledged, had, with that wonderfully correct map of his, done a great deal towards the discovery of this Kimberley goldfield; and, had he been living now, he would have been fairly entitled to claim a share of this reward, and of more than one reward, for other goldfields had sprung up in localities which he had pointed out as being likely to be found auriferous. He thought they ought to look at this gratuity in that light. At the same time he agreed with what had fallen from the hon. member for the North, that it would be very difficult to draw the line, once they began to vote these gratuities to widows of public servants—though in this case he certainly thought the widow of the late Government Geologist had a fair claim to a share of this reward.

MR. MARMION said it was his intention to support the vote. It seemed to have been forgotten altogether that they were dealing in this instance with not a mere question of benevolence or charity, but a right or a claim, to the representative of the late Mr. Hardman to a share of this reward. When they came to consider all he had done for the Kimberley District—and these goldfields were only yet in an incipient stage—he could hardly understand how there could be any opposition to this vote. No doubt Messrs. Hall and Slattery had performed a great deal of practical work there, still this colony must not forget the value of the scientific work done by the late Government Geologist. It must be remembered this was not an annual vote. As to the principle of granting these gratuities they must take each case on its own merits, as the exigencies of the case demanded.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) was glad to hear there was no desire on the part of even those who were not altogether in favor of the vote, to divide the House on the question. He should be sorry if there should be any want of unanimity of feeling as regards this reward—for, after all, as had been pointed out, it was part of the reward money that was in reality being given to

this lady, whose husband had done so much good work for the colony. As to the reason why the whole of the reward originally offered (£5,000) had not been apportioned, he had already explained that, in the opinion of the Government, the terms of the offer had not been fulfilled, so far as that reward was concerned. But the 81st section of the Goldfields Act of 1886 provided that "it shall be lawful for the Governor in Council to cause to be paid a sum of money not exceeding £1,000 to the actual discoverers of any new goldfield, such sum to be paid under the terms and conditions to be prescribed by the Regulations." Hon. members would allow that this gave the right to the Governor in Council, independently of the Legislature, to cause this reward to be paid, under the regulations in force. Application was made on behalf of the widow of the late Government Geologist for a share of this reward, and Mr. Hardman himself had made an application before his death, and, after careful consideration, it was agreed that the reward should be divided in this way.

MR. RANDELL submitted that the only grounds upon which a vote like this could be justified was in consideration of signal or distinguished services, or of the fact that the officer in question had suffered injury to his health while employed in the service of the colony. There appeared to be, in this case, ground for both these considerations. He must object, as the hon. member for Greenough had rightly and properly done, to that House voting away public money in a spirit of benevolence, or prompted by a feeling of generosity. He thought the time had come for that Council, or whatever Council might succeed them, to set its face most determinedly against voting away public funds upon the simple ground of the widow or family of a deceased public officer having been left in destitute circumstances. In dealing with public money they had no right to take these things into consideration; and he was now inclined to think that they had done wrong in agreeing to a vote of this kind on two former occasions.

MR. SHOLL said that notwithstanding the effective speech of the Commissioner of Crown Lands he could not agree that the widow of this officer had any claim

to a portion of the reward offered for the discovery of a goldfield. That reward, in his opinion, justly belonged to Hall and Slattery, who were the actual discoverers. Mr. Hardman was appointed by the Government, and paid out of public funds, for examining the country, and he gave us the benefit of his report and of his professional experience, that was all. He brought no specimens of gold down to head quarters to prove that he had discovered any. [The COMMISSIONER OF CROWN LANDS: He dreamt of it, and put it on the map, I suppose.] He brought none down with him. No doubt he rendered good service to the colony, being a man well up in his profession and who took an interest in his profession. We could not have had a better man, probably; at the same time he could not agree that he had any claim whatever to a portion of this reward, although the Government might think so.

MR. HENSMAN said if he had known the widow had a right to claim this money as something earned by her late husband, he should not have thought of opposing it; but it ought to have been put on the Estimates not as a "gratuity" (which was a free gift), but as money due. At the same time he wished to enter his protest, and to record his opinion on these matters; and, in any future case, unless there was something very extraordinary and special, he should oppose these widow votes as much as he possibly could.

The matter then dropped.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said they had now gone through the Supplementary Estimates, as printed, but he had now to ask for a comparatively large sum in addition, in order to pay the damages and costs in the case of *Mockford v. the Government*. The damages amounted to £8,000, and the costs, he was informed, came to £2,500, or a total of £10,500.

MR. A. FORREST thought they ought to have some explanation before passing such a large sum as that. Of course the colony would have to pay it, but the House ought to have some explanation as to how the Government ever came to make such a bad bargain as to cause them to lose all this money.

MR. HENSMAN did not understand for a moment that the Colonial Secretary

intended to ask them to vote this large sum of money at a moment's notice, in this way. He thought it was their duty to require to know something about it, before voting it away in this sudden manner. He would therefore move that progress be reported, and leave be given to sit again, so that they might have some explanation from the Government bench.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the circumstances of the case must be very well known to hon. members. The present Government were in no way concerned in the matter; he himself was not in the colony when the contract was made. The facts had been before the public quite recently, in the course of the trial; and he was informed that in reality the Government had no option in the matter. They were bound under the statute to pay the claim, and it was merely as a matter of form that the amount was put down here.

MR. A. FORREST asked if it was true that the brief of one of the counsel in the case was marked £500 and his junior £100. He did not think any man's time in this colony was worth £500 for eight days.

THE ATTORNEY GENERAL (Hon. C. N. Warton) explained that the fees marked on a counsel's brief were not always paid by the unsuccessful party. There were always costs between solicitor and client, and he had no doubt the House would find that counsel, when the bill of costs came to be taxed, would not receive those sums. The reason the costs were so high was that there was a very expensive commission in England. He thought the colony, on the whole, had got off very well in the matter. According to the local statute the Governor was empowered to pay claims of this nature against the Government out of any "available balance" at his command. He did not know whether there was any available balance at present or not; but the Government felt it would be more respectful towards the House to include the amount on the Estimates,—especially as there seemed to be some question as to the words "available balance." With regard to the case itself, he could only say that considering the plaintiffs were kept waiting nine years for their money, and that they stated—and it was believed by the jury who

tried the case, and strongly supported by the Bench—that their expenses in connection with the venture amounted to about £8,500, and when it was further shown by the evidence of experts what the profits upon guano were,—taking everything into consideration he must admit he expected a very much larger verdict, which might have been as high as £75,000, and very probably £25,000. Therefore, he said, on the whole the colony had come out of it very well.

MR. HENSMAN submitted that this vote should have been put before them earlier. They heard of it now at the tail end of the Estimates, and, whatever the learned Attorney General might say to the contrary, there were many people who had an idea the colony had been let in for the payment of this large amount through some gross mismanagement, somewhere, at some time or the other. No doubt the learned Attorney General succeeded in cutting down the claim as low as possible; but he must certainly object to the House being called at a moment's notice to vote a sum of £10,000, without having any opportunity of inquiring, and, if necessary, asking for further information. If the House was going to vote away large sums of money like this, without inquiry, he thought the colony would think they were very free and easy legislators in dealing with the public funds.

MR. PARKER said he certainly was somewhat surprised that they should be asked to pass this item without its having appeared on the Estimates, but he presumed the cause of its not appearing was because the case was not settled until a day or two ago, when it was decided by the plaintiffs not to proceed with their rule for a new trial. He thought it was fortunate for the colony that they had come to that decision; and the case having now been finally settled no amount of explanation would get over the fact that the money must be paid, and that it was owing to the negligence of the Government, in past years, that this claim had arisen. If the hon. member for Greenough would look at the Debates, eight or nine years ago, and the report of a select committee of the House, he would see that some very strong comments were used about the manner in which the Government had conducted their affairs in

connection with this Lacepede island guano business. But the thing was done, and couldn't be undone. The Government had had judgment delivered against them, and, by a local statute, they were bound to pay—in fact, whether there was a local statute or not, they would all recognise that it would be impossible for them to repudiate a liability which had been found to be justly due to the plaintiffs, by a special jury of the colony itself. He therefore failed to see what object would be gained by adjourning the discussion. We were bound to pay the money, and he thought the sooner we did so the better. Judgments of the Supreme Court in this colony, it must be remembered, carried interest at the rate of 10 per cent.

MR. HENSMAN submitted it was premature, at any rate, to vote the amount said to be required for costs (£2,500), until the costs were taxed. It might be found they had not voted enough; and he could not understand all this hurry.

MR. HORGAN: Does this amount cover the costs incurred by the law officers of the Crown?

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the costs of the Crown did not amount to anything beyond two or three witnesses. He should think all these costs would be covered by a £50 note,—except, of course, the expense of the commission in England. This £2,500, it was believed, would cover everything.

MR. BURT said he had some little knowledge of the case, and he had no idea that this £2,500 would cover the costs of the plaintiffs and of the Government, and the expense of the commission, which must be very heavy.

MR. HENSMAN said that was all the more reason why they should have a little more information, and that nothing should be kept in the background. It was all very well for the Attorney General in a jaunty way to say that the costs of the Crown came to nothing; he thought the best thing they could do would be to report progress, and have some more definite information.

Motion to report progress negatived; and the item put and passed.

Estimates to be reported.

BANK HOLIDAYS ACT AMENDMENT BILL.

Read a first time.

POOR HOUSES DISCIPLINE ACT AMENDMENT BILL.

Read a first time.

INQUESTS ON INFANTS BILL.

Read a first time.

QUARANTINE BILL.

Read a first time.

GOLD DECLARATION BILL.

The House went into committee on this bill.

Clause 1—Declaration as to gold for exportation:

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that, in view of the suggestions offered by the hon. and learned member for Sussex, on the second reading, he proposed to expunge this clause (as being the simpler way of dealing with it), and substitute another in its place. The new clause limited the declaration to the time gold was exported out of the colony. He moved that the clause as printed be struck out.

Agreed to, and clause omitted.

Clause 2—Declaration as to gold for exportation:

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved to add to the clause the words "at the time of export."

Agreed to.

MR. HENSMAN thought the words "and any person other than a banker" were superfluous. Any person other than a banker was any person at all. They might as well say any person other than a tailor. He moved that they be struck out. It seemed to him there were other difficulties. The clause did not say in what quantity the gold might be that had to be declared, or above what quantity: it might be a very minute speck or the tiniest nugget that a man possessed, but, according to this clause, he would be expected to make a declaration.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he particularly wished to retain the word "banker" in the bill, in order to particularly call the

attention of the bankers to the duties imposed upon them, as the bill it might be said mainly related to the banks, who would be the principal exporters of gold.

MR. BURT said the clause recognised a distinction between "exporting" and "taking away from the colony," but in fixing the time at which the declaration had to be made at the Customs it only provided for exported gold.

MR. PARKER thought it would be as well to introduce the words "any company" as well as any person, as there might be gold exported by mercantile firms or companies formed for that purpose.

THE ATTORNEY GENERAL (Hon. C. N. Warton) presumed the declaration would only be made by one member of the firm, or the manager of the company.

The amendment moved by Mr. Hensman was negatived, and the clause put and passed.

Clause 3—agreed to.

Clause 4—"No person possessed of or exporting or taking away from the colony articles manufactured of gold, although such gold shall have been found in or procured from the soil of the colony, shall be bound to declare the weight or value of such articles, either under the provisions of the first or of the second sections of this Act, if such articles are or could be used for personal wear. But any person possessed of or exporting or carrying away from the colony articles of jewellery, including watches, manufactured of gold found in or procured from the soil of the colony for the purposes of trade, or in number that in the opinion of the Justices is greatly in excess of what might be fairly deemed to be for personal use by such person, such person shall be subject to the provisions of the first or second sections of this Act, as the case may be, respectively."

MR. HENSMAN thought there were many objections to this clause, and that it must remain practically inoperative. Surely it was unnecessary to provide specifically that persons "possessed of" gold were exempted from the provisions of the Act. Again, it said "procured from the soil of the colony"—a person might not know whether any articles of jewelry he might have about him had been made out of gold procured in the

colony or not. Under this clause, if he unwittingly happened to export or carry away a piece of superfluous jewelry, which he might have had in his possession for years, and which may or may not have been manufactured from colonial gold, he might be rendered liable. It was imposing most harassing duties upon people. It might be a woman or a child who did this, and there was no limitation in the Act, and no exemption in the event of the breach or default being committed unwittingly.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said there must be a guilty mind. If a person did not know, there would be a good defence, although not specifically provided in an Act of Parliament.

MR. HENSMAN said he differed altogether from the learned Attorney General, and he submitted, that if this bill passed, anyone who took away the smallest piece of gold, if proved afterwards to have come from the soil, would be liable to a penalty, although he might have no intention to commit an offence. It was ridiculous legislation altogether. It was all very well to endeavor to ascertain the quantity of gold taken or exported out of the colony, but the object in view was not to be obtained by foolish provisions such as were contained in this bill, which would make us a laughing stock.

MR. PARKER said the Government had made one or two previous attempts to legislate in this direction, but he believed without success. No doubt it was a difficult matter to deal with, and probably this was their last dying effort. He was therefore inclined to let this little bill go—though undoubtedly it was open to objection, if not ridicule—and let them see whether it might not possibly produce the desired result. It certainly was not the kind of bill he would have prepared himself, but he thought they might give the Government a chance to let them see what the effect of the bill would be.

MR. HENSMAN said the more he looked at the bill the more absurd it seemed. Did the Attorney General mean this seriously, or was it a joke—that any person leaving the colony with rather a profuse display of jewelry, a display that was in excess of what a justice of the

peace considered the person ought to wear—did the Government really intend that this should bring the wearer within the provisions of this bill? According to this, a person who happened to have more watches than one, or more rings than one, might render himself or herself liable to a penalty, if the magistrate thought it was in excess of what the wearer ought to have. It really was ridiculous. Fancy a lady loaded perhaps with jewelry, or adorned with jewelry in excess of what a justice of the peace might consider in good taste, having to make a declaration at the Customs as to the value of her adornments, and as to whether the gold came from the soil of this colony or some other soil. How was a country justice to decide upon the quantity of jewelry that an over-dressed town lady might be “fairly deemed” to be entitled to wear for personal use?

MR. BURT thought the section attempted too much. They had already provided for exporting and taking away, which he thought was about all they had to consider. Our Tariff Act made no provision for bailing up people who were going out of the colony, to see whether they were over-dressed or not, in the matter of jewelry. He certainly could not congratulate the Government upon their bill.

THE ATTORNEY GENERAL (Hon. C. N. Warton) admitted that the clause was open to criticism, but it had been framed with a view to meet the wishes of the House, as expressed by hon. members when the bill was before them on a former occasion. He understood it was then the desire of hon. members that certain persons should be exempted from the operation of the Act, as regards jewelry worn or required for personal use; but it was necessary to provide against an abuse of this exemption, and the present clause was intended to deal with the case of persons dealing in jewelry, who, taking advantage of the exemption granted to others, might smuggle away a valuable quantity of gold articles out of the colony without making any declaration as to the value. It was not likely that justices would harass people unnecessarily.

MR. MORRISON thought all they required was to ascertain the quantity of gold found in the colony and sent out of it, in the shape of gold ore, gold dust, or

bullion; and they did not want this clause at all. A simple way of dealing with the question would be to provide that any person exporting gold without making the necessary declaration should forfeit the gold. They would find there wouldn't be much exported without the declaration.

Clause agreed to, provisionally.

Clause 5—Act to come into operation on 1st January, 1889:

Agreed to.

Clause 6—Short title:

Agreed to.

Preamble and Title agreed to.

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

LEGISLATIVE COUNCIL,

Tuesday, 23rd October, 1888.

Merchandise Marks Bill: in committee—Boat Licensing Amendment Bill: in committee—Supplementary Estimates, 1888: reported—Bank Holidays Act Amendment Bill: second reading—Poor Houses Discipline Bill: second reading—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

MERCHANDISE MARKS BILL.

On the order of the day for going into committee on this bill,

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he wished to be allowed to make one or two observations, which had escaped him in moving the second reading, with regard to one clause of the bill, to which he desired to call the particular attention of the House, because it involved a very important principle. In our criminal law procedure we had followed the course of English legislation in most respects, but there was one comparatively modern amendment in the procedure in England which had not yet, so far as he was aware, been adopted here, and that was as regards the law of evidence. In this colony, under

the present criminal law procedure, you could not put an accused criminal under examination, nor could you examine his wife, nor allow her to give evidence. But, in one or two cases, in England, as hon. members were aware, this was permitted, though a comparatively recent innovation. A great number of eminent authorities were in favor of altering the law of evidence in this respect, so as to allow accused persons in all cases to give evidence; but that had not yet become part of the criminal procedure, though, as he had already said, there were one or two exceptions in which this was permitted. The same principle was introduced in the present Act—it would be found in the 9th clause—and as it involved a very serious change in our criminal procedure he had thought it was only right he should direct particular attention to it, otherwise it might possibly escape attention in committee. It was considered desirable that, under this Act—where the offence perhaps might be a false representation as to the number of yards in a reel of cotton, or as to the weight or measure of any goods, or as to the mode of manufacture or production—it was considered desirable that the offender should be allowed to give evidence, and to have an opportunity of offering an explanation.

The House went into committee.

Clauses 1 to 8:

Agreed to.

Clause 9—"In any prosecution for an offence against this Act,—

"(1.) A defendant, and his wife, or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

"(2.) In the case of imported goods, evidence of the port of shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced."

THE ATTORNEY GENERAL (Hon. C. N. Warton) said this was the clause he had referred to, as introducing a change, and an important one, in our criminal procedure here. He referred to the first sub-section. It would be for the committee to say whether the change was one which should be adopted in this