

The Bill was read a second time, and passed through Committee, without discussion.

NATURALIZATION BILL.

Second Reading and Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a second time.

The Bill was read a second time, and passed through Committee, without discussion.

GUILDFORD APPROPRIATION LANDS BILL.

Second Reading and Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving that the Bill be now read a second time, informed the House that the Bill was introduced with the consent of the people of Guildford.

The Bill was read a second time, and passed through Committee, without discussion.

The Council adjourned at 10.15 p.m.

LEGISLATIVE COUNCIL,

Wednesday, 14th December, 1870.

Swearing in of Member—Steam Dredge Returns—14th Victoria, No. 6 Amendment Bill: first reading—Pauper Returns—Trespass by Herds of Wild Horses and Cattle: select committee report—Municipalities Bill: second reading: in committee—Survey Department Returns—Representation of the People Bill: second reading—Aboriginal Natives Pearl Shell Fishery Bill: second reading: in committee—Superannuation Bill: second reading.

The SPEAKER took the Chair at 4 p.m.

SWEARING IN OF MEMBER.

The SPEAKER administered the Oath of Allegiance to Mr. Logue, member for Geraldton, who thereupon took his seat.

STEAM DREDGE RETURNS.

Mr. GULL, in accordance with notice, moved that a return of the first cost of the steam dredge, as well as the charge for freight upon the same, and the entire expense of putting it together be laid upon the Table of this House, and to ask the Hon. the Colonial Secretary whether it is the intention of the Government to take any, and what measures, for the improvement of the navigation of the River Swan.

The COLONIAL SECRETARY (Hon. F. P. Barlee) placed on the Table of the House the following return called for by the honorable member for Swan:—

Return of the cost, freight, insurance, and all other expenses on account of the Steam Dredge to the present, exclusive of Convict labor:—

Purchase in England	£2890	0	0
Freights and Insurance	559	10	6
Expenses of Erection	307	4	2
Patent Slip	100	0	0
Removal	2	10	0
Advance of pay, passage and expenses of Mr. Christian, appointed as Overseer.	104	16	0
Half pay of do. in the colony to 21st. June, 1870	193	12	0
Lodging allowance of do.	26	0	0
Return passage and expenses	81	19	4
Balance of pay and expenses in England	20	7	4
Half pay to Mrs. Christian in England	208	0	0
26 months at £8 per month	61	19	0
Pay of Watchman	6455	18	4
Total			

W. KNIGHT,
Auditor General.

Perth, Dec. 12, 1870.

14th VICTORIA, No. 6, AMENDMENT BILL.

First Reading.

Mr. DRUMMOND, in accordance with notice, moved for leave to bring in a Bill to amend the 14th of Victoria, No. 6. He said he was induced to bring in the Bill to prevent magistrates doing acts of injustice. He considered no ticket of leave man should have his ticket revoked without having been tried by a magistrate.

Mr. STEELE agreed with the honorable member. It was a summary power, he said, that ought not to be exercised by anyone, not even by the Governor.

The Bill was read a first time.

PAUPER RETURNS.

Mr. DRUMMOND, in accordance with notice, moved that a return be laid on the table, of all paupers receiving aid from Colonial funds, distinguishing those who were originally convicts.

Question put and passed.

TRESPASS BY HERDS OF WILD HORSES AND CATTLE.

Select Committee Report.

Mr. PHILLIPS, as chairman of the select committee, brought up a progress report and moved that the same be received and printed, and that the consideration of the report be made an order of the day for Monday, 19th inst.

Question put and passed.

MUNICIPALITIES BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving the second reading, said that the object of the Bill was, to give the City Council and other town trusts legal power for doing many things which at present were done without that authority. It was not intended, as some people supposed, to make a mayor and aldermen for the city. The colony had not come to that point yet.

The Bill was read a second time.

In Committee.

Clause 6—

Mr. SHENTON proposed that certain words in the 5th line be struck out.

A long debate followed, but eventually it was agreed that the clause should stand as printed.

Clause agreed to.

Clause 8—

The COLONIAL SECRETARY (Hon. F. P. Barlee) explained the intention of the clause. It referred to some country towns where persons who did not actually reside in the boundaries were, by this clause, to join the municipality.

Clause agreed to.

Clause 11—

Mr. SHENTON moved and Mr. NEW-MAN seconded that the words "nor unless his name be included in the Jurors' list," etc. to the end of the paragraph be expunged.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 16—

After considerable discussion, this clause was allowed to stand as printed.

Clause agreed to.

Clause 18—

Mr. SHENTON moved that the word, "Chairman" be substituted for the word "Councillors" in line 8.

Amendment not agreed to.

Clause agreed to.

Clause 39—

Mr. STEERE thought that clause 39 took away from justices of the peace the power to deal with cases of ill-treatment of cattle and placed it in the hands of town councils which ought not to be.

The COLONIAL SECRETARY (Hon. F. P. Barlee): Police magistrates would have the same power as now.

Mr. BROWN said he would call the attention of the hon. member for Wellington to Ordinance 21 No. 5 that gave full power to magistrates.

The ATTORNEY GENERAL (Hon. R. J. Walcott) said that the clause did not give nor was it intended to give magisterial powers to town councils.

Clause agreed to.

Clause 40—

Mr. BROWN thought that clause 40 was somewhat contradictory.

The COLONIAL SECRETARY (Hon. F. P. Barlee) explained the clause.

Clause agreed to.

Clause 55—

Mr. SHENTON moved that the residence of ministers of religion be exempt from rates.

The COLONIAL SECRETARY (Hon. F. P. Barlee) opposed the amendment and explained the effect of such exemption.

Amendment not agreed to.

Clause agreed to.

Clause 56—

Mr. BROWN objected to the clause as to fencing and clearing ground, as required, as being particularly unsuited to his district.

The COLONIAL SECRETARY (Hon. F. P. Barlee) referred the hon. gentleman to clause 28 which met his objection.

Clause agreed to.

Bill reported, with amendments.

Sitting suspended until 8 p.m.

SURVEY DEPARTMENT RETURNS.

The COLONIAL SECRETARY (Hon. F. P. Barlee) placed various returns, relative to the Survey Department, before the House.

REPRESENTATION OF THE PEOPLE BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) in moving that the Bill be now read a second time explained that it was intended to allow persons who held land to the extent of £10, to vote, and also to allow conditional-pardon men to vote, many of whom could not now do so. As to the property qualification of members to sit in the House, the question had been considered carefully; it had received a great deal of consideration, and the Government came to the conclusion not only to reduce the qualification, but to abolish it altogether.

Mr. STEERE was extremely glad the Government had brought in the Bill. He considered that it was never intended that conditional-pardon men should be excluded from voting, and he was glad to see that it was intended to do away with this disability. He considered the extension of the franchise to landholders of the value of £10, a very necessary alteration. He would be very glad to do

away with the very high property qualification required for members, but he was surprised at the Government proposal to abolish it altogether. He would agree to a reduction in the amount of qualification, but not to its being totally abolished. He would move that the Bill be referred to a select committee, to consist of Messrs. Carr, Moore, Drummond, Newman, Shenton, and the Mover.

Question put and passed.

ABORIGINAL NATIVES PEARL SHELL FISHERY BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) in moving that the Bill be now read a second time explained that the Bill was to regulate the hiring and service of Aboriginal natives engaged in the pearl shell fishery. The hon. gentleman drew the attention of hon. members to the desirability of members placing on the Minutes of the Council notice of any intended alteration they proposed bringing forward on any Bill submitted. Hon. members would then be prepared to speak with confidence. He had several amendments to this Bill to propose, which were as follows:—In the Title, add these words thereto, "and to prohibit the employment of women therein." In the Preamble—between the word "fishery" in the third line, and the word "be" in the fourth line, insert these words, "and to prohibit the employment of women therein." 1st section, between the word "any" and the word "Aboriginal" in the second line, insert the word "male", and add to the section the words, "provided always that no female Aboriginal native shall be employed, or engaged in the Pearl Shell Fishery." He did this from information received from the Resident at Port Walcott within the last few days. Many quarrels arose between the natives and the white people, in consequence of the females being taken away, not for pearling, but for other purposes. It was necessary and desirable, if possible, to protect the natives, especially those on the north-west coast. He would be glad to place the motion on the books, and defer discussion to another day.

The Bill was read a second time.

In Committee.

Clause 1—

Mr. NEWMAN objected to the whole constitution of the Bill. He was very much afraid the Bill would interfere with the employment of the natives, and would lead to endless litigation, and to many persons it

would prove a great hardship. The natives lived all along the coast, the boats employed in pearling often engaged the natives far away from the police or Resident Magistrate of Port Walcott, or Champion Bay, in fact, natives who did not belong to either of the settlements. How was it possible for pearlers to comply with the conditions required by the Bill? They could not be complied with. It would be different if this industry was in Fremantle, or only a few miles from it. He agreed with the principle as far as it went to protect the natives as far as possible, but the Bill went far beyond that. What did a native know about signing an agreement before a Police Magistrate? The clause must be altered.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that on reading the clause, he made the same remark. He considered it unworkable. However it was desirable to have agreements signed before Police Magistrates, if practicable; if not, before some person well known. Many persons had taken the natives away from Shark's Bay to the pearl fishery, without any permission. The plan suggested would answer, if it could possibly be done. He would be glad if hon. members could point out any other plan by which justice might be done to the natives.

Mr. LOGUE did not think the Bill would have the effect of protecting the natives at all. He concurred with Mr. Newman; the provisions of the Bill should be well considered.

Mr. BROWN said that the question before the House was an important and difficult one, but it was the duty of the Government to protect the natives. The Colonial Secretary proposed having a clause preventing native women being engaged in the trade. Now the women were the very best divers, and the women were as numerous as the men, and to prohibit them from being engaged would do damage to the trade. He did not think the Bill in the present form would give protection to the natives. The names of those engaged should be registered in some office. It would then be known if the natives had been engaged properly or not. It was well known that parties often hired natives, took them pearling, and then left them far away from their homes. If a native was left 50 or 70 miles from his home, he never could get back. He would compel persons to return natives whence they got them, though it might somewhat interfere with the trade. He urged the House to seriously consider the proposal before condemning it.

Mr. DRUMMOND said he would go further than the Colonial Secretary. He would compel masters and owners of boats

engaged in the pearl trade to go to headquarters and have them registered. It would not cause much expense.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that the same question was considered when the Bill was being framed, yet it was thought hard that those engaged in the trade should do so. He agreed with the hon. member for Toodyay to make the Bill as stringent as could be to protect the native, without injuring the trade. He viewed the Bill as a commencement to meet the case, and he could not see any great object in postponing it. Leave the first clause as at present, and make it just to those engaged in the trade. He would wish to see arrangements made to register every engagement on the coast.

The ATTORNEY GENERAL (Hon. R. J. Walcott) was not in the country when the measure was framed. He could speak from experience on the point. In Honduras, along hundreds of miles of coast, natives came in and made their agreements to cut mahogany. He saw no difficulty in engagements being made and kept in the magistrate's office. It was done elsewhere; why not here? Every man owed a duty to the Aborigines. They should be treated as children, and be protected as children. He hoped they would do something for them, and as this country prospered, do something for the amelioration of their condition.

Mr. GULL was glad a subject of such importance was engaging the attention of the Council. He thought the provisions of the Bill would meet the case intended. Port Walcott was the head-quarters; pearl-boats started from there. He could see no difficulty in the way of getting their engagements registered. He agreed with the Hon. the Attorney General, the Bill would make people learn that the Government were aware that the natives had been treated inhumanly. He considered the Bill most essential.

Mr. BROWN said that hon. members who had spoken did not know much about the north-west coast. He had travelled 1,000 miles in the district, and knew something about it. There was no parallel between the natives on that coast and those referred to by the Hon. the Attorney General. If the natives in that part of the colony went 50 miles away from their homes, they would probably be killed. It was quite impossible here to go to any Resident Magistrate to register their names, but he saw no hardship in masters of vessels being compelled to register their names, and the names of all those they engaged.

Mr. DRUMMOND said they were called upon to deal for men who deserved their protection. Pearl fishing was a profitable trade, and he saw no hardship in masters of vessels being compelled to register the names of those natives they engaged for the season, and afterwards in returning them.

Mr. NEWMAN hoped the Hon. the Colonial Secretary would not suppose that he did not appreciate the measure that had been brought forward by the Government. He could not then point out a different way. He believed the manner of treating the natives—whether they were treated kindly or harshly—a serious one. The natives should be protected. Pearl fishing extended 500 or 600 miles along the coast; natives were engaged far north of Roebourne. Was it advisable to compel boats that have gone 500 miles to leave them where they took them from? The Bill had more the scope of the Masters and Servants Act, than for the punishment of acts of cruelty to natives proved.

The COLONIAL SECRETARY (Hon. F. P. Barlee) explained that the Bill was not intended for a Masters and Servants Bill, but for the protection of the natives on the north-west coast. It was difficult to do it, but it was necessary. The question was how best to do this, in fairness to those engaged in the trade. He heard what had fallen from the hon. member from Fremantle, respecting natives who had been engaged some 500 miles along the coast, for pearlers, to be compelled to return them. It would be unreasonable to ask pearl fishers to do it. He had great trouble to meet that in framing the Bill, and in justice to those engaged in the trade, he could not see what more could be done for the protection of the natives. The Bill would, at least, show people that it was the intention of the Government to protect the natives. He would suggest that consideration of the 1st clause be postponed.

Mr. NEWMAN said that as it would appear the Bill was only a temporary measure, he would agree to it.

Clause postponed.

Clause 3—

Mr. BROWN said that the clause showed why time should be given before passing the Bill. Neither party could be imprisoned more than three months, and fined more than £30. No native could pay £30. He thought the imprisonment should be for a longer period.

Mr. MARMION believed they had a difficult matter to get over, in being compelled to bring natives hundreds of miles along the coast to engage them. He agreed with an honorable member on his right in saying that the Bill could not be carried out.

He knew something about the pearl fishery, and it was not possible to engage natives at the end of one season for the next season. It was necessary to have some law to protect the natives and their employers, if it could be carried out.

Clause agreed to.

Clause 5—

The COLONIAL SECRETARY (Hon. F. P. Barlee) suggested an alteration in clause 5 for the protection of the women. The women were taken away, not for pearling, but for improper purposes.

The SPEAKER was afraid that if the Bill was passed it would embarrass the fishery on the north-west coast. He quite agreed that the natives ought to be protected, but the House ought well to consider the Bill before passing it. He heard how natives were engaged some 500 miles on the coast, and it would be impossible to bring them before a magistrate. Masters of vessels could write engagements and get them signed themselves if they liked. Natives at the present time were difficult to be got, but he was inclined to believe that those who treated them the best got the most labour. He would prefer the Bill being read that day six months. It was their duty to protect the natives and in the meantime they could learn from the north-west coast how that could best be done, and serve the fishery.

The COLONIAL SECRETARY (Hon. F. P. Barlee): It would be out of order to propose that, the principle of the Bill being affirmed.

The SPEAKER: It was to relieve the Government of the difficulty.

Mr. LOGUE asked the Hon. the Colonial Secretary to explain how a native's consent was obtained.

The COLONIAL SECRETARY (Hon. F. P. Barlee): Natives understand that when taken away from one place they are to be returned to that place again; natives understand they are to be taken back. The Bill was simply what the hon. member for Fremantle called it—a tentative measure.

He then read the following proposed alteration in clause 5:—section 5—After the word "shall," in the first line, strike out the words "leave any Aboriginal native so engaged," and insert the words, "Carry or allow to embark on board his vessel any female Aboriginal native, or shall leave any male Aboriginal native, engaged as aforesaid under the provisions of this Act;" and between the word "shall" and the word "incur," in the last line, insert the words "for every such offence."

Mr. BROWN said it was necessary to register agreements, and masters of vessels should send copies of agreements to the Residents at Fremantle or Roebourne within three months. The hon. gentleman asked if he was in order by placing an additional clause to the Bill, and having been answered in the affirmative, Mr. Brown read the clause.

Mr. LOGUE seconded the motion. He considered Mr. Brown's clause would have the effect of protecting the natives.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the clause would require considerable alteration if passed, and would not make the Bill one bit more operative than at present. As to sending in engagements within three months to Fremantle or Roebourne, they might as well be sent to the moon. He did not think the Bill a good one. The Government was not able to do much. He thought the clause would not assist them in any way. The present Bill would have the effect of drawing the attention of the people on the north-west coast to the fact that they cannot maltreat the natives with impunity. What use was there in asking things to be done that could not be done? The clause when put into proper shape would be inoperative.

Mr. McKAIL saw no provision as to the time a native could be engaged for.

Mr. NEWMAN seconded the motion of the Hon. the Colonial Secretary. The Government was determined to do something. The great moral influence of the Government would protect the natives. If the present Bill was passed that session the Government would be able to introduce a better next session. He considered the proposal of the hon. member to send engagements to Fremantle absurd. Suppose a native had been engaged at Port Grey, what power would there be to protect the native?

Mr. BROWN said he could answer the hon. gentleman's question satisfactorily. He thought his clause would protect the natives. Roebourne was the place where the natives were engaged, and there could be no difficulty in persons, engaging natives, depositing such engagements in the Resident's office there or at Fremantle. He did not condemn the Bill altogether, but was rather pleased the Government had brought it forward.

The clause proposed by Mr. Brown agreed to.

Mr. McKAIL inquired of the Colonial Secretary if there was not a law by which a native could be engaged for more than three months.

The COLONIAL SECRETARY (Hon. F. P. Barlee) could not say without reference to the Ordinance.

Mr. BROWN had heard that there was such a law, but he never could find it. Natives had no idea of time; they do not know what is 12 months or three months. He would propose that no engagement with natives extending beyond two years be valid.

The COLONIAL SECRETARY (Hon. F. P. Barlee) thought for one year, or for the season, long enough. They are not required more than three months in the year.

Mr. BROWN said he could go to Roebourne and get them to sign for 10 years. To have no limit as to time would be a great mistake.

Mr. DRUMMOND was of the opinion that when the season was over the men would be discharged, and the agreement cease. It would be hard to compel persons to keep natives for a longer time than they wanted them.

Mr. BROWN'S proposal "that no engagement made with a native extending beyond one year be valid," form part of the Bill, was then agreed to.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that as the Council decided that two additional clauses be added he would move that the Chairman report progress.

Progress reported, and leave obtained to sit again.

SUPERANNUATION BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving that the Bill be now read a second time, said that it was simply a copy of the English Act.

Mr. STEERE stated that he would move an amendment to the motion—that the Bill be read that day six months. In every clause of the Bill everything was to be done by the Governor in Executive Council. He would not agree to delegate any power belonging to the House to the Executive Council. The Executive had no interest in Colonial matters, and there was no-one in the House to defend the advice that they give the Government. It was the opinion of a sound lawyer, Judge Boothby, that after the passing of the Constitution Act, the Executive Council ceased to exist. He moved that the word "now" be omitted with a view to inserting the words "this day six months" after the word "time".

Amendment agreed to.

The Council adjourned at 10 p.m.

LEGISLATIVE COUNCIL,

Thursday, 15th December, 1870.

Steamers on the Coast—Publicans' Petition—Steamers on the Coast—Aboriginal Natives Pearl Shell Fishery Bill: in committee—Bankruptcy and Insolvency Bill: second reading: in committee.

The SPEAKER took the Chair at 4 p.m.
PRAYERS.

STEAMERS ON THE COAST.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid upon the table a letter received from the Secretary of the Australian Steam Navigation Company relative to steamers on the coast.

PUBLICANS' PETITION.

Mr. NEWMAN, in accordance with notice, moved that the licensed victuallers' petition read on the 8th inst., be taken into consideration. He said that in doing so he would not pledge himself to support all the clauses in it, but he considered the petition ought to be received. When the present Publicans' Act was passed, it gave rise to much discussion and dissatisfaction. The circumstances of the colony had considerably changed since then, and such a stringent measure was not called for. Legislation when too severe becomes inoperative, and laws against the natural instincts of the people, become inoperative; such was the result of the Publicans' Act, which, to a great extent, was inoperative, and was not observed. Public feeling is against carrying out its provisions, and hence it fails to a certain extent. The Publicans' Act and the gallon license ought never to be taken into consideration together—if so, an imperfect measure would be framed. The petition, however, was deserving of all consideration on the part of the Council. He was a holder of a gallon license himself, and he knew the publican had a grievance as to the mode in which it is carried out. In the country districts anyone can get a gallon of mixed spirits, and take one bottle at a time, which is charged for nominally as a gallon. It was not right to the publican. The hotel department, which was supposed to close at 10 o'clock, was not observed. The provision was inoperative—it was an instance of over-legislation. He therefore trusted the Council would take the petition into their consideration, and would move that this Council at the present, or next session, bring in a Publicans' Bill. As he said before, the gallon license and the publicans' license should not be considered together, or an imperfect measure would be the result. He would give a formal notice of motion to-morrow.