by having the whipping done in the presence of the natives.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that it was the intention of the Government that the whippings should be as public as possible.

THE HON. T. BURGES said he thought it would be very much better if this bill provided that whipping should take place in cases of absconding as well as in cases of felony. It was showing greater mercy to the natives to give them a whipping than to imprison them for two or three months.

THE COLONIAL SECRETARY (Hon. G. Shenton) said he thought hon. members could hardly expect the Government to extend the Act in this way. It was only after the gravest consideration that they had consented to try the experiment in cases of felony; and as it was, a great deal of odium would probably be cast upon the Government for going as far as they had.

THE HON. M. GRANT also thought it would be better to deal with absconders in a summary way.

THE HON. J. A. WRIGHT said he was sorry he could not look at the matter in the same light. As it was, the bill would be subjected to very severe criticism by those in other parts of the world, without going a step further.

THE HON. J. W. HACKETT said he would not have consented to the second reading of the bill if it had been extended to the lengths some hon. members seemed to desire. The hon. the Colonial Secretary, when introducing it, said that the object of the bill was to treat the natives like children. That being so, no magistrate in any part of the British dominions was allowed to whip apprentices for absconding, and hence it would not be right to inflict such a punishment on the natives.

Clause—agreed to.

The remaining clauses were passed and the bill reported.

PATENT ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): This bill has been brought in by the Government so that assignees of patents in the other colonies may obtain letters of registration in this colony. It also provides for an alteration as to the fees payable. The bill is simply brought forward to meet omissions in the present Act, and I now move that it be read a second time.

THE HON. J. W. HACKETT: I would like to ask whether the Government has taken the advice of the officers of the patent offices elsewhere. On my recent visit to the Eastern Colonies I received the gravest complaints as to the way patent matters were regulated here.

THE COLONIAL SECRETARY (Hon. G. Shenton): This bill has been drawn at the request of people interested outside the colony. If hon. members will look at the Estimates, they will see that a sum of £200 has been provided for the salary of a clerk and Inspector of Patents, so that in future every patent will be properly examined.

Question—put and passed.

ADJOURNMENT.

The Council, at 4·15 p.m., adjourned until Tuesday, 16th February, at 3 o'clock, p.m.

Legislative Assembly,

Friday, 5th February, 1892.

Privilege—Aborigines Protection Act, 1886, Amendment Bill: third reading—Goldfields Act, 1886, Amendment Bill: recommitted—Protection of Women and Girls Bill: in committee—Masters and Servants Act Amendment Bill: in committee—Public Health Act Amendment Bill: in committee—Municipal Institutions Act Amendment Bill: Legislative Council's Amendment—Return of Revenue from Land Sales during 1891—Adjournment.

THE SPEAKER took the chair at 2·30 p.m.

PRAYERS.

PRIVILEGE.

MR. CANNING: I desire to call attention to a question of privilege. In the newspaper report published this morning of the proceedings of this House last night, it is stated that whilst I was delivering a speech the House was counted

out. So far as my recollection serves me, the House has not been counted out this session, and I think such a statement is misleading. I have always understood that when any legislative chamber is counted out the proceedings absolutely cease for that sitting; in other words, the House sits no longer. What took place last night was this: attention was certainly called to the state of the House and to there being no quorum; your Honor then took the chair, and thereupon a quorum was formed, and the debate proceeded. The House was not counted out, as stated in this morning's paper.

THE SPEAKER: There is no doubt the House was not counted out. The attention of the Chairman was called to the fact that a quorum of the House was not present, and I took the chair, but, before the two minutes elapsed which our Standing Orders require before I can adjourn the House, a quorum was formed, and the committee resumed. But I am not prepared to say that the statement in the newspaper referred to was any breach of privilege. I am afraid if every mistake made by a newspaper were to be regarded as a breach of privilege, we should have breaches of privilege every day, for I see statements made in the papers as to our proceedings which are entirely contrary to what took place here.

The matter then dropped.

ABORIGINES PROTECTION ACT, 1886, AMENDMENT BILL.

Read a third time, and forwarded to the Legislative Council.

GOLDFIELDS ACT, 1886, AMENDMENT BILL.

On the Order of the Day for the third reading of this bill,—

THE ATTORNEY GENERAL (Hon. S. Burt) moved the recommittal of the bill for the purpose of inserting a new clause.

Question—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) said a question had arisen as to whether the old Legislature, which passed the Goldfields Act of 1886, had power to pass such an Act, inasmuch as it dealt with the management of Crown lands, and contained regulations relating to the leasing of such lands. At that time, under the then form of Government, all matters relating to Crown lands were supposed to be vested in the Secretary of State and the Imperial Parliament; and a doubt had arisen whether the Legislature here had power to pass such an Act. As we were now dealing with the goldfields regulations in this bill, the Government thought it would be as well to confirm the Act of 1886, and so remove all doubts as to its validity, and the legality of any proceedings taken under it. He therefore moved that the following new clause be inserted in the bill:—"And whereas "doubts have arisen as to the validity of "a certain Act of the Legislature of this "Colony, passed in the fiftieth year of "the reign of Her present Majesty, "intituled 'An Act for the Management "of Goldfields,' and numbered 18; and "whereas it is expedient to settle such "doubts: Be it enacted as aforesaid. "The said Act, and all rights, privileges, "licenses, and leases lawfully granted or "acquired under the same, and all ap-"pointments, proclamations, regulations, "matters and things whatsoever lawfully "made or done under the said Act, are "hereby respectively confirmed."

Clause—put and passed.

Bill reported.

PROTECTION OF WOMEN AND GIRLS BILL.

This bill was further considered in committee.

Clause 6—Defilement of girl between 14 and 16 years of age a misdemeanor, punishable with imprisonment for any term not exceeding two years, with or without hard labor, and with or without whipping:

THE ATTORNEY GENERAL (Hon. S. Burt), in accordance with notice, moved (without comment) to strike out the words "between 14 and 16," and insert the words "between 12 and 14."

MR. TRAYLEN said he had been waiting for the Attorney General to give some reason for proposing to alter these ages. The remarkable feature was that the bill was a Government bill, and it was the Government who were making all the alterations in it.

THE ATTORNEY GENERAL (Hon. S. Burt) said the bill was a Government draft certainly, but before the bill was read a second time he told the House that the Government were not wedded to the ages mentioned in the bill, and that they might be altered in committee. The bill, in fact, had not been very much considered before it was printed, and when it was being read a second time he said it might probably be considered that the age of consent was rather high, and there would be no objection to its being lowered. He believed he also gave some explanation when in committee on clause 4. It was considered that in this colony the age would be quite high enough if we made it 12, which, as he had already stated, was the age in Queensland. In England it was one year higher; but it was considered that girls did not come to maturity at such an early age in England as they did in a hot climate such as India or Australia. That was a well-known physiological fact. For this reason it was proposed to reduce the age here to 12.

MR. TRAYLEN hoped the committee would not consent to do anything of the kind. Supposing it to be a fact, as alleged, that girls did arrive at maturity at an earlier period here than in England, that was no reason why we should make it easier for them to lose their virtue. He thought it was our bounden duty to throw around these young girls every safeguard that we possibly could. It had been argued—although it had not been so stated by the Attorney General, but it had been argued on that side of the question that men also ought, to some extent, to be protected. Let us protect them against themselves, and throw around both parties the strength to resist any temptation by the knowledge that such offences will be punished. He hoped the committee would not consent for a moment to lower the ages as proposed.

THE ATTORNEY GENERAL (Hon. S. Burt) said the meaning of the amendment he proposed was this: if the defilement of a girl took place under the age mentioned, whether she consented or not, the man was liable to be imprisoned for two years, with hard labor; and, if she gave her consent, the age came in. Girls of 14, he was led to believe, and even 13, in this country, were developed women; and if a man was found to have criminal connection with her, under the age mentioned—even although she was a consenting party—he would suffer imprisonment.

MR. PARKER asked the Attorney General if he would tell them what the legal age for marriage was with a woman, —what was the lowest age at which a woman could be legally married?

THE ATTORNEY GENERAL (Hon. S. Burt) said he did not know that there was any legal limit; he believed a girl could be married at any age, with the consent of her parents or guardians. If she was under 21, she must have a certificate of consent from her guardians; it simply remained with them to decide.

MR. PARKER: Then they can marry under 14?

THE ATTORNEY GENERAL (Hon. S. Burt): At any age they like.

THE PREMIER (Hon. Sir J. Forrest) pointed out that the punishment was two years' hard labor, whether the offender was a boy or a grown man; there was no distinction made. He thought that if the hon. member for Greenough would take that into consideration, he would withdraw his opposition. It seemed to him that to provide that a girl of 16 should not be able to give her consent would be rather dangerous; so dangerous, at any rate, was it considered in Queensland that the Legislature there would not allow it to be placed in their Act.

MR. TRAYLEN begged that no member of that House would think of referring to Queensland again as setting an example to us in this matter. If he was not mistaken, he believed that colony had been blessed (or cursed) with a Contagious Disease Act; and for Queensland to be held up to us as a model in this respect was, he thought, extremely bad taste. Apart from that we were not dealing with the physiological question of at what age colonial boys or girls reached the age of puberty; we were dealing now with a moral question, and the protection of the virtue of our girls. The Premier said the Act applied to offenders of all ages, and that a boyish offender could be imprisoned for two years, with hard labor. But he would point out that two years was the maximum. It was not obligatory on the Court to inflict a punishment

of two years, and no doubt a magistrate would take the offender's age into consideration in awarding the punishment.

Question put—That the words proposed to be struck out stand part of the clause.

The Committee divided, with the following result:—

Ayes	...	...	...	8
Noes	...	...	...	15
Majority against	...			7

AYES.	NOES.
Mr. Baker	Mr. Burt
Mr. A. Forrest	Mr. Canning
Mr. Molloy	Mr. Cookworthy
Mr. Paterson	Mr. Darlot
Mr. Pearse	Mr. De Hamel
Mr. Richardson	Mr. Harper
Mr. Simpson	Mr. Loton
Mr. Traylen (*Teller*).	Mr. Marmion
	Mr. Parker
	Mr. Phillips
	Mr. Quinlan
	Mr. H. W. Sholl
	Sir J. G. Lee Steere
	Mr. Venn
	Sir John Forrest (*Teller*).

Question put—That the proposed words be inserted.

Agreed to.

THE ATTORNEY GENERAL (Hon. S. Burt) said he had another amendment to move in the same clause. He proposed to strike out the words "with or without whipping." This was a punishment that did not attach to misdemeanor; it only applied to offences committed under a previous clause, for the defilement of a girl under 12, which was a felony.

Amendment—put and passed.

Clause, as amended, agreed to.

Clause 7—"Any person who, being "the guardian, teacher, or schoolmaster "of any girl or woman under the age of "twenty-one years, unlawfully and car- "nally knows, or attempts to have un- "lawful and carnal knowledge of such "girl or woman, shall be guilty of a mis- "demeanor, and, being convicted thereof, "shall be liable, at the discretion of the "Court, to be imprisoned for any term "not exceeding two years, with or with- "out hard labor, and with or without "whipping":

THE ATTORNEY GENERAL (Hon. S. Burt) said it would be recognised that persons in the positions of guardians or teachers were in a position of trust towards these young people under their charge, and that if such persons took a cowardly advantage of their position and of the opportunities afforded them for demoralising a girl committed to their charge, they committed a more heinous offence than persons who were not placed in such positions of trust. This clause made the age of consent in such cases 21. It was rather difficult to determine where the limit should be fixed, but, upon reconsideration, the Government proposed to reduce the age from 21 to 16, as it was considered that the age of 21 was too high. He moved that "sixteen" be inserted instead of "twenty-one." The punishment was a very severe one. These persons would now be liable to receive the same punishment for defiling a girl 16 years old as other persons would be for defiling a girl between 12 and 14, with this addition, that under this clause whipping was provided.

MR. TRAYLEN asked the Attorney General whether he would insert the word "master," between the words "guardian" and "teacher"? Surely a girl's master or employer had as many opportunites as a teacher had for committing immoralities, and very often more so.

THE ATTORNEY GENERAL (Hon. S. Burt) said he did not see his way to accept that suggestion. This clause applied whether the girl consented or not. He did not know that it was as heinous an offence for a master to seduce a servant in his employ as it was for a teacher or guardian to defile a girl committed to his charge. A master had no occasion to come in daily contact with his servant, like a teacher had with his pupil. He thought it would be carrying the thing too far to include the word "master" in this clause.

MR. TRAYLEN said there had been two cases that had occurred within a few yards of where they were sitting, and not long since, in which an employer was said to have defiled a servant in his house. One was the case now under consideration in a court of law. A little further down the same street there was the case of a person engaged in the occupation of bootmaking, and who employed girls professedly to assist him, but of whom it was said he took advantage. He thought there was strong ground for inserting the word "master;" or perhaps

"the employer of a domestic servant" would meet the case.

MR. RICHARDSON thought that the age of 16 was as much too low as the age of 21 was too high, and he would move, as a further amendment, that "eighteen" be inserted in lieu of "twenty-one." He thought it would be better to err on the safe side.

THE ATTORNEY GENERAL (Hon. S. Burt) thought they might split the difference, and say "seventeen." He would accept that amendment. He considered 18 was rather too high. It must be borne in mind that this clause applied whether the girl consented or not. If a girl of 18 gave her consent, it seemed going rather far to punish a man with two years' imprisonment, and a whipping in the bargain. If the girl did not consent, then it would be rape, or something else very serious.

The amendment to insert "seventeen" in lieu of "twenty-one" was then put and passed.

Clause, as amended, agreed to.

Clauses 8 to 12:

Agreed to, with some consequential verbal amendments. (*Vide "Votes and Proceedings," p. 144.*)

Clause 13—Power of search in cases where a woman or girl is supposed to be unlawfully detained for immoral purposes:

MR. TRAYLEN asked whether this clause would apply to a case that had occurred in Geraldton, where two sisters, one aged 16 and the other 12, and who had been living under the care of their grandfather, were induced to go away and live with a colored man. The grandfather found himself without redress, as the law at present stood; perhaps the Attorney General would say whether this clause would apply to a case like that.

THE ATTORNEY GENERAL (Hon. S. Burt) said it would not meet the case if the girls were living in immorality with this person of their own accord. But if they were unlawfully detained there against their will, the clause would apply.

Clause—put and passed.

Clauses 14 and 15—put and passed.

Clause 16—"No girl under the age of "fourteen years shall be deemed capable "of consenting to any indecent assault, "and no girl or woman under the age of "twenty-one years shall be deemed cap- "able of consenting to any indecent as- "sault committed by the guardian, "teacher, or schoolmaster of such girl "or woman":

THE ATTORNEY GENERAL (Hon. S. Burt) said as they had altered the age in clause 7—dealing with defilement by guardian, teacher or schoolmaster—from twenty-one to seventeen, it would be necessary to make the same alteration in this clause. He moved that the words "twenty-one" be struck out, and "seventeen" inserted in lieu thereof.

Amendment—put and passed.

Clause, as amended, agreed to.

Clauses 17 to 23—put and passed.

New Clauses—

THE ATTORNEY GENERAL (Hon. S. Burt), without comment, moved a number of new clauses dealing with incest, which were agreed to *sub silentio.* (*Vide "Votes and Proceedings," p. 145*).

Schedule:

Put and passed.

Preamble and title:

Agreed to.

Bill reported.

MASTERS AND SERVANTS ACT AMENDMENT BILL.

On the Order of the Day for the consideration of this bill in committee, clauses 1 to 22 were agreed to without comment.

MR. CANNING moved the insertion of the following new clause: "Nothing in this Act contained shall authorise the imprisonment of any woman or girl." He thought that very few words would be necessary to show sufficient reason for such a clause. The conditions of service in the case of a man servant and of a female servant were very different. Men were often placed in charge of valuable property, farms, stations, and so on, away from the eye and control of their employers, and it was very necessary to provide stringent provisions to compel these men to perform their duties with some degree of fidelity, and, in extreme cases, perhaps imprisonment. They were in a position where a breach of trust on their part might cause very serious loss to an employer. But with women servants it was different. They were generally employed in the house, under the eye and the direction of the mistress of the household, and he thought the

punishment of imprisonment should not apply to breaches of contract in such cases. Of course if a girl wilfully or maliciously destroyed her employer's property, or committed a theft, she could be punished under the common law. But to provide imprisonment in the case of a servant girl disobeying her mistress's orders, or menial offences of that kind, was, in his opinion, a mistake. The punishment was so unduly severe compared with the nature of the offence that no magistrate would care to award it; and why should magistrates be placed in this false position? The law would simply remain a dead letter.

THE ATTORNEY GENERAL (Hon. S. Burt) said the Government intended to accept this amendment. He thought it was a very proper one indeed; in fact, it was an oversight on his part not to have inserted this provision in the bill. If it had struck him at the time, he would have done so.

Clause put and passed.

Clauses 23 to 27:

Put and passed.

Clause 28—Non-application of the Act to seamen, etc.:

THE ATTORNEY GENERAL (Hon. S. Burt) moved to strike out the words "seamen or," and to insert the words "any aboriginal within the meaning of the Aborigines Protection Act, 1886, nor to seamen, nor." This amendment, he said, would except native servants from the operation of the Act, because a few evenings ago the House had passed a bill dealing particularly with breaches of contract between natives and their employers. He might add that under the Aborigines Protection Act of 1886 the term "aboriginal" was interpreted to mean not only a full-blooded native but also half-castes.

Amendment—put and passed.

Clause, as amended, agreed to.

The remaining clauses and the schedules were agreed to, without discussion.

Bill reported, with amendments.

PUBLIC HEALTH ACT AMENDMENT BILL.

This bill was passed through committee *sub silentio*.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

The House went into committee for the consideration of the Message received from the Legislative Council relating to the exemption of private schools from municipal taxation. The Council proposed to add the words, "being the property of a religious body," after the words "private school," in clause 3, subsection *f*.

THE PREMIER (Hon. Sir J. Forrest), without comment, moved that the Council's amendment be agreed to.

MR. TRAYLEN asked whether the wording of the amended clause would not be rather vague. Was it the school itself or the building where it was held that was to be the property of a religious body, in order to enable it to claim this exemption? He believed there were schools the cost of the maintenance of which was borne by religious bodies, but which were held in buildings which were not the property of a religious body. Would these buildings be exempted from rates under this clause as amended?

THE ATTORNEY GENERAL (Hon. S. Burt) said the whole clause related to land or premises, and he should think that in the case referred to, it would be the building that would have to be the property of a religious body to bring it within the list of exemptions.

Motion—put and passed.

Ordered—That a Message be transmitted to the Legislative Council, informing that House that the Legislative Assembly had agreed to their amendment.

REVENUE RECEIVED FROM LAND SALES.

MR. LOTON, in accordance with notice, moved that a return be laid on the table showing—

a. The amount of money received during the year 1891 from the sale of Town and Suburban lands;

b. The amount of money received during the same period from the conditional sale of all other lands.

His object in moving for this return was simply in order that members might see what was the actual revenue derived from sales of Crown land, conditional or otherwise, apart from other sources of

revenue. There was a feeling among some of them that the proceeds of these land sales should be kept apart from the ordinary land revenue, and this return would show what the receipts were last year from these sales.

Motion—put and passed.

ADJOURNMENT.

The House adjourned at ten minutes past four o'clock, p.m., until Monday, 15th February.

Legislative Assembly,

Monday, 15th February, 1892.

Survey of Agricultural lands and appointment of District Land Agents—Railway Expenditure for 1891: Return of—W. A. Turf Club Bill: third reading—Married Women's Property Bill: in committee—Estimates, 1892: further considered in Committee of Supply—Adjournment.

THE SPEAKER took the chair at 7 p.m.

PRAYERS.

SURVEY OF AGRICULTURAL LANDS AND APPOINTMENT OF DISTRICT LAND AGENTS.

MR. THROSSELL: I beg to move the motion standing in my name,—"That, in the opinion of this House it is desirable, in the interests of settlement, that the Government take steps, as early as possible, to provide for the survey and mapping of all available lands in the Eastern Districts suitable for agriculture, within a radius of 25 miles from townships; and also for the appointment of District Government Agents, to whom persons seeking land could apply for information." I think this is a motion that will commend itself to this House, without many words from me, as one which must prove beneficial in the interests of agricultural settlement, if adopted, especially at this time when our public works policy is attracting a number of people to the colony. Many of these people come here with the intention of going into agriculture, and the first thing they want is some reliable information as to where they can get land suitable for their object. If they go to the Survey Office they can get little or no information as to where they can get what they want. I know it is so with regard to land in the Eastern districts. Last year we had a number of would-be settlers who visited us from the other colonies, and who had been told that there was good agricultural land available in these districts, particularly about York, Beverley, and Northam. No doubt we have plenty of Government land of this kind in existence; I believe it is literally true that we have in these districts plenty of such land, in isolated patches of from a hundred up to a thousand and two thousand acres, but the difficulty is to point out to these men where they can find this land. If they go to the Survey Office, they are simply pointed to a map, and, as the land is not surveyed, they get no information from that. These men generally find their way into the districts, to make inquiries on the spot, but we are not able to give them any definite information, in the absence of surveys. If my memory serves me, I have myself had letters brought by intending settlers from three different members of the Ministry in Perth, during the last twelve months, asking me to do what I can to put these people in the way of obtaining what they require. There are plenty of others who come here with the same intention—all good men; but they have to go away disappointed, simply because it is nobody's business to give them the information they want, and to direct them to the exact locality where good land may be found, open for selection. If they go to the settlers of the district, these men have not the time to go all over the country to point out the different localities, and, if they had the time, they could give no definite information unless the lands were surveyed and mapped, and the locations numbered. We can tell them where there is good country generally, and give them a fair idea as to the quality and capabilities of the land; but when these men go back to their friends in their own colony they are not in a position to say that they