

"completion of the Beverley-Albany Railway; this is a work which the colony may justly be proud of.

"8. The intelligence that the works on the Midland Railway are again in progress and will be shortly vigorously carried forward, is very satisfactory.

"9. The opening of the overland Telegraph to Derby, the Goldfields, and Wyndham will, we trust, be most beneficial to the settlement of the Kimberley District, and advantageous to all concerned in it.

"10. Separate communications by Submarine Cables with the European and extra-Australian telegraphic systems, which are promised conditionally by Messrs. C. & E. Millar and the Eastern Extension Company, will be great works, if arrangements can be satisfactorily made.

"11. The papers promised on Chinese Immigration, an Imperial scheme of Immigration, and respecting the Pearl Fisheries on our Northern Coast, will all have our most careful attention.

"12. The proposed further contract with the Adelaide Steamship Company, Limited, will have that consideration which its importance demands.

"13. We agree that the staple industries of the Colony are showing good progress, and the outlook, from a business point of view, is promising.

"14. The various Bills to be presented to us, will be carefully considered.

"15. We join heartily with Your Excellency in expressing confidence in the future of Western Australia, and conclude with an assurance that we shall earnestly, thoughtfully, and patiently attend to and consider all such measures and other matters as may be presented to us during the Session we have just commenced."

MR. SHOLL moved that the Address, as read, be adopted.

Agreed to.

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

LEGISLATIVE COUNCIL,

Monday, 15th October, 1888.

Telegraph Line between Roebourne and Derby, Contract for completion—Crane, flooring, and T head for Derby Jetty—Petition (No. 1): Proprietors of West Australian, praying for appointment of a third Judge of the Supreme Court—Roads Bill: first reading—Boiler Inspection Bill: first reading—Conveyance of Shipwrecked Passengers Bill: second reading; motion negatived—Excess Bill, 1887: second reading; referred to select committee—Gold Declaration Bill: second reading—Merchandise Marks Bill: second reading—Adjournment.

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

PRAYERS.

TELEGRAPH LINE BETWEEN ROEBOURNE AND DERBY: CONTRACT FOR COMPLETION.

MR. A. FORREST, in accordance with notice, asked the Director of Public Works—

1st. When it is probable that the Telegraph Line between Roebourne and Derby will be completed.

2nd. The contract time for above work being last March, do the Government intend to retain sufficient money to pay this £20 per day, as per original contract.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied:

1. The Telegraph line will, it is hoped, be completed by the end of November.

2. There are sufficient funds retained to cover any fines that may have to be enforced.

CRANE, FLOORING, AND T HEAD FOR DERBY JETTY.

MR. A. FORREST, in accordance with notice, asked the Director of Public Works:

1st. Is it the intention of the Government to erect a suitable crane at the end of the Derby Jetty, Kimberley District?

2nd. Do the Government intend to complete the flooring of the Derby Jetty, as much inconvenience is occasioned by the non-completion of this work?

3rd. Will the Government complete the line of railway in the T head, and to form a turntable on the Jetty to facilitate the unloading of steamers?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied :

No. 1.—So soon as funds are available, it is intended to erect a crane on the Derby Jetty.

No. 2.—The flooring of the Derby Jetty is now being completed.

No. 3.—It is intended to finish the lines of rails so soon as the flooring is completed, but a turntable is neither required nor advisable in the public interests.

PETITION (No. 1): FROM THE PROPRIETORS OF THE "WEST AUSTRALIAN" FOR THE APPOINTMENT OF A THIRD JUDGE.

MR. PARKER presented a petition from Messrs. Harper and Hackett, proprietors of the *West Australian* newspaper, praying for the appointment of a third Judge of the Supreme Court.

The petition was received, and ordered to be read and printed.

ROADS BILL.

Read a first time.

BOILER INSPECTION BILL.

Read a first time.

CONVEYANCE OF SHIPWRECKED PASSENGERS BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of a bill to provide for the conveyance of shipwrecked passengers, said the bill had been communicated to the Government, through the usual channel, by the Secretary of State, suggesting that we should have a uniform law with that of the Imperial Parliament as to the conveyance to their intended destination of any shipwrecked passengers, who, from no default of their own, found themselves at a place or port where they did not intend to go. He might say that the actual case which had suggested to the mind of the Secretary of State the desirability of passing such a bill was the case of some passengers who were shipwrecked on one of the West Indian islands, at a place for which they were not originally bound, and a question arose as to who was to defray the cost of forwarding them to their destination.

The object of the bill was to make such charges a debt recoverable by the Government from the owner, charterer, or master of the vessel. The provisions of the Imperial Act already applied to certain voyages of specified distance and duration, but not to colonial voyages of shorter duration, and it was now proposed to extend the provisions of the Act to vessels bound for any port within the Australian colonies. There was one expression in the bill which perhaps he should explain—the expression any "passenger or cabin passenger." This might seem an unnecessary surplusage, but the reason why he had adopted the expression was because in one of the earlier Passenger Acts the word "passenger" was held to apply to all passengers except cabin passengers, but, in a later Act, it was intended to include cabin passengers. He need only add that in framing the bill he had followed pretty closely the English Act, adopting only such small alterations as were absolutely necessary to meet local requirements.

MR. PARKER said apparently the only reason—so he gathered from the learned gentleman—why the bill had been brought forward was the fact of the Government having, practically, been directed to do so by the Imperial authorities. He had never heard that there had been any case of distressed passengers being left here by any ship, nor had he heard of any case necessitating the introduction of such a bill as this. He could not help thinking it would be well if we confined ourselves, in the matter of legislation, to legislating when there was a necessity for it, and he certainly did not see that we were at all bound to pass bills at the dictation of the Imperial authorities. Unless the hon. and learned gentleman or the Government could give some more valid reasons for introducing the bill than the mere fact of its having been sent out here from home, he would be rather inclined to move, as an amendment, that the bill be read a second time that day six months. He observed, as regards the certificate of expenditure required under the Act, that it was proposed to accept the certificate of "any person, board, or body" authorised by the Governor to forward a distressed passenger to his destination. These were afterwards referred to as the Governor's "rep-

representative." It struck him they could hardly call a board or an agent, authorised by the Governor, as the Governor's "representative." Perhaps the hon. gentleman would be able to give them some further reasons for the introduction of the bill. He did not wish to move that it be rejected, if there really was some urgent reason for it; but, if there was no other reason than had been given, he should certainly not be prepared to support it.

Question put—That the bill be now read a second time.

THE SPEAKER: I think the Noes have it.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) thought the House, if it had gone into committee on the bill, would have seen the necessity of it.

THE SPEAKER: The hon. member is out of order unless he challenges the decision given upon the voices, and intends to call for a division.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I think we should take the decision of the majority of the House in a question like this. We have been advised to bring in a measure of this character, in the interests of distressed passengers; and, to condemn it without having really considered it in detail, simply because it has been suggested by the Secretary of State, would, I think, be a misfortune. I therefore think that in the interests of the public we ought to take the sense of the Council in the matter. I hope hon. members have read the bill, and ascertained its object and its nature.

MR. PARKER: I would point out that the fact of our not agreeing to its being read a second time to-night, does not preclude the motion being put again.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): As the hon. gentleman in charge of the bill does not seem to desire it, I have no wish to press the matter to a division.

The question—that the bill be read a second time—was then put and negatived.

EXCESS BILL, 1887.

On the order of the day for the second reading of the Bill to confirm certain Expenditure for the year 1887,

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said: This, sir, is a matter that requires no lengthy explanation on my part. Hon. members have a full explanation of the causes that have led to these overdrafts in the Blue Book for the year (p.p. 38 to 75). It is evident from the Statement of Expenditure there given for the past year that, while on the one hand there was a sum of £3,940 16s. 10d. expended without being provided for by vote, on the other hand votes remained unexpended—that is to say there was an underdraft of no less than £26,652 7s. 5d.; and the reason, especially since the Audit Act has been passed, why these Excess Bills have to be brought forward, is not—as hon. members who are also members of the Committee of Advice are aware—that there is really an over-expenditure, for as I have said while on the one hand we ask for confirmation of an unauthorised expenditure of £3,940 there was on the other hand a sum of £26,600 of authorised expenditure that was not spent; and it is simply in order that the accounts for the year may be adjusted that it is necessary to come to this House and ask its support in certain matters of expenditure, as regards which the Committee of Advice have in most cases been referred to. Passing slightly over the items, I may remark that as regards the first item, "Compiling Draftsman, £287 1s. 11d.," the necessity for this over-expenditure arose from the fact that, although on the 9th of December, 1886, the Committee of Advice advised that a sum of £300 should be expended in providing salary for this officer, still, by an omission the amount was not provided for in the Supplementary Estimates for last year, and consequently—and really unknown, I may say, to my department—this money was paid to this official, although it had not been provided for in the usual way on the Estimates—though the Committee of Advice had approved of its being done. Passing on to the next item, "Extra labor on Wharves, £23 13s. 9d.," that is accounted for by the Auditor General as an unforeseen expenditure, occurring during the month of December on account of the vast increase in the imports; and it was quite impossible, therefore, to have followed the ordinary course and taken the advice of the

Finance Committee, for the reason that the exact amount of the overdraft was not known until the end of the month. As this overdraft was in consequence of the additional work on the wharf, so much, in a greater ratio, was the revenue improved, because in working the wharf there is a large profit to the revenue. The next item is "Cossack and Roebourne tramway, working expenses, £443 3s. 3d." This matter was referred to the Committee of Advice, but that body—although agreeing (so far as my memory serves me) with the necessity for working this tramway—declined to advise that the money should be expended, by reason of the fact that the expenditure had already commenced, and that therefore they had no control over it. The reason given by the Auditor General for this overdraft is: "The estimated expenditure for working this tramway was placed at too low a figure; hence the excess." Hon. members are aware that this, also, is a very profitable public work; the Commissioner will inform them that this tramway has been a most remunerative affair. Passing on to the Postal and Telegraph Department, the first item "Assistant operator, Perth, £37 10s.," I find, was caused by an increase made to Mr. Glover's salary as telegraph operator, from the 1st April. With regard to the item, "Postmaster, Wyndham, £12 10s.," if hon. members will refer to page 49 of the Blue Book they will see that fifteen months salary was paid to this officer in 1887, no provision having been made for the last three months of 1886. The next overdraft, under the head of "Conveyance of Inland Mails, £427 9s.," arose principally on account of the increased cost of forage over previous years, and other charges. Passing on to the Medical Department, the first item, "Resident Medical Officer, Roebourne, £33 6s. 8d.," was caused by reason of this officer having been appointed towards the latter part of 1886, and no provision was made for his salary for that year; therefore, in 1887, he was paid fourteen months salary. With regard to the next item, "Provisions, &c., in Hospitals, £801 16s. 2d.," the Auditor General's remark on this overdraft is as follows: "This excess was caused by increase of patients, and expenses connected with provisional hospi-

tals at Derby and Wyndham." I shall be happy to give any further information, if hon. members desire it, in committee. Coming to the Harbor and Light Department, the item "Lightkeeper, Cossack, £28," was occasioned by reason of the fact that the salary provided for this officer was only at the rate of £36 a year, and no one could be got up there to perform the work at that salary, so we had to increase the pay. The next overdraft is that connected with the item "Uniform for Pilot and Boats' Crews, £4 5s." Although £300 was voted for this service for last year—£200 on the annual Estimates and £100 on the Supplementary Estimates, it was found, when payment of all the accounts came to be made at the end of the year, that there was an excess of £4 5s. The next item is "Provisions, &c., for Prisoners in charge of the Police, £273 16s." This amount includes the difference between the sum which the present Excess Bill covers, £3,811 4s. 7d., and the gross amount of the overdrafts as shown in the Blue Book, £3,940 16s. 10d.—a difference of £129 12s. 3d., which was charged against "Incidental Expenses," Harbor Department; whereas £150 was written off the original estimate as not required, after which, however, certain unforeseen expenditure was incurred, and in the opinion of the Auditor General, as the amount had not been carried to the revenue, it was not necessary that I should include it in the Excess Bill, and hence the difference between the amount of the Excess Bill and the overdrafts as shown in the Blue Book. The remainder was caused by reason of the increased expenditure with regard to provisioning prisoners. The next item is in connection with the Printing Department—"Compositors, £15 13s.," which was occasioned by reason of our having to assimilate the pay of one of the fixed staff of printers with that of some other temporary workmen. The next item is a very paltry one, "Laborer, Government Gardens, 1s. 8d.;" and I confess I do not quite understand it. I come next to the item of "Works and Buildings," where there is an overdraft of £235 15s. 9d. in connection with repairs to public buildings generally. This requires a little explanation in detail. Hon. members will find it in the

Auditor General's remark opposite the item: "This overdraft is caused by certain work having been carried out by the Sheriff without consulting the Director of Public Works, or obtaining the sanction of His Excellency the Governor." I believe it represents some building material that was used by prisoners in repairs which afterwards had to be charged to Store account, and the Public Works Department were debited with it. In fact, it was carrying out certain public works by prison labor. The next item is for Revenue Services, North-West Coast—"Maintenance of Revenue Vessel, £23 9s. 6d." On the Estimates £1,200 was voted for this service, but, in fitting up the *Meda* that year, the vote was exceeded by this small amount, although every effort was made by the Harbor Master and myself to closely watch the vote. Under the head of "Refunds," there was an overdraft of £41 13s. 11d. The Committee of Advice were applied to, and they advised a refund of £50, which was more than was required. Coming to the head of "Miscellaneous," the first item is "Destruction of Wild Dogs, £126 5s." This expenditure, as hon. members are aware, is governed by statute. The Committee of Advice sanctioned an additional £100 to the original vote, but that was not quite sufficient to meet the claims made upon us, and we had to increase it to £126 5s. With regard to the next item "Telegrams on Public Service, £98 12s. 8d.," the Finance Committee when applied to, advised an additional vote of £200, but we have kept well within the mark, and only spent about the half of it. The next and last item, "Incidental Expenses, £891 4s. 7d.," is one which I shall be able to fully explain, when in committee on the bill. The Committee of Advice sanctioned £900, and we have kept within that amount. I have now, sir, passed rapidly over the schedule of the bill, and explained generally the reasons for this necessary over-expenditure. I am now entirely in the hands of the House as to whether the bill should be referred to a select committee, or whether a day should be fixed for considering it in committee of the whole House. I now move that the bill be read a second time.

Agreed to.

Bill read a second time.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the bill be considered in committee at the next sitting of the House.

MR. SHENTON moved, as an amendment, that the bill be referred to a select committee, to consist of the Colonial Secretary, Mr. Keane, Mr. Marmion, Mr. Scott, and the mover.

Agreed to.

GOLD DECLARATION BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), in moving the second reading of a bill for the purpose of ascertaining the quantity of gold found in or procured from the soil of the colony, said it would be in the recollection of hon. members that, last year, they repealed another bill dealing with this subject, the Gold Duty Act, which had proved practically inoperative; but it was thought—and all would allow it—that it was most desirable we should have some means of ascertaining the quantity of gold discovered in the colony, and exported out of it. Seeing that at present we had these goldfields, this had become of greater importance now than it was last year. The object of the bill was to require persons into whose possession any gold, found in the colony, came, to declare its weight and value before a justice of the peace, and, if the gold was about to be exported from the colony, to make a declaration of its value at the Customs. He was not aware that it was necessary at present for him to offer any further explanation as to the object of the bill. If there should be any details which might require alteration, this could be done in committee. He was sure all hon. members would agree as to the desirability for taking some steps to obtain reliable statistics as to our gold exports, and he would therefore now formally move the second reading of the bill.

MR. PARKER had no doubt that all hon. members would be glad if we could arrive at the quantity of gold that was found in the colony, but, if in arriving at that quantity we harassed miners and harassed bankers and others, he did not know whether we should not be doing more harm than good. If this bill were to pass as it now stood it appeared

to him that bankers would have to give up dealing in gold, and practical miners would have to give up digging for gold, so much would they be harassed. The first clause of the bill provided that any banker or any other person into whose possession any gold procured in the colony came, would have to declare the weight or value of the same, by an affidavit taken before a justice of the peace. It appeared to him—speaking in the first place with regard to bankers—that if these goldfields of ours were developed as we hoped they would be, gold would be sent into the banks every day and every hour of the day; and if a banker, every-time he received any gold, had to rush out for a justice of the peace to make a declaration,—

THE ATTORNEY GENERAL (Hon. C. N. Warton): Only in the alternative.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): If for export.

MR. PARKER: There is nothing here about "foreexport" or "in the alternative." I am dealing with the first clause; and what I say is this: every time a banker received any gold into his possession—it might be twenty times a day—he must run out and make a declaration, and an affidavit as to its weight or value.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): When he receives it for export.

MR. PARKER: There is nothing about export in this section. Let us look again at the miner. We may presume that, sometime or other, on the Kimberley or on the Yilgarn goldfields, we may have stampers at work and mining managers appointed, but there may be a great dearth of justices of the peace in the neighborhood; yet this clause provides that every time a manager or other person receives gold into his possession he shall rush to a justice of the peace and declare its value, and make an affidavit. I would also point out this: it is provided in this clause that he shall do so under the provisions of the 18th Victoria, No. 12—an Act that was passed specially to do away with affidavits. Under that Act you cannot make an affidavit at all; it is an Act to abolish affidavits and to substitute declarations in lieu. How are these miners to find a justice of the peace whenever they get a quantity of

gold into their possession? Are they to be compelled to ride off, twenty or thirty miles, to make this declaration? Why should we seek to harass people in this way? If the bill had been confined to requiring bankers or others to give quarterly returns of all the gold they purchased or exported, or even monthly returns, I think that would be quite sufficient for all practical purposes. We know perfectly well that all the gold discovered here will be exported; the amount that will be worked up here will be practically nothing, and the major portion of it will be sent away to the other colonies. I think it would practically answer every purpose if we insisted upon bankers—who after all will be the principal exporters—including in their usual quarterly returns a return of the gold purchased by them here and exported. The same might be required of other individuals, but the declaration might be confined to the time of exporting the gold. There is another clause here, clause 2, which says that all gold sent out of the colony must be declared at the Customs. With regard to this clause I would point out that no time is mentioned as to when this declaration is to be made. It may be done years afterwards, according to this. A man may export gold to-day and declare it years hence, and I do not see how you could get a conviction under that clause. If the Colonial Secretary will be willing to amend the bill in these particulars, in the manner I have suggested, I think it would then meet the views of members generally. As the bill now stands, I regret to say it does not appear to me that I could support it, for it would seriously harass not only bankers but also all private individuals having any dealing in gold.

THE ATTORNEY GENERAL (Hon. C. N. Warton): The hon. and learned member for Busselton I think will allow that under the circumstances of the colony, when we have already declared two new goldfields, it really is a matter of very great consequence that we should know what amount of gold is found and exported. It was of consequence last year, and I think much more so this year; and, although I think it is quite possible that the observations of my learned friend may be justified to a certain extent as to the pro-

visions of the bill being somewhat harassing in individual cases, yet he must admit that in all these matters private suffering and inconvenience must give way to the public good; and, if we are to become a flourishing community, as I hope we shall, it must depend a great deal upon the quality of gold we discover here; and it is very desirable we should be able to publish to the world what we do produce. Last year some objections were also made with regard to this proposal being harassing to individuals, and if the hon. and learned member will refer to the reports he will see that I have taken into consideration many of his own arguments on that occasion, with regard, for instance, to articles of jewelry made from colonial gold, as to which it is not now proposed to require a declaration. As to the hon. member's objection to the 2nd clause—that no time is specified when the declaration at the Customs should be made—of course, under this bill, the moment the export of gold has taken place without a declaration, the person exporting it becomes liable. We can strengthen the clause in this respect, if considered necessary, in committee; and, with regard to the first clause, I am perfectly willing to sacrifice that, if by doing so we can steer a safer and more convenient course. It is not usual on the occasion of the second reading of a bill to go minutely into clauses; that is rather for the committee stage; and any alterations coming from the hon. member in committee will meet with the greatest respect and attention.

The motion for the second reading was then agreed to.

MERCHANDISE FRAUDULENT MARKS BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of this Bill, said it would be in the recollection, no doubt, of a great many hon. members present that a very exhaustive inquiry had recently taken place in the mother country with regard to fraudulent dealings, as to trade marks on merchandise. It was found that the honest tradesman was very much injured in his business by the fraudulent practices of the dishonest tradesman, and that one mode of cheating that prevailed was to

put a name and place of manufacture upon articles which had never come from that place, and which had never been made by the makers whose name appeared on them. It was also found that a common practice was to give false descriptions as to quantities, lengths, weights, and almost everything else, much to the injury of the honest manufacturers. The object of the present bill, which had met with success elsewhere, was to provide some check upon these fraudulent practices. The provisions of the bill had been very carefully considered, and they were supposed to be efficacious for the purpose of preventing these dishonest tricks of trade. Everything that tended to the elevation of the honest British workman was worthy of support. At one time, as hon. members were aware, the name of British workmen and British manufacturers stood very high in the commercial world, for the honesty of their wares, but, in these latter days of unscrupulous competition and fraudulent practices, trade was so often carried on by means of false representations that it was absolutely necessary to protect the honest tradesman.

MR. PARKER: Will the hon. and learned gentleman tell us whether this bill is in operation at home?

THE ATTORNEY GENERAL (Hon. C. N. Warton): To a great extent it is.

Motion for second reading agreed to.

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

LEGISLATIVE COUNCIL,

Tuesday, 16th October, 1888.

Presentation of Address in Reply—Adjournment.

THE SPEAKER took the Chair.

PRAYERS.