

compelled to sit here and listen to lengthy speeches made by people who know nothing about the subject they speak on.

MR. CANNING: This has been a session of surprises, and I may venture to say that perhaps I have contributed something towards them. The speech of the hon. member who has just sat down is another of them, and it reminds me of a scene in the "Winter's Tale." When the statue speaks, the greatest surprise overtakes those who are taking part in the performance. I am greatly surprised to-night at the speech of the hon. member for Plantagenet, who up to the present has never made an observation except to express entire concurrence with every word that falls from the occupants of the Treasury benches; and I think that if they are believers in the doctrine of metempsychosis, they must think that the soul of some departed spaniel has entered the body of the hon. member. The hon. member himself has said little or nothing during the session, and he now comes before us and wishes to revolutionise parliamentary practice by curtailing the right of hon. members to speak as long as they think fit. As far as I know, in no part of the world is any restriction placed on debate where parliamentary institutions exist, so long as hon. members express themselves with decency and propriety; and yet the hon. member proposes, in a speech consisting of but very few words, to change the whole course of procedure and to place restrictions on hon. members. I really do not think we should allow the House to adjourn this evening without offering our heartiest congratulations to the hon. gentleman who has just sat down for having said something during the session to distinguish himself.

MR. HASSELL: If the cap fits the hon. gentleman can wear it.

Question—put and passed.

#### ADJOURNMENT.

The House adjourned at 11:20 p.m.

## Legislative Council,

Thursday, 4th February, 1892.

*Hansard Debates:* issue of—High School Bill: first reading—Geraldton-Mullewa Railway Bill: third reading—Police Bill: amendments of Legislative Assembly—Game Bill: amendments of Legislative Assembly—Bankruptcy Bill: second reading—Aboriginal Offenders Act Amendment Bill: second reading—Patent Act Amendment Bill: first reading—*Hansard* reporting: message from Legislative Assembly—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 8 o'clock.

#### PRAYERS.

#### "HANSARD" DEBATES: ISSUE OF.

THE HON. J. G. H. AMHERST, in accordance with notice, asked the Colonial Secretary: 1st, Whether the advance copies of No. 1 and No. 2 of *Hansard's Parliamentary Debates* of the current Session are now issued in order that hon. members may have an opportunity of correcting any errors that may occur in the report of their speeches; and 2nd, Under whose supervision, if any, the *Hansard Parliamentary Reports* come, before being finally issued to members? He said: In asking this question, hon. members will understand that I do not wish to attach any blame, or any negligence, or want of accuracy to the reporters; I merely wish to know whether the course that was pursued last session of sending to hon. members slips of their speeches is to be continued, or whether these weekly issues are to take their place, and, if so, whether hon. members are at liberty to correct any little error they may see.

THE HON. J. W. HACKETT: I rise to order. The hon. member is making a speech.

THE PRESIDENT: I think the hon. member is only explaining what he intends by the question.

THE HON. J. G. H. AMHERST: All I wish to ask is whether these reports of the parliamentary debates are sent to us for correction, and whether there is any supervision, and if so, who has that supervision?

THE COLONIAL SECRETARY (Hon. G. Shenton): In reply I have to state;—

(1.) At present the reporter for each House delivers the manuscript of the debates to the Government Printer, who submits the proof to the reporters only.

(2.) It is the intention of the Premier to move the following resolution in the Legislative Assembly this evening: "That the question of reporting the debates, the editing and printing of *Hansard*, and the control and superintendence of the reporting staff, be referred to the Joint Standing Orders Committee of both Houses, with the view of their making such suggestions as they may deem advisable to place the *Hansard* reporting on a satisfactory footing." I may also say that the Government do not see their way, at the present time, to incur the large expenditure the Government Printer says would be necessary to admit of "proof" copies of the debates being issued.

#### HIGH SCHOOL BILL.

This Bill was received from the Legislative Assembly, and read a first time.

#### GERALDTON-MULLEWA RAILWAY BILL.

This Bill was read a third time, and passed.

#### POLICE BILL.

##### LEGISLATIVE ASSEMBLY'S AMENDMENTS.

The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this bill having been read, the President left the chair.

##### IN COMMITTEE.

Amendment No. 1 read, and agreed to.

Amendment No. 2 read:—Clause 53: To strike out the words "public place":

THE HON. T. BURGES: I think it would be a mistake to strike out these words. Although they are explained in the interpretation clause, I think it is wise to leave them in the body of the Act, otherwise their absence might lead persons to think that they might commit those offences in a public place. The interpretation clause states any "street" is a public place, I know; but why not leave the words here as printed? They certainly can do no harm. Any person

reading the Act would not look back to the interpretation clause to see the meaning of "public place." Not only in this clause, but in several others, the same words are proposed to be struck out for the same reason that they are given a meaning in the interpretation clause. To my mind it will be far better, and far more intelligible, if these words are left in, as was originally agreed to by this House.

THE COLONIAL SECRETARY (HON. G. SHENTON): I must press for the amendment. I have consulted the Attorney General, and he tells me there is no occasion to have the words "public place" in the body of the Act, seeing that they are defined in the interpretation clause.

THE HON. T. BURGES: I do not see that we are always to follow the Attorney General. I do not think because the Attorney General expresses himself so, this House should always agree with him, for, as I said before, these words make the clause more intelligible. This Council has a right to express its opinion and ought not to be obliged always to follow the Attorney General.

THE COLONIAL SECRETARY (HON. G. SHENTON): If the hon. member knows more about these matters than the Attorney General then of course we should bow to his opinion. If not we should follow the Attorney General, and there is not only his opinion but also that of other legal men in the other House.

THE HON. J. W. HACKETT: I certainly feel a strong disinclination to press my views against those of the Government and the Attorney General, although the arguments of the Hon. Mr. Burges certainly carry conviction. When the sub-committee of this House was going over this Bill this very question was raised, and it was deemed better to leave the words "public place" in simply for the reason that Magistrates, who have to administer the law—and it must be remembered that even ordinary police constables have to administer this Act—would perhaps not make themselves acquainted with the interpretation, as well as all the other clauses. It might escape them that a "street" also included a public place as well as a thoroughfare. I notice that in two or three

places the Assembly has struck out these words "public place," but they have left in the word "thoroughfare," which also by the interpretation clause comes under the definition of "street." If "public place" is to be struck out, what reason is there why "thoroughfare" should not also be struck out? On the whole it is a small matter, but to leave the words in certainly makes the bill more easy of interpretation.

**THE HON. J. A. WRIGHT:** With all due deference to the opinion of the Attorney General, it appears to me that the interpretation clause has been wrongly worded, and that all difficulty could be removed if we put the horse before the cart, rather than the cart before the horse. Instead of interpreting street to include "public place" or "thoroughfare," we should define "public place" to include street and thoroughfare.

**THE HON. G. W. LEAKE:** Any gentleman who has had anything to do with these Acts must have noticed the extraordinary verbosity of language in which they are couched. Here is an attempt at improvement, one word standing for a lot of others, and I think we had better let it be so. Any magistrate who knows his work, would always make himself acquainted with the interpretation clause.

**THE HON. T. BURGESS:** There are a great many magistrates in country places who would not think of looking at the interpretation clauses to find the meaning of so simple a word as "street." They would simply look at the Act as it stood, and it would not strike them that "street" included "public place." I have not altered my opinion from what I have heard, and I am glad to find I am not the only hon. member who takes exception to this amendment. We take a common-sense view of it. The words are now in the bill, and I think it is advisable to let them stand. I move that the amendment suggested be not agreed with.

**THE HON. J. MORRISON:** I think the proposition made by the Hon. Mr. Wright would have been the easiest solution of the difficulty, and if it is possible I shall move in that direction.

**THE PRESIDENT:** We can only deal with the amendments of the Legislative Assembly.

Question—That the said amendment be agreed to—put.

Committee divided.

AYES—5.

The Hon. J. G. H. Amherst  
The Hon. E. Hamersley  
The Hon. E. T. Hooley  
The Hon. G. W. Leake  
The Hon. G. Shenton  
(Teller).

NOES—6.

The Hon. M. Grant  
The Hon. J. W. Hackett  
The Hon. R. W. Hardey  
The Hon. J. Morrison  
The Hon. J. A. Wright  
The Hon. T. Burgess  
(Teller).

Majority of one for the Noes.

**THE COLONIAL SECRETARY (Hon. G. Shenton)** moved that progress be reported, and leave asked to sit again.

Question—put and passed.

### GAME BILL.

AMENDMENTS OF LEGISLATIVE ASSEMBLY.

IN COMMITTEE.

**THE HON. J. W. HACKETT:** I wish to draw attention to what appears to me to be an error in this message from the Legislative Assembly, and would ask you, sir, whether it is in order. It will be remembered that when we sent down our amendments to the Game Bill there were ten in all. These ten amendments were embodied in our message to another place. The Legislative Assembly now sends us back a message dealing with only three of these amendments. The Standing Orders are clear that each amendment must be distinctly and separately dealt with, and that we must be informed whether each is agreed to or disagreed to. Now we have only part of a message. There is some reference to a transposition of the schedules, but we are left entirely in the dark as to what it amounts to.

**THE PRESIDENT:** The message, I must say, has reached us in a very mutilated form. Part of it was dropped out, I believe, by the messenger who brought it over. I have the rest of it here now, and if we report progress it can be printed by the next sitting of the House, complete.

Progress was then reported.

### BANKRUPTCY BILL.

SECOND READING.

**THE COLONIAL SECRETARY (Hon. G. Shenton):** In moving the second reading of the Bankruptcy Act Amendment Bill, I need hardly remind hon. members that this is a measure which has been promised for some time by the

Government. It is a matter of the greatest importance to the trading community, it having been acknowledged upon all sides that the present Bankruptcy Act has not worked well, inasmuch as that instead of being a protection to the honest trader it has rather been a protection to the dishonest man. There were so many loopholes by which he might escape that it has been almost a dead letter. When the Attorney General was in London, he had the opportunity of discussing the provisions of the English Bankruptcy Act with the Chief Inspector of Bankruptcy. The present bill, which I am now moving the second reading of, is framed on the lines of the Imperial Act which has been found from experience, during the short time it has worked in England, to be a most satisfactory measure. The number of bankruptcies has decreased very much since the new legislation has come into force. One of the greatest drawbacks to the Act under which we are working at the present time is the great expense of proceeding against a bankrupt; so much was that in a great many cases creditors will not throw good money after bad, and consequently the bankrupt has often escaped prosecution. In the case of prosecuting a fraudulent bankrupt, all expenses would have to be borne by the creditors who prosecuted him until the case came before the Supreme Court in the ordinary way. One of the advantages, it is hoped, that will accrue from this Bill is that it will encourage fair dealing, and will also tend to improve the commercial morality of the place. The Bill provides for the independent and impartial examination of bankrupts by an officer who will be known as the Official Receiver, and should any bankrupt be found to have committed any offence against the provisions of the Act punishment will be meted out to him. It is well known that in the past some creditors have been very shady individuals, almost as bad as the bankrupt himself. There have been bogus meetings of creditors and the debtor granted his discharge, and if dividends have been paid at all, they have been very small ones indeed, and a great many creditors have lost their money through causes such as these. The Official Receiver will have power to examine into the cause of the bankruptcy;

he will then report to the Court, and the Court may direct any action to be taken in order to protect the creditor from fraud. The Bill does not necessarily place the whole working out of the winding up of a bankrupt's estate in the Court. Trustees may be appointed, but they will be under the supervision of the Official Receiver, and be answerable to him for their action. I think, however, from past experience it would be better for creditors to place the winding up of any estate in the hands of the Official Receiver. In country districts it will be necessary, perhaps, to appoint trustees, but these trustees will be answerable to the Official Receiver. Some large powers are given to the Court by this bill. Under the old Act the hands of the Court were somewhat tied, but under this one the Court can do almost anything it pleases. The Court must be satisfied before a bankrupt is entitled to his discharge. One fault of the Act in force at the present time is that when a man becomes insolvent he is adjudged a bankrupt at once. Under the present bill there is an intermediate stage. A person in difficulties may place his property in the hands of the Official Receiver pending examination. A general meeting of creditors is then called, and, if the debtor thinks fit, he can make an offer of arrangement, and if the creditors accept that arrangement, then it is referred back to the Official Receiver; but, before it can be accepted the debtor will be subject to examination by the Official Receiver, and will be called upon to state the reasons which led to his bankruptcy, and, if the Official Receiver thinks that the amount he offers as a composition is not sufficient, he can advise the Court not to accept the scheme, although the majority of the creditors present at the meeting might be willing to accept it. This, I think, will protect very largely those creditors who have not been present at the meeting, and will also put a stop to the shady business which has been carried on in the past. Then, if the creditors will not accept the compensation offered by the debtor, or if the Court will not allow the arrangement to be carried out, the debtor is adjudged a bankrupt by the Court. We can understand that this plan will work better than the old one, because the debtor would do all in his power to make such an offer as

would meet with the approval of the creditors and Court alike, so as to avoid the stigma of bankruptcy. When a receiving order is made the debtor must produce a statement of his affairs, and also of the causes which led to his bankruptcy. When the debtor is adjudged a bankrupt a meeting of creditors is called which can then decide whether a trustee shall be appointed, or whether the bankrupt's affairs shall be wound up by the Official Receiver. Then the way in which a bankrupt receives his discharge is hedged about with many safeguards. Clause 26 gives the Court power to refuse the discharge; or suspend the discharge for a period of not less than two years; or suspend the discharge until a dividend of not less than ten shillings in the pound has been paid to the creditors; or require the bankrupt, as a condition of his discharge, to consent to judgment being entered against him by the Official Receiver or trustee for any balance, or part of any balance, of the debts provable under the bankruptcy which is not satisfied at the date of the discharge, such balance, or part of any balance, of the debts to be paid out of the future earnings or after-acquired property of the bankrupt in such manner and subject to such conditions as the court may direct; but execution shall not be issued on the judgment without leave of the court, which leave may be given on proof that the bankrupt has, since his discharge, acquired property or income available towards payment of his debts. And under this clause the Court can sentence a bankrupt to two years' imprisonment, and hence I think it is a provision which will work very well. Then clause 29 reads:—"Where an undischarged bankrupt who has been adjudged bankrupt under this Act obtains credit to the extent of twenty pounds or upwards from any person without informing such person that he is an undischarged bankrupt, he shall be guilty of a misdemeanor, and may be dealt with and punished as if he had been guilty of a misdemeanor under 'The Debtors Act, 1871,' and the provisions of that Act shall apply to proceedings under this section." I think this is a very good section. We know of people who, in this colony, have been bankrupt two or three times, and who have never had a dis-

charge, and yet go on trading. This clause will stop this sort of thing in the future. Then Part VII. refers to small bankruptcies. Under the present Act creditors take no trouble at all where the estate is small, because they are aware that if they do the whole of it will be swallowed up in expenses. Then the 111th clause deals with debtors whose debts do not exceed £50, and makes provision for their liquidation by the local courts. The clause says:—"Where a judgment has been obtained in a local court and the debtor is unable to pay the amount forthwith, and alleges that his whole indebtedness amounts to a sum not exceeding fifty pounds, inclusive of the debt for which the judgment is obtained, the local court may make an order providing for the administration of his estate, and for the payment of his debts by instalments or otherwise, and either in full or to such extent as to the local court, under the circumstances of the case, appears practicable, and subject to any conditions as to his future earnings or income which the Court may think just." One great blot on the present Act is that the interest of the creditors has not been looked after as it should be. This bill will put a stop to hole-and-corner meetings of creditors that have been held in the past; everything will be done in the light of day, and the action of the debtor will be subject to the severest scrutiny, and if a trustee is appointed his action will be closely watched by the Official Receiver. I think this bill will put a stop to many bankruptcies, because when debtors know the penalties hanging over them in this Act, they will be very careful indeed as to what they do.

THE HON. G. W. LEAKE: It is very delightful, sir, to hear the view the hon. the Colonial Secretary takes of the prospects of this bill, and the Government are, on that account, to be congratulated on its introduction. The measure proposes to give us a total reversal of the old saying that "the receiver is as bad as the thief." I do not hesitate to say that, hitherto, the trustee was an intolerable thief. An estate was handed over to him, and then as great a thief as himself, the solicitor, was called in to render assistance. The trustee and the solicitor, after saturating themselves with the car-

tion of the bankrupt's carcase, left the unconsumable portions to the unfortunate creditors. It is all very well to talk about safeguards. There are no safeguards if you have not vigilant officials, who will look after the interests of the creditors. Such cases as I have mentioned are well known in the neighboring colonies. I think it is rather a matter for congratulation that nothing of the kind has taken place here. But we do hear of cases in places where large sums of money are remitted to a friend by a person who afterwards becomes bankrupt, or liquidates, and pays a shilling or two in the pound, or, perhaps,  $2\frac{1}{2}$ d. As soon as the discharge is obtained the friend remits the money, and our friend starts in business again, as "Smith & Co.," or someone else. Such cases are well known, and will continue unless the official assignee is different, and less dishonest than the old trustee. There is another case under the present law which is perfectly within the scope of probability. A man professes himself unable to pay his debts; he goes about with his toes out of his boots, a dirty shirt on, and otherwise displaying his bitter grief, and seeking the sympathy of his creditors. I have heard of such a man, before adopting these tactics, making over valuable property to a friend. Let me say that I think this happened in another colony—at all events, it is just as well to be vague. He makes over the property, as I have said, and then he affects an air of injured innocence, and makes an *ad misericordiam* appeal to his creditors. The creditors take compassion on him, and allow him to go free. Then (and I believe such things are within the knowledge of those in the other colonies) the friend revests the land in the bankrupt, and this is the means of subsequently giving him a great power in the State. These are evils which might have obtained under the old system of bankruptcy, and so long as we have thieves of the kind I have described, and judges so weak as to shut their eyes to patent facts and figures, or are so corrupt as to assist them, these things will continue. It is no use having stringent measures on paper which may be turned to the foulest use. Unless the judge has a strong mind, and will look into the matters that come before him, then these villains and

thieves—for I say that this kind of thief is worse than the burglar—will evade even the most strongly-worded Act. Look at the way in which estates have been plundered by solicitors with the connivance of the trustee, and because the judge has had the affairs brought imperfectly to his knowledge, or has not chosen to look the matter up. I can mention a case which will most readily occur to most hon. members, where the creditors were offered 5s. in the pound. They would not take it; and then they only got  $2\frac{1}{2}$ d. in the pound. There is another means by which this intolerable thieving may be carried on, and that is in connection with bankruptcies in remote towns, where, I believe, there are Courts of Bankruptcy. There the solicitor charges what he likes. His bill is not brought before a judge, nor is it taxed. He simply holds the funds that have been swept up for an estate, and having filled his pockets until they will hold no more, he hands over the odds and ends to the creditors. Unless we have something like a vigilant supervision over bankrupt estates, this evil will continue. I do not hesitate to say, as a member of this House, and as one possessing knowledge and experience on the subject, that the bankruptcy law of this colony has been a scandal and a *pernicious opprobriumque pagi*.

THE HON. T. BURGESS: I have much pleasure in supporting this bill, and I think that after the manner in which the hon. the Colonial Secretary has explained it to us, we shall all agree that it is a very desirable one. I would, however, like to draw the attention of hon. members to the fact that it contains 68 pages and 146 clauses, and however excellent the explanation of the hon. the Colonial Secretary is, it will certainly be necessary for this House to exercise great caution in dealing with these 146 clauses, because we know that in the past many dishonest persons have got out from paying their debts by flaws in the present bankruptcy laws. After the explanation of the Hon. G. W. Leake, I think it is time some alterations were made, but in passing this Act I ask hon. members to give their utmost attention to these 146 clauses, and not to pass them through in a few hours. This is a matter which requires a great deal of attention. This

bill has been sent up to us from the Lower House, and I have no doubt it has passed through the hands of the Attorney General. While I have every confidence in his skill and care in these matters, I do think it will be very necessary for this House to give this Bill our most careful consideration. I hope that the bill will prove to be all that we shall require, and to ensure its being so, I ask that these 146 clauses will receive deliberate consideration, and that the House will not hurry it through.

THE HON. E. T. HOOLEY: I think the thanks of the community are due to the Government for bringing this bill forward, and there is no doubt they have taken a great deal of pains, and have devoted a great deal of time to the subject. I may say I have had the subject before me for some considerable time in connection with the Chamber of Commerce. That body made some suggestions to the Government, some of which they have availed themselves of. I think our main object was to secure the appointment of an Official Receiver. We know that in the old days the trustee who was appointed was often most friendly disposed towards the bankrupt, and this has been found to be far from desirable. I am now glad to see that the principle we contended for has been embodied in the bill. When the matter was before the Chamber of Commerce the committee thought that to save expense, the official assignee should be appointed at the first meeting of creditors and without the aid of the Court at all, but the Attorney General pointed out to us that this could not be done, because a meeting might take place at which a resolution might be passed declaring a man bankrupt, while the man might say he was not a bankrupt. They would then be no nearer a conclusion than when they started. I have been through this bill once or twice, and I say, since it has been put into shape, that I do not think hon. members will refuse to give it their support.

THE COLONIAL SECRETARY (Hon. G. Shenton): I omitted to state that the Government has placed on the Estimates a sum of money to provide for the payment of the Official Receiver, and as soon as this bill is passed the whole of its machinery can be got into working order,

so that the Act may come into force on April 1st.

Question—put and passed.

## ABORIGINAL OFFENDERS BILL.

### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): In rising to move the second reading of this Bill, I may state that this question has given the Government a great deal of anxiety. Hon. members are aware that great depredations have been carried out by natives, more particularly in the Murchison and Gascoyne districts. A number of them have been arrested, tried and imprisoned, but it has been found that this has not had the desired effect. Some of those who have been imprisoned are known to be the worst offenders in the district; and the Government felt that unless some stringent measures were adopted of trying to put a stop to this bullock spearing and cattle stealing, the settlers in these outlying districts might be worked up to desperation, and reprisals would ensue against the natives. It has been thought that in these circumstances it would be better to try some means of summary punishment. Some years back, I remember, when the robbing of gardens was carried on here to a great extent, the police magistrate tried imprisonment; it had no effect at all. Then he tried the birch, and after the administration of this punishment for a short time we had very little more robbing of gardens. The culprits did not fear the imprisonment, but they did the birch. I remember thirty years ago, on one back station, the manager stated that by bringing natives in to the settlement and thrashing them, it stopped cattle killing and sheep stealing, because the natives soon found they were speedily punished. The Government now propose to try this mode of punishment. By clause 1 magistrates may sentence to two years imprisonment and may adjudge whipping. The third clause provides that the number of strokes is not to exceed 25, and clause 4 provides that no whipping shall be inflicted except in the presence of a Justice of the Peace, Protector of Aborigines, or officer of police, not under the rank of sergeant. Hon. members will

therefore see the Government have protected the natives as far as they possibly can. Whenever a native is punished, the case will be brought to the notice of the Aborigines' Board, and if at any time it is found that unnecessary violence has been inflicted, the Aborigines' Board will at once bring the matter before the notice of the Government. All we wish is to pass this bill now so that the Government may see whether it will not have the effect of stopping the depredations which are now going on in the colony.

**THE HON. T. BURGESS:** I have great pleasure in supporting this bill. My knowledge of the different settlements in the Murchison and Gascoyne districts tells me that some different treatment from that which has been the rule in the last few years is necessary. If the summarily dealing with the natives is the means of stopping the thieving and absconding of natives, a great good will have been effected. I believe whipping is not to apply to absconders, but at all events it will apply to native depredators. The amount of stealing which has gone on of late years has caused very great trouble to settlers, and I hope that the provisions made in this bill for the whipping of natives may have the desired effect. I would like to point out that clause 4 states that the whipping shall be inflicted in the presence of a justice of the peace, a protector of natives, or an officer of police not under the rank of a sergeant. Now we all know that magistrates are scarce in the outlying districts, and there are few police officers of the rank of sergeant, and I think some difficulty may arise in finding a protector of natives. It is very seldom that police sergeants are stationed at these outlying stations. Therefore some difficulty may arise if this clause makes it necessary that the punishment shall be carried out as suggested. When the bill goes into Committee I shall move that the words after "police" be struck out so that whipping may take place in the presence of an ordinary police officer.

**THE COLONIAL SECRETARY** (Hon. G. Shenton): I can inform the hon. member that, should that amendment be passed, the bill must be withdrawn at once.

**THE HON. T. BURGESS:** I think it would be wise of the Government to

allow the alteration, because sergeants are not sent to these out-stations. Many of the police officers are men of great experience; they are some of the best officers in the colony, and many of them know more about natives than most police sergeants. I think it would be a mistake to leave the clause in its present state.

**THE HON. J. A. WRIGHT:** I have not had the experience of natives which the hon. member who has just sat down can claim, but it appears to me that such an amendment as he suggests would give rise to considerable difficulty, and I, therefore, think it would be advisable to let the clause stand as it is. By the hon. member's plan it would be possible for the judge, jury, and inflictor of the punishment to be all one man. The policeman might arrest, and he might be the witness, and he might also have the laying on of the cat. There is one thing, however, we all of us would have liked to have seen, had it been possible, and that is that, in order to make the punishment as deterrent as possible, it should be inflicted in the presence of as many natives as could be mustered together, and it would be well if the Government could arrange, when a native is whipped, that the whipping shall take place in the presence of his tribe, or so many as could be got together to witness it.

**THE HON. E. T. HOOLEY:** I have had a good deal of experience of natives, and I am aware of the difficulty of dealing with these native depredators. It is often impossible to bring them before a magistrate, and the one thing needed for their control is a bill such as this, that will provide a means of summary punishment. The Government, I am quite sure, do not intend to punish the natives unnecessarily or cruelly. Those who know natives will agree with me that they are little better than children, and it is necessary to deal with them as such. I am quite sure that the Government have hit the right nail on the head by this bill which, I am satisfied, will be a great deterrent to crime.

**THE HON. R. W. HARDEY:** I support the bill as it stands. I cannot agree with the Hon. Mr. Burgess that the punishment should be administered in the presence of a police constable only. I do not think it would be at all wise to agree to such a



thing. I am sure the Government have come to a right conclusion in bringing this bill forward. There is no doubt that the natives require treating as children, and I believe the method proposed by this bill will be a more effective means of dealing with them than by subjecting them to imprisonment. I agree with the Hon. Mr. Wright that in all cases where this punishment is administered an effort should be made to get all the blacks together. Years ago when a murder was committed by blacks, the native who had committed it was taken to the place where it occurred, and then hanged, and, no doubt, that had a greater effect upon the natives than the present system of taking them to Rottneast and hanging them.

**THE HON. J. MORRISON:** Possibly outside this colony this bill may be looked upon as a rash one; but those who know anything of the natives will admit that the step now taken by the Government is a much kinder one towards them than it would be if only imprisonment were provided. There is nothing a native likes better, if he goes wrong, than to be punished for it; but get the punishment over as soon as possible. It is much kinder to give a native a good thrashing than to imprison him, or drive him long distances by road to the Court. I am glad to see that at last the proper course has been adopted by the Government in dealing with this matter.

**THE HON. G. W. LEAKE:** I have had some experience in these matters, and have always considered that if natives have stolen sheep or cattle, they have done so very much in the same way that white boys steal fruit. We must all admit that the natives require protection, and before a native is convicted the offence should be strictly proved against him. As a member of the Aborigines' Protection Board, I may mention that a great number of reports of offences have come down to us relating to sheep-stealing particularly. The villains have actually gone and stolen sheep when they were under the protection of our servants. And who are these servants? Generally they are native men, women or boys, and if that does not hold out an inducement to others of their tribe to commit offences of this sort, I do not know what does. In the course of the few remarks the Hon. Mr. Burges made, he dropped a

word about the absconding of servants. What are these absconding natives? They are hired for a term, their remuneration being a pair of trousers for the gentlemen, and a petticoat for the ladies. To my mind, considering the valuable services of the natives to the whites, they should be altogether exonerated from the penal clauses of the Masters and Servants Act. When a native is bound to his master for a most miserable remuneration, I think care ought to be taken that his treatment as to food and clothing should be of the most ample description; in short, he should be treated as a reasonable being. He certainly is a very valuable chattel, but we must not allow him to become altogether a chattel, nor the slave of his master; nor should he have a warrant after him if he obeys his instinct and goes for a run into the bush. A master must use reasonable discretion in the control of his natives; he must not expect to have a servant for one shilling a month and expect him to exercise all the cardinal virtues of a domestic servant.

**THE COLONIAL SECRETARY** (Hon. G. Shenton): I rise just to say a few words in reply.

**THE PRESIDENT:** The hon. member has no right of reply on an Order of the Day.

Question—put and passed.

#### PATENT ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly and was read a first time.

#### "HANSARD" REPORTING: MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

##### IN COMMITTEE.

**THE COLONIAL SECRETARY** (Hon. G. Shenton): I now formally move that this House agrees that the following resolution of the Legislative Assembly be concurred in: "That the question of reporting the debates, the editing and printing of *Hansard*, and the control and superintendence of the reporting staff, be referred to the Joint Standing Orders Committee of both Houses, with a view of their making such suggestions as they may deem advisable to place the *Hansard* reporting

on a satisfactory footing,—presents the same to the Legislative Council for its concurrence."

THE HON. J. W. HACKETT: I do not wish to make any remarks on this motion, except to point out that the resolution is so worded as to prevent the matter again coming before this House.

THE PRESIDENT: It is only proposed to refer the matter to a joint committee of the two Houses; but before anything can be done it must be agreed to by both Houses.

THE HON. J. W. HACKETT: As the resolution is worded the joint committee can only send suggestions to the Government.

THE COLONIAL SECRETARY (Hon. G. Shenton): The Government has nothing to do with joint committees. When joint committees report, they report to the House.

THE HON. J. W. HACKETT: The hon. the Colonial Secretary misunderstands me; *Hansard* is not under the control of the House. It is entirely in the hands of the Government, and consequently it is quite competent for the committee to send forward their suggestions direct to the Government.

THE PRESIDENT: I can assure the hon. gentleman that since the Government have taken the course of referring the question of reporting to a joint committee of both Houses, they have passed the matter out of their hands. The Committee must now report to the House.

THE HON. J. A. WRIGHT: The matter having been referred to the House, the House is now master of the situation.

THE COLONIAL SECRETARY (Hon. G. Shenton): At present the reporting is in the hands of the Government, and the Premier has come down and asked that the matter might be referred to us, so that some resolution may be arrived at which may be laid before the Government.

THE HON. J. W. HACKETT: According to this resolution there is no necessity for the House to hear of the matter again.

THE PRESIDENT: The Government, of their own motion, have referred this matter to the Joint Standing Orders

Committee; and this committee, which is responsible only to the House, can only report to the House.

Question—put and passed.

#### ADJOURNMENT.

The Council, at 10.10 p.m., adjourned until Friday, 5th February, at 3 o'clock, p.m.

### Legislative Assembly,

Thursday, 4th February, 1892.

As to obtaining further advice from Sir John Coode re Fremantle Harbor Works—Appointment of a Commission to inquire into working of Colonial Hospital—Legislation for reducing dangers from Bush Fires—W. A. Turf Club Bill: in committee—Hansard Reporting arrangements referred to Joint Standing Orders Committee—Patent Act Amendment Bill: third reading—Aborigines Protection Act, 1886, Amendment Bill: third reading—Estimates, 1892: adjourned debate on the Treasurer's Financial Statement—Adjournment.

THE SPEAKER took the chair at 7.30 p.m.

#### PRAYERS.

#### SIR JOHN COODE AND FREMANTLE HARBOR WORKS.

MR. MOLLOY, in accordance with notice, moved, "That in the opinion of this House no further advice from Sir John Coode is needed, and that the Ministry do not further obtain advice from that gentleman in relation to harbor works at Fremantle." He thought it was unnecessary to deal at length with the resolution. For years past they had been receiving reports from this eminent gentleman with respect to these harbor works, and this session they had another one from him as to the Owen Anchorage scheme. It was admitted, he thought, by all parties concerned, that Sir John Coode's reports had been very contradictory, and that what he had advised in one report he contradicted in the next as impracticable; or what he said was impracticable to-day, he recommended in his next report as practicable and feasible.