taken into consideration at the next sitting of the Council.

Question—put and passed.

ADJOURNMENT.

The Council at 3·10 p.m. adjourned until Tuesday, 2nd February, at 3 o'clock.

Legislative Assembly,

Friday, 29th January, 1892.

Agreement with Messrs. Neil McNeil and Co.—Noise from an adjacent building—Harbor Works at Fremantle: further reference to Sir John Coode—Game Bill: consideration of Legislative Council's Amendments—Aborigines Protection Act, 1886, Amendment Bill: second reading—Aboriginal Offenders Act, 1883, Amendment Bill: second reading—Patent Act Amendment Bill: second reading—Protection of Women and Girls Bill: in committee—Sharks Bay Pearl Shell Fishery Bill: consideration of Legislative Council's amendments—Proposed prohibition of Hawkers' Licenses to Asiatics—Public Health Act, 1886, Amendment Bill: first reading—Return re Midland Railway expenditure since date of the Government guarantee—Adjournment.

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

PRAYERS.

COPY OF TIMBER CONCESSION AGREEMENT WITH MESSRS. NEIL McNEIL AND CO.

THE PREMIER (Hon. Sir J. Forrest) laid on the table a copy of the original agreement between the Government and Messrs. Neil McNeil and Co., relating to special timber concessions. He said that the copy of the agreement laid on the table last session (it had since been discovered) was not a copy of the original agreement but of another agreement, though they did not differ in any material particular. As the latter, however, had been bound up with the Sessional Papers, it was considered desirable that the present copy, being the original agreement, should be included with the papers for this session.

OUTSIDE DISTURBANCE OF THE PROCEEDINGS OF THE HOUSE.

THE SPEAKER called attention to the noise from the incessant hammering that was going on at the new buildings adjacent to the Assembly chamber, and which had been going on for several days. His Honor said it was very annoying, and some steps should be taken to prevent this disturbance. He could scarcely hear a word that was said, and other members had complained of the same thing. By an Act passed last session, the Parliamentary Privileges Act, the House was empowered to punish summarily, as for contempt, any person creating any disturbance in the House, or in the vicinity of the House, while the House was sitting.

THE PREMIER (Hon. Sir J. Forrest) said he quite agreed with what His Honor had said, and was himself going to move that steps be taken to stop the disturbance. It was almost impossible for members to hear what was said, and he believed the reporters were equally inconvenienced.

THE SPEAKER instructed the Clerk to send a message to the persons creating the disturbance, requesting them to desist, while the House was sitting, from hammering or making any other noise calculated to disturb the proceedings of the House.

This was done, and the disturbance ceased.

FURTHER REFERENCE OF HARBOR QUESTION TO SIR JOHN COODE.

MR. MOLLOY, in accordance with notice, asked the Premier whether it was the intention of the Government to again consult Sir John Coode in connection with the Fremantle Harbor Works Scheme; and, if so, why?

THE PREMIER (Hon. Sir J. Forrest) said that the Government, with the information at present before it, was unable to answer the question.

GAME BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The House went into committee to consider the amendments made by the Legislative Council in the Game Bill. The amendments were dealt with *seriatim*.

Clause 1—Strike out "January" and insert "February":

THE ATTORNEY GENERAL (Hon. S. Burt) said this referred to the date of the Act coming into operation. As it was not likely now to come into operation before February, he proposed to strike out the date altogether, leaving the Act to come into force whenever it was passed.

Clause amended accordingly.

Clause 2—Strike out the words "Imported game, the birds and animals for the time being included in the First Schedule to this Act under the provisions of this Act":

THE ATTORNEY GENERAL (Hon. S. Burt) said the object of this amendment and the consequential amendments was to strike out the word "game." As a rule there was no such thing as property in game, and the Council had substituted the words "bird or animal" throughout the bill where the word "game" appeared.

Amendment put and passed.

Clause 5—Strike out the word "game," and insert "bird or animal, and being in the First Schedule to this Act subject to the provisions of section 14":

THE ATTORNEY GENERAL (Hon. S. Burt) said he proposed to amend this amendment of the Legislative Council by striking out the words "and being in the First Schedule," and inserting the words "mentioned in the Second," in lieu thereof. He proposed to make the First Schedule refer to native game, and the Second Schedule to imported game.

Amendment put and passed.

Clause 6—Between the words "person" and "shall," insert "not licensed under the provisions of section 7 of this Act":

THE ATTORNEY GENERAL (Hon. S. Burt) said the object of this amendment was this: under the bill as printed no one was allowed to shoot native or imported game during the close season, or within certain declared reserves. It had been pointed out that on the Perth River, which was a "reserve," shags increased to such an extent that it might be wise to allow somebody to shoot them down; and it was proposed, in another clause, to empower the Colonial Secretary to grant special licenses from time to time for this purpose, and similar purposes where necessary. The Council had introduced a new clause to that effect, which he would deal with presently.

Amendment—put and passed.

Clause 7, line 3—Strike out "bird of imported game or of any bird of native game, or shall knowingly have, or permit or suffer to be in his house or possession any eggs of any such birds, every such person shall on conviction forfeit and pay a penalty not exceeding the sum of Ten shillings for each egg so destroyed or found in his house or possession," and insert "imported bird, or if any person shall wilfully take out of the nest or destroy in the nest the eggs of any bird of native game for which a close season has been proclaimed, or shall knowingly have or permit or suffer to be in his house or possession any eggs of any such birds so taken after the passing of this Act, every such person shall on conviction forfeit and pay a penalty not exceeding the sum of Ten shillings for each egg so destroyed or found in his house or possession":

THE ATTORNEY GENERAL (Hon. S. Burt) said the effect of this amendment would be simply this: the clause as it left the Assembly imposed a penalty on any person having in his house or possession the eggs of any imported or native game for which a close season had been proclaimed, and it had been pointed out that the clause as worded would apply to eggs taken from nests years ago, and preserved—emu eggs, for instance. Members of the Upper House, having in their houses eggs that had been preserved, perhaps, years ago and mounted, became frightened at this clause, which rendered them liable to a penalty; and it would be seen that the clause as amended only applied to eggs taken after the passing of this Act.

Amendment—put and passed.

Clause 9, line 2—After the word "who," insert "being the owner of such imported bird or animal or native game, or his authorised agent."

THE ATTORNEY GENERAL (Hon. S. Burt) said he had to move that this amendment be not agreed to. This clause imposed a penalty upon persons found with prohibited game in their possession during a close season. Power was also given to arrest such persons. The Council proposed to limit the clause to the "owner" of the game, thus flying in the very face of their own amendment in a previous clause, as to there being no property in game. The amendment was faulty for that reason. Moreover, it never was intended to confine the penalty to the "owner." In the case of native game there was no owner. The object was to get at anyone found with game in his possession when the killing of such game was prohibited, so that a person, for instance, found with wild ducks on his shoulders, during the close season for such birds, might be arrested. The Council seemed to have overlooked these considerations, and he moved that this amendment be not acquiesced in.

Motion—put and passed.

Amendment negatived.

Clause 9, line 11—Strike out "five" and insert "ten."

THE ATTORNEY GENERAL (Hon. S. Burt) said this referred to a penalty; the Council proposed £10 instead of £5.

Amendment—put and passed.

New Clause.—Add the following new clause to stand as No. 7: "The Colonial Secretary may from time to time grant and revoke, as he may think fit, licenses to shoot or destroy any birds or animals to be mentioned in such license upon any reserve declared under this Act, and also to destroy the eggs of any such bird":

THE ATTORNEY GENERAL (Hon. S. Burt) said he had already explained the object of this clause, when dealing with a previous amendment, in clause 6.

New clause put and passed.

Second Schedule: After "bustard," insert "or wild turkey"; and, between "kangaroo" and "seal," insert "tamar."

Amendments put and passed.

The consequential amendments in other clauses were agreed to, as printed, as also a verbal amendment in the preamble.

Title—Strike out "game" and insert "birds or animals":

THE ATTORNEY GENERAL (Hon. S. Burt) moved that progress be reported, and leave given to sit again.

Agreed to.

Progress reported.

ABORIGINES PROTECTION ACT, 1886, AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. S. Burt): I rise to ask the House to read this bill a second time. The title of the bill, it will be seen, is "An Act to amend the Aborigines Protection Act, 1886, and to provide a summary remedy for breach of contract by aborigines." I may say at once that there is no intention, in this bill, to amend any material portion of the Act of 1886. We are simply seeking to deal with cases of breach of contract by aboriginal natives. In the Act of 1886 there is a clause referring to a law relating to breaches of contract between masters and servants, which clause this bill repeals. That clause says that no aboriginal shall be liable, under the provisions of the Masters and Servants Act, to any penalty exceeding £10, nor to any term of imprisonment exceeding one month, in any case of breach of contract or engagement. Of course the Masters and Servants Act is outside this Aborigines Protection Act, and affects black and white alike, but this clause, which we now propose to repeal, provides that in the case of a native the penalty shall not exceed £10, or a month's imprisonment. We propose to take out of the Act any reference to the punishment of natives under the Masters and Servants Act, and to deal with it by a new bill. Under the present law as to breach of contract, black and white (as I have said) are treated alike; and, before a man can be imprisoned for a breach of contract of any sort he must in the first instance be fined, and he can only suffer imprisonment in the event of his having no means to pay that fine. It is very little use, I think we must all agree, to impose a fine upon a blackfellow. Presently, I shall have the pleasure of moving a bill to amend generally the law of Masters and Servants, and, as we are about to amend that law, we thought it was as well to provide a distinct remedy for breaches of contract by aboriginals, in a separate Act. We now propose in the bill before the House, that an aboriginal native guilty of a breach of contract shall be liable to be imprisoned for any term not exceeding three months, with or without hard labor, and without the option of a fine; also without the option of finding recognizances, which in the case of a blackfellow is as useless as asking him to pay a fine. We also deal with the master or employer, who commits a breach of contract with an aboriginal native servant. We make him amenable to a penalty of £20, subject to the provisions of the Act of 1886, for any distinct breach of contract set forth in that Act, such as not supplying a native with sufficient rations, or clothing, or blankets, and, if the native is ill, with medicine. Of course if a master ill-treats a native, the Aborigines Protection Act of 1886 deals with him. A native protector can come in at once and cancel the contract, or any justice of the peace; and, of course, for all assaults upon the native the master can be proceeded against under the criminal law. But for a simple breach of contract, such as neglecting to supply a native servant with clothing and blankets, or with medicine, we make him liable to a penalty of £20 under this bill. The fourth clause deals with the question of the service of a summons and the execution of a warrant against an aboriginal native for breaches of contract. And I should like to take this opportunity of removing what appears to be an erroneous impression with regard to the execution of warrants against natives. The other evening I listened to certain remarks made by some hon. members on this subject which led me to think that they are under a false impression with regard to the arrest of aboriginal absconders for sheep stealing. They seemed to think that a policeman was debarred from executing a warrant against a native for sheep stealing, unless they found him within 30 miles of the place where the warrant was issued. That is not so, and never was so. In cases of felony or misdemeanor a police constable is obliged to execute a warrant in the same way against a black as a white. But in the case of the execution of a warrant of arrest against a native for a breach of contract, we limit the distance to 30 miles from the spot. We do that so that there may be some limit. You cannot expect the Government to send a policeman hundreds of miles away to execute a warrant of arrest every time a blackfellow commits a breach of contract in such districts as the Murchison, or the Gascoyne, or the Ashburton. The Government, in 1886, said they could not do that. They said to the settlers if you employ a black shepherd and he runs away, we cannot undertake to arrest him beyond 30 miles. But the section referred to went too far, and said that no warrant of arrest against a native shall be served beyond that distance for any offence committed under the "Masters and Servants Act." That was never intended. There is no reason whatever why, in cases of felony or misdemeanor a constable should not arrest a native wherever he comes across him, no matter where he may find him. We propose to put the law on a better footing now. This bill confines that 30-mile limit to cases of breach of contract only. We do not make it obligatory upon any member of the police force to go more than 30 miles to execute a warrant of arrest against a native who commits a breach of contract. He is not bound to do it, but there is nothing to prevent his doing so, if this bill is passed. If he comes across the native anywhere beyond the 30-mile limit, he may arrest him if he likes, if he has a warrant. But under the present law, the Act of 1886, a constable is absolutely prevented from arresting a native beyond a distance of 30 miles, in certain cases. In this bill, we do not say the police are bound to do so; they are not bound to make a point of organising an expedition to go beyond 30 miles after a native who commits a breach of contract, but we do not say they shall not arrest him if they find him anywhere beyond that limit. Of course, in a case of felony or misdemeanor they are bound to arrest him wherever they come across him. Even in this bill we give power to a Resident Magistrate to specially direct a police constable to execute a warrant beyond 30 miles, even for breach of contract, in cases of a very gross breach. I think that places the law on a better footing than now. We are not prepared to repeal the provision altogether, and to order policemen to run everywhere with warrants for native servants who may go away. As a rule, if these natives do run away, means are found to get them back, without troubling the police to execute warrants. I think if I had a blackfellow who ran away I should find some means of getting him back again, or I wouldn't trouble about a warrant at all.

Motion—put and passed.

Bill read a second time.

ABORIGINAL OFFENDERS ACT, 1883, AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. S. Burt): I now have to ask the House to read a second time another bill dealing with aboriginal natives, entitled "An Act to amend the Aboriginal Offenders Act, 1883, and to authorise the whipping of Aboriginal Native Offenders." The House is well aware that lately complaints, which are always more or less rife, with regard to depredations committed by natives have become more frequent; and the Government have been asked to do something in this matter and try to do something to improve the present state of things. This is a difficult matter to deal with, no doubt. But if some attempt is not made by the Government to place matters on a better footing, I for my part think matters will go from bad to worse, and the settlers will be inclined to take the law into their own hands. I think that is only natural. I believe it cannot be denied that the settlers of this colony have been most exceptionally law abiding; they have refrained, under great provocation, from taking the law into their own hands. They have seen depredations, and murders, and ravages committed amongst their flocks and herds and in their huts, and they have really done nothing but ask the Government to protect them in some way, and do what we can to keep these natives off. There is no denying the fact that in this colony there has been nothing like any organised action taken by the settlers against the natives, as in some of the other colonies. Here natives commit these offences, and the settlers look to the Government to capture them and to punish them for the commission of these offences. They do not take the punishment into their own hands. I think, therefore, it is only right that the Government should make some attempt to punish these natives in some way that will lessen the depredations they commit. With regard to sheep stealing, which is very rife at this moment, these native offenders under the present law are generally punished with twelve months' imprisonment, and that only; and we know that does not put a stop to these depredations. After very serious consideration—for it is a matter of very serious importance — the Government have come to the conclusion that it is very little use imprisoning these natives. Every year we are told in this House—and the Government are aware of it too: I have known the same thing to be said for the last fifteen or twenty years —year after year we are told that Rottnest is no prison whatever for these natives; that they simply come back from there worse than when they went there; that they get sleek and fat there; and that in fact they rather like it. That being so, we have to consider what punishment is most likely to have any deterrent effect upon these natives. I have come to the conclusion myself, and have done so for years, that the only way of effectually dealing with all these colored races, whether blackfellows, or Indians, or Chinamen, is to treat them like children. I have proved it, in my own small experience. You can only deal with them effectually, like you deal with naughty children,—whip them. It is the only argument they recognise, brute force. It is no use talking to these blackfellows, and be kind to them, and expect them to take any notice; not the slightest use. It has no effect upon them. But give a blackfellow a little stick,—if he deserves it, mind: I draw attention to that, for if you give it to them when they don't deserve it, it only makes them infinitely worse; but give them a little stick when they really deserve it, and it does them a power of good—far more good than any other punishment. If they deserve it, they never forget it. They rather delight in it, in fact; they will tell you so afterwards, and thank you for it. I know that from my own personal experience. In the year 1849, under the 12th Vic., No. 18, flogging natives was the law of the colony. A Resident Magistrate could sentence a native to receive two dozen lashes for felony or misdemeanor. I know that in those early days natives were flogged. How far the flogging was administered under this ordinance I do not know; but I do know that it did them good. I am told so by old residents that this was the way they kept them in order in those days. Perhaps it will surprise some members of this House to know that that law remained in force from 1849 until the year 1884, seven years ago. How far it was acted upon in later years, I am not aware; but it was on the statute book. Under that old ordinance a Resident Magistrate had power to impose a penalty of imprisonment for six months and a whipping. Ten years afterwards, in 1859, this punishment was extended, under the 23rd Vict., No. 10, from six months to three years, also with whipping. In 1874, under the 38th Vict., No. 8, not only was a Resident Magistrate empowered to order this punishment, but power was then given to any two justices to sentence an aboriginal native, for any felony or misdemeanor, to six months' imprisonment, with or without whipping. In 1883 we repealed those three Acts, and passed what is now called the Aboriginal Offenders Act, which is nothing more than a juggle. It was very strongly resisted by the then member for Geraldton (Mr. Maitland Brown), and the Government carried it only by a very narrow majority indeed, and very much against the wishes of a large minority of the House in those days. That Act did this: it created three distinct magisterial tribunals,—which was absurd. I do not hesitate to say so now; I did not think it policy to oppose it at that time. A Resident Magistrate and another justice sitting together could sentence a native to two years' imprisonment, with or without hard labor. That was one tribunal. Any two justices (one of whom not being necessarily a Resident Magistrate) sitting together, could sentence a native only to one year, with or without hard labor. That was another tribunal. Then one justice—if there was no other justice within twenty miles—could also sentence a native to one year, with or without hard labor. That was the third tribunal; all under one Act, and all dealing with the same offences, but with different powers of punishment. A Resident Magistrate, sitting with another justice, could give two years; two justices, sitting together, could give one year; and one justice (when there was not another within twenty miles) could also give one year. I think that is a distinction which must take a great deal of study to appreciate,—why you should entrust a Resident Magistrate and another justice with jurisdiction which you would not entrust to two justices. However, that is the law under this Act of 1883. We propose now to abolish this distinction, and to make it lawful for any magistrate alone, or with one or more justices, or for any two or more justices, or for one justice (when there is not another within twenty miles) to exercise the same jurisdiction as regards the punishment of these natives in certain cases. We propose to have one jurisdiction instead of three different courts with different jurisdictions. We go further than that in this bill: we also propose to allow a magistrate, or the justices, or a single justice, as the case may be, to order a native to be whipped, as well as to be imprisoned, with or without hard labor, for any term not exceeding two years. The whipping we propose is very slight indeed. If the House approves of the principle of flogging these natives, I am inclined to think no one can object to the number of strokes we propose in this bill, which is any number not exceeding twenty-five, or, in the case of a male offender apparently under the age of sixteen, not exceeding twelve strokes. I think that is little enough. At the same time, twenty-five strokes, well administered, is, I think, better than a sojourn at Rottnest for the same number of months. The bill, of course, provides for imprisonment as well as whipping in some cases. But sometimes flogging alone may suffice, and power is given to order whipping without imprisonment. The committing magistrate is not bound to adjudge whipping, or to adjudge imprisonment; he may order both, or he may order either. We thus give magistrates a large choice in dealing with these natives. We also provide that when whipping is ordered, it shall only be inflicted in the presence of a justice of the peace, a native-protector, or an officer of police not under the rank of sergeant. Members will see that the punishment is hedged round with adequate supervision, which I think ought to satisfy us that no unnecessary cruelty will be inflicted on any native. Surely we can trust a justice of the peace, who is appointed by the Governor in Council to that honorable position, and a man of standing in the community generally, to see that no unnecessary harshness is resorted to in administering this whipping. It is a great deal to lose the position of a justice; and any justice who is called upon to witness this flogging will, I am sure, take care that it is administered as it ought to be, without any unnecessary cruelty whatever, while, on the other hand, that it is properly administered. The same may be said with regard to native protectors and sergeants of police. I submit that with the alteration of the law at present proposed we may hope to do some good. I am inclined to think that if these natives find that for sheep-stealing they can be whipped, instead of being sent to Rottnest, they will think twice about it. Moreover, it will save a great deal of trouble and expense if we whip these natives and let them go, instead of sending them down hundreds of miles all the way to Rottnest. I should inform the House at once, and I ask members to bear it in mind, that it is only in cases of felony and misdemeanor that this whipping is to be inflicted, and not in cases of breach of contract. If a native runs away from service, he cannot be whipped for that; you can only give him three months' imprisonment, with or without hard labor. We are simply re-enacting the law of 1849, which was the law of the colony up to 1884. I think that one good result we may hope to obtain from this measure will be this: whereas now—for what reason I cannot exactly say, but it is so—the natives have an impression in their minds that the police are their protectors—and undoubtedly the impression does prevail in the far-away districts of the colony: at the North at any rate—whereas the natives now believe, from some cause or other, that the police are stationed about simply in order to protect them, they will probably form a different impression now. When a native thinks he has a grievance against his master now, he thinks he has only to fly to a policeman and tell him about it, and the policeman will immediately turn round and bring the master to book; in fact, he is only there to protect the natives and nothing else. That is the way these natives now regard the police. I know it is far from being so. I believe the police do their duty very well indeed, and take an immense amount of trouble in arresting these natives; still the idea in the native mind is that the policeman is his best friend. But I think when he finds that policeman running him down, after he kills and steals a sheep or a bullock, and bringing him into camp, and then and there, after going through the necessary formalities, that same policeman administers five-and-twenty to him, he will begin to look upon that policeman in another light. He will not think so much of his chum in the future. I think he will be rather staggered when he finds that his friend with the black coat and top boots to whom he has been in the habit of running if his master only gives him a touch, is not such a friend as he thought he was, when he is called upon to give him a sound flogging. I cannot help thinking that when the natives make this discovery, the effect will be good. The native will find out that he has no friends if he misbehaves himself, whereas if he does behave himself he will have friends and protectors provided for him under the Act. I trust the House will see that this is an attempt, and I think an honest attempt, to deal with this native question. If it is not dealt with in this way, the Government will only be driven further. I do not know a more merciful way of dealing with the question than this. I think it is infinitely better than pressing the Government to establish anything like a black brigade of other aboriginal natives, as in Queensland. This remedy is much more merciful than that; and I do not know that between this and that there is anything to be done. I ask the House to join the Government in attempting this policy, to see how far it will be beneficial, before we attempt to proceed any further. I think, myself, it will lead to very good results indeed.

Motion—put and passed.

Bill read a second time.

PATENT ACT AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. S. Burt): I rise to move the second reading of a bill to amend the Patent Act, 1888. It is a very short bill, and merely deals with one short matter. In 1888 we passed what is called the Patent Act, which was taken from similar Acts that exist all over the world, and very much in the same words; but in our Act it is provided that it shall not be lawful for the Governor to grant any letters patent for any invention that has been previously patented elsewhere. In that case he applies for what are called letters of registration in respect of a patent already granted in some other country, which letters of registration have the same effect, in many respects, but not in all, as letters patent; and it has been pointed out, for many years now, that in applying for letters of registration people lost a certain amount of provisional protection which a patentee secures when he obtains letters patent. These letters of registration are for that reason objected to by people in the other colonies and elsewhere. We have had a great deal of correspondence from Melbourne, Sydney, Adelaide, and in fact from all the colonies, on the subject, and they have asked us to repeal that provision. There is one little advantage in regard to these letters of registration; the amount paid for them is a lump sum of £15, whereas if a man patents his invention here he has to pay £4 the first four years and another £4 the next four years, in instalments. But inasmuch as we only charge for the patent itself, it seems to me rather against the principle to charge a lump sum for letters of registration. We propose to alter that, and to allow anyone the option of taking out a patent or letters of registration, the latter upon payment of £10. These letters of registration will have the same force and effect as letters patent granted under the principal Act, during the continuance of the original letters patent in the country or colony where the same were granted or issued, but no longer. Section 3 of the bill is a section that was omitted from the Act of 1888, relating to inventions for the purposes of the navigation of foreign vessels within the jurisdiction of this colony. It gives them the benefit of our law.

Motion—put and passed.

Bill read a second time.

PROTECTION OF WOMEN AND GIRLS BILL.

The House went into committee on this bill.

Clauses 1 to 3—put and passed.

Clause 4—Defilement of girls under fourteen years of age:

The Attorney General (Hon. S. Burt) said that upon a reconsideration of the question of fixing the age of consent at fourteen, the Government came to the conclusion that this age was rather high, and they proposed to reduce it to twelve, which was the age adopted in Queensland. He moved, therefore, to strike out the word "fourteen," and insert "twelve" in lieu thereof.

Mr. Traylen said he merely rose to say that in his opinion the age of fourteen was not too high, and that consequently he must vote against the amendment.

Amendment put.

The committee divided, with the following result:

Ayes	... ...	10
Noes	... ...	10

Ayes.	Noes.
Mr. Cookworthy	Mr. Baker
Mr. Darlôt	Mr. Canning
Sir John Forrest	Mr. A. Forrest
Mr. Marmion	Mr. Harper
Mr. Piesse	Mr. Loton
Mr. Quinlan	Mr. Molloy
Mr. R. F. Sholl	Mr. Pearse
Sir J. G. Lee Steere	Mr. Richardson
Mr. Venn	Mr. Simpson
Mr. Burt (*Teller*).	Mr. Traylen (*Teller*).

The numbers being equal,

The Chairman gave his casting vote against the amendment, and the clause was passed as printed.

Clauses 4 and 5:

Put and passed.

Clause 6—Defilement of girl between fourteen and sixteen:

The Attorney General (Hon. S. Burt) said he had some additional amendments to propose, but would now move that progress be reported, and leave given to sit again.

Agreed to.

Progress reported.

SHARKS BAY PEARL SHELL FISHERY BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The amendments proposed by the Legislative Council in this bill were agreed to *sub silentio*.

HAWKERS' LICENSE TO ASIATICS.

Mr. Harper, in accordance with notice, moved, "That in the opinion of this House it is desirable that legislative action should be taken to prohibit the granting of hawkers' licenses to natives of India or other Asiatic countries." Many years ago (he said) the practice of hawking about the country was prohibited, except as regards fruit, vegetables, and fish, the reason of the prohibition being that the police found there was an enormous amount of sly-grog selling going on under the cloak of hawking. Some few years ago, however, the law was re-enacted, and hawking was again permitted; and since that time the colony had been to a great extent flooded by a class of hawkers, who, he was prepared to say, were anything but a blessing to the community. He alluded more particularly to the natives who came here from India, and went about the country hawking articles of unnecessary luxury he called them. In outlying places these men made themselves particularly obnoxious, on out-of-the-way farms and stations. They generally travelled four or five together, and at the end of their day's march they often planted themselves on some settler's verandah, and refused to be turned out, demanding food at night and again in the morning. That, no doubt, a good many people could put up with, without saying very much. But that was not their worst offence. In outlying places, in the bush, these men generally visited farm houses when the husbands and the male portion of the household were away, and only the women and children at home. The wife probably did not want to buy anything from these men, but, if she refused to do so, they became apparently (using their own language) "violent and abusive, and by means of intimidation often induced women, in self-defence, and so as to get rid of them, to purchase articles which they had no need for. In this way they became a regular pest. The articles they hawked about were not articles of necessity; and, considering the abundant means of communication there was now throughout the country, he could not see that any good purpose was served by allowing these aliens to travel about the country hawking their wares, and making themselves a nuisance and a terror to law-abiding settlers. He did not wish to take up the time of the House by saying much; but he hoped that members residing in the town, who were not perhaps so much aware of the nuisance these people were in remote country places, would help him in protecting outlying settlers from these alien hawkers.

Mr. PIESSE said he had very much pleasure in seconding the motion. The facts as stated by the hon. member who had moved in this matter had perhaps come more closely under his (Mr. Piesse's) observation than many other member's, the district he resided in being very isolated, and the settlers very much scattered about. These hawkers frequently visited the district, calling at the various homesteads, generally in the absence of the male members of the household, and they often put the women-folk in great fear, being aliens and colored men. There had been great complaints about these men as to the way they intimidated lonely females to purchase their wares, simply in order to get rid of their persecutors. In support of what he said he would read two letters which had appeared in the newspapers some time ago. [*Letters read.*] There was really no necessity in these days of railway communication for these hawkers; they simply interfered with legitimate trade, and did no good to the colony. Only that day, in coming down to Perth by rail he counted no less than seven of these men. In fact, you met them all over the country. The appearance of many of them was against them, and was enough to intimidate any lonely female, and make her purchase against her will. He quite agreed that some provision should exist for supplying settlers in the bush, who have no means of communication with the towns, with articles they may require; but he thought the ordinary hawker's license was sufficient for that, which had to be taken out annually, and which restricted the holder of it to one particular district. These Indians simply obtained temporary licenses, available for a few days, for which they paid 5s., and went about from district to district. Other hawkers had to find sureties as to their being proper persons to be entrusted with a license, but these aliens simply paid their 5s., and travelled all over the country, and nobody knew who they were or what they were. They were generally strong hulking-looking fellows, well able to work, instead of peddling about. He offered work to one of them once, at grubbing, and he consented to go. He gave the fellow some tools and supplies, and found a few days afterwards that he had disappeared. He hoped something would be done in the direction indicated in the motion.

MR. SIMPSON had much pleasure in rising to support what he conceived to be the spirit of this motion. He was not sure whether the wording of it was unobjectionable—the Attorney General would correct him if he was wrong. It referred to natives of India. He understood that the natives of India were British subjects, and he did not know whether we could interfere with them in this way. The question of dealing with these men was rather administrative than legislative. But there could be no doubt as to the necessity for some action in this direction. These Indian peddlers were the scourge of the regular traders of the colony, and competed with them under conditions that were altogether in favor of the alien race. These men, he was going to say, "toiled not, neither did they spin"; in other words they paid neither rates nor taxes, except in a very small way, and whatever money they made here they took away with them. They had seen them all over the country, from Albany to Beverley and from Yilgarn to the Murchison, and he had received complaints against them from many legitimate traders, and also from settlers who had been pestered by them. One could quite understand the power of intimidation exercised by these swarthy aliens, these dangerous-looking bravos, upon lonely women and children in the outlying parts of the colony. As to their camping on settlers' verandahs and demanding to be supplied with food, probably a good shot-gun would do away with any legislation in that direction. He did think it was high time some steps should be taken, in the interests of legitimate trade and honest traders, to get rid of this undesirable class of itinerant alien peddlers.

THE ATTORNEY GENERAL (Hon. S. Burt) said the question would receive the consideration of the Government. For his own part, he did not see that in these days of railway and other facilities for internal communication we wanted hawker's licenses at all; and, if the feeling of the House was in favor of it, he would be prepared at once to deal with the question. He did not mean that they should instantly do away with hawking altogether, but that some little time should be given to those who had supplied themselves with horses and carts for carrying on the business, to dispose of them. But as regards these colored gentlemen, he thought steps might be taken at once to stop the granting of licenses to them. The Government would consider the matter, and he had some hopes of being able to deal with it at once.

Motion put and passed.

PUBLIC HEALTH ACT, 1886, AMENDMENT BILL.

Introduced by the PREMIER, and read a first time.

MIDLAND RAILWAY EXPENDITURE AND THE GOVERNMENT GUARANTEE.

MR. MOLLOY, in accordance with notice, moved "That a return be laid upon the table showing the amount expended on the Midland Railway since the date of the guarantee by the Government, the amount of value of work certified to have been done, the quantity of such work, and upon what basis the value is calculated."

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said, if the hon. member would take the word of the Government, he need not press this motion at all, as the Government were quite prepared to lay this return on the table as soon as it was prepared, which would probably be by the time the House next sat, on Monday next. Under the circumstances, perhaps the hon. member would withdraw the motion.

MR. MOLLOY said he would do so, relying upon the promise of the Government to furnish the information asked for.

Motion, by leave, withdrawn.

ADJOURNMENT.

The House adjourned at thirty-five minutes past 3 o'clock, p.m.