

before the property could be mortgaged. For his own part, however, he had no objection to the insertion of such a clause and, if moved, he should in no way oppose it. At the same time he would again point out that the power here sought to be given to the governors of the High School had already been given by that House to other bodies, and he thought it was rather late now to raise any opposition to granting this power to a body like the governors of the High School,—an institution promoted by that House, out of public funds.

THE COLONIAL SECRETARY (Hon. M. Fraser) asked the hon. member in charge of the Bill (Mr. Burt) to consent to postpone going into committee on the Bill until Wednesday, when no doubt they would be able to meet the hon. member's views, and be able to see whether the phraseology of the Bill was correct.

MR. BURT: I don't know what the hon. gentleman means by the phraseology of the Bill being correct. I have framed a good many Bills in my time, and I am not aware there has been any fault found with their phraseology, nor do I think will the hon. gentleman be able to find fault with the phraseology of the present Bill. The Bill has been before the House for a week, and the hon. gentleman surely might have read it before now, and ascertained whether the phraseology of the Bill is correct or not. However, in order to afford the Government an opportunity of making that phraseological discovery, I have no objection to postpone the consideration of the Bill in committee until Wednesday.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the phraseology of the Bill might be very correct and very accurate, but at the same time it might not convey an idea in which they could all agree. It might mean what the hon. member himself meant, but perhaps not exactly what everybody else meant. The hon. member seemed to express surprise that the Government was not prepared to accept the Bill at once, but he would remind the hon. member that this Perth school grant was a very valuable grant, together with the buildings upon it, and the deed whereby this property was granted expressly provided that it shall be held and appropriated for ever as a grammar school. Now it must be

obvious to anyone that if power of mortgage is given, the mortgagee would have the right to enter and sell, and, in that case, the very object for which the grant was given might be defeated. It was just possible that the Secretary of State might not be prepared to sanction the granting of a power which might defeat the very object which the Government and the Legislature had in view. As to the Fremantle Grammar School, the site on which the school was built could not be mortgaged without the consent of the Governor; but the governing body of the school might deal as they liked with any other lands which they might acquire.

MR. STEERE said, inasmuch as other bodies already possessed the power which this Bill sought to confer upon the governors of the High School, he failed to see, with these precedents before them, what possible objection the Government could have to granting the same power to the trustees of this institution.

MR. RANDELL then moved that the order of the day for the consideration of the Bill in committee be discharged, and that the House should go into committee on the Bill on Wednesday, August 15.

This was agreed to.

The House adjourned at seven o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 15th August, 1883.

Imported Labor Registry Act Amendment Bill—Metalling main street, Guildford—Forfeiture of Leases by nonpayment of Rent—Grant of land for Mission station at Kimberley—Message (No. 19): re Bills—Message (No. 20): Transmitting Dog Bill—Sunday Trains to Guildford—Tolltaxior Bill: first reading—Inspector of Accounts' Report on Railway Accounts—Papers relating to Eastern Railway Deviation—Aboriginal Native Offenders Bill: referred to Select Committee—High School, Perth, Mortgage Bill: in committee—Married Women's Property Bill: second reading—Adjournment.

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

PRAYERS.

IMPORTED LABOR REGISTRY ACT AMENDMENT BILL.

MR. BROWN, in accordance with notice, asked the Colonial Secretary whether the Government intended to bring in a Bill to amend or repeal "The Imported Labor Registry Act, 1882." He presumed the Government were aware that the Act in question was utterly unworkable.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the Government intended to call for reports from the magistrates of the districts more especially concerned in the operation of the Act referred to, with the view of considering the working of the law, and whether any, and if so what, amendment is required. No Bill, however, would be introduced this Session.

MR. BROWN intimated that on Monday following he would himself move for leave to introduce a Bill to repeal the Act in question.

METALLING MAIN STREET, GUILDFORD.

MR. STEERE, in accordance with notice, asked the Colonial Secretary, "Whether it is the intention of the Government to complete the metalling of the main street at Guildford, on the North side of the railway line, as in its present unfinished state the principal thoroughfare through that town was dangerous and unsafe for traffic?" The Government had admitted to the Municipality, in a letter which he had before him, their liability in this matter, but they had taken no steps to do what was necessary.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the Commissioner of Railways would be prepared with an answer to the question to-morrow.

THE COMMISSIONER OF RAILWAYS (Hon. J. H. Thomas) said the House knew as well as he did that he had strongly opposed the line going through the street, and he was greatly abused for it. With the road itself he had nothing to do, as Commissioner of Railways, but if the Government or the Legislature liked to vote a sum of money for metalling the street, he should have no objection whatever. He would remind the House that he had had nothing to do with it, for he knew all along that

they were doing wrong in taking the railway through that street.

MR. STEERE hoped the hon. gentleman would be prepared to answer his question when the House met again. That was no answer at all.

FORFEITURE OF LEASES BY NON-PAYMENT OF RENT.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Commissioner of Crown Lands, "When the Government proposed to take steps to comply with the provisions of clause 12 of the Land Regulations in the case of leases and licenses of occupation which had become forfeited by failure of payment of rent?" He presumed that a considerable number of these leases had been forfeited in this way, and that for a certain number of them tenants might be found; but, at present, they were locked up, and nothing could be done with them until the provisions of the 12th clause were complied with.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) replied: The provisions referred to will be complied with as soon as possible after the return of forfeited leases and licenses has been received from the Treasury. Two months are allowed by the Regulations, wherein a lessee is permitted to pay a penalty in lieu of forfeiture, and as there is considerable delay in obtaining advices from the North District, the Hon. the Colonial Treasurer has not up to the present time been able to send in the necessary return. I am, however, informed that the return will be forthcoming in a few days, and it will be immediately acted upon, as required by Clause 12 of the Land Regulations.

NATIVE MISSION STATION AT KIMBERLEY.

IN COMMITTEE.

MR. GRANT moved, "That in the opinion of this House it is desirable that a block of land of one hundred thousand acres be set apart in the Kimberley District, between the Leopold Range and the McDonald range, for the purpose of establishing a Mission station thereon for aboriginal natives; and that a suitable sum of money be annually provided from the

"revenue of this district for the purpose of assisting such Mission; provided that one or more of the missionary societies of Great Britain undertake the establishment and management of such Mission within two years of the first day of January, 1884." The hon. member said it was well known that there was a certain amount of reproach against us entertained by the Imperial Government and people in England, as regards our treatment of the aboriginal natives, and he brought forward this motion in order to show that we were not behindhand in taking steps for the amelioration of the condition of our natives. He brought it forward almost in the light of a challenge to the societies at home who were so ready to reproach us for our treatment of the aboriginal race, as it would be a sort of practical test of the sincerity of their own professions. He had conceived the idea that it would be very desirable that some of our territory at the North, which was very extensive, should be set apart for these natives, and he did not think there was a locality in the colony better adapted for a mission station than that referred to in the resolution. The land and climate were well adapted for the growth of tropical products, and he thought it would be a very good thing indeed if a mission were established there, so as to bring some civilising influence to bear upon the natives, who might be taught to cultivate the land, and in time the mission would probably become self-sustaining. There was another point from which the subject might be looked at. He thought it was very desirable, for our own sake,—that was to say, the settlers of the district—to have the natives congregated together at some spot, instead of rambling about the country, endangering the lives and property of pioneers, and making raids upon their flocks. It would be a source of safety and of advantage to the settlers themselves if this mission were established, while at the same time it would show people at home that we are willing to meet them in a fair way. It might be considered by some hon. members that 100,000 acres was too much to grant for such a purpose; no doubt this area of sugar land was a great deal to give away, but it might result in some of the societies at home undertaking the estab-

lishment and the management of the mission. At any rate, there would be no harm in trying.

MR. RANDELL suggested that the terms of the resolution should be amended, so as to extend the period within which the challenge thrown out to the missionary societies at home might be taken up—for he thought he might infer from what had fallen from the hon. member, that the resolution was intended as a challenge to those bodies to take up the matter. He did not know whether he was quite right in understanding the hon. member to mean that. [MR. GRANT: Perfectly right.] It appeared to him that two years was too short a period to give them for accepting the challenge. The territory where it was proposed to form the mission was territory which was almost unknown as yet. No doubt it would be admirably adapted for the experiment, and most likely one or other of the great missionary societies of England might be induced to take up the challenge. He was somewhat surprised at the motive assigned by the hon. member for making the proposal—it was not altogether philanthropic. It savoured rather of a police arrangement; the missionary societies were to collect the natives and keep them together, so that they may not commit depredations. He did not think the hon. member had any right—whatever might be the prevailing opinion in England as to our treatment of the aborigines—he did not think there was any ground for the belief that we had treated them with undue severity; indeed, he had yet to learn that they had in any way accused us of injustice or cruelty towards the natives. That had been stated with reference to other colonies, he was aware, but he did not know that it had been laid to our charge. He thought that, in justice to these societies, we ought to give them an opportunity of accepting our offer, and he saw no reason why we should limit it to two years. Possibly these missionary societies may have their hands full just now, and might not be able to take up this new sphere of labor, which the hon. member had been so kind as to sketch out for them. He thought the colony itself had a right to do something more than to give the bare territory, and that it should be called upon to assist these societies in

establishing and maintaining the mission—say to the extent of one-half—so as to show the sincerity of our desire to do good; and he could not help thinking that if the project is carried out in a proper way it was calculated to do a great deal of good, both as regards the native race and also the future settlement of that part of our territory. He would ask the hon. member to withdraw the limit within which the offer shall remain open, and also to stipulate that the colony will contribute towards the support of the mission.

MR. GRANT said the hon. member seemed to labor under a mistake, as to the motives which had prompted him to bring forward this resolution. The hon. member appeared to think he had moved in the matter from interested motives, which was a wrong impression altogether. He thought he knew something about the natives and their customs, and his belief was that a mission such as he had in view would do a great deal to ameliorate and civilise the natives, and, in doing that, it would also do good to the colony. He assured the hon. member he had the interests of the natives at heart, rather than any pecuniary advantages which the settlers might derive.

MR. CROWTHER said if we were to be guided by the light of past experience the House would do well to accept the amendment which he was about to propose, namely, that the words "one hundred" be struck out, and "ten" be inserted in lieu thereof, and that all the words after "natives," in the ninth line, be struck out. The resolution would then read thus: "That, in the opinion of this House it is desirable that a block of land of 10,000 acres be set apart in the Kimberley district, between the Leopold Range and the McDonald Range, for the purpose of establishing a mission station for aboriginal natives." He had very little faith in the movement himself, and he did not think the hon. member for the North had much faith either, or the hon. member would have proposed to have this station nearer home,—nearer his own place, than in an out-of-the-way part of the colony which nobody but himself seemed to have any knowledge of. He very much doubted the wisdom or even the justice of doing what the hon. member proposed. If the hon. member, for

whom he had a most sincere respect, wished to do good to our sable friends, to our aboriginal brethren, he need not go so far from home to begin the good work. There was ample scope for the active exercise of his philanthropy without going as far as the McDonald Ranges,—say at the DeGrey, or Cossack, where a native mission might possibly be made of some use to the settlers generally. He was quite in accord, to a certain extent, with the hon. member as to our duty towards these natives, but he had no faith in missions. When he first came to the colony they had a flourishing native mission at Wanneroo, upon which the Government were spending some hundreds a year, with what result? The natives trained there could swear systematically and smoke pertinaciously, and that was the fruit of the Wanneroo mission. He doubted very much whether we were likely to improve upon it if we had a mission in the McDonald Ranges. At any rate 10,000 acres was quite enough to start the experiment.

MR. STEERE would give his support to the amendment. He could not think it was at all likely that any good would result from this project. The only way to civilise these natives was to teach them how to work. That had been the experience of everybody who had tried to do any good with them, and we could do that without the assistance of any missionaries from England. The hon. member who brought forward the resolution said the land which he proposed to set apart for the mission was good sugar-growing land; if so, 10,000 acres would, he was sure, be quite sufficient land for such an establishment. If it were pastoral country, and suitable for that alone, he should not have objected to 100,000 acres, but, seeing that the land was fit for tropical industries such as sugar-growing, he thought 10,000 acres would be quite enough to give away.

THE COMMISSIONER OF RAILWAYS (Hon. J. H. Thomas) said the whole thing appeared to him to lie in a nutshell. Did we admit that these natives were part of the human family—were they our brothers and our sisters? (Mr. Crowther: No.) If they were, we ought to treat them as such. If not—if they were only a superior species of

gorilla—let them be chained up, or sent to a zoological garden to be treated as so many monkeys.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said it appeared to him that the resolution at present was almost meaningless. The Governor, under the present Land Regulations, had full power to set apart reserves for natives, and he was not aware that there had been any backwardness shown in this respect. If it could be shown that any missionary society was prepared to undertake such a work as this, they would always find the Government ready and willing to help them, in the way of setting apart reserves for such a purpose. The only part of the resolution which really would be of any practical use was so very vague as to be almost meaningless. He referred to the amount to be contributed from the revenue of the district for the purpose of assisting the mission. What it said was a "suitable sum of money." He should like to know what that meant. If the House was going to bind future Legislatures in this matter it would be necessary to be a little more explicit than that. Some specific amount ought to be mentioned, and unless the hon. member was prepared to do so, it would be much better to let the matter drop. He must confess he did not even know where the locality of the McDonald Range was situate. Unless some more tangible proposition were brought forward, he thought it would be only wasting the time of the House in discussing the question.

MR. SHENTON said there were natives in other parts of the colony besides the district mentioned in the resolution, who were quite as much entitled to consideration as the natives in that distant territory. If native reserves were wanted for mission or other purposes, there was nothing to prevent the Governor from proclaiming such reserves, if he thought proper, and therefore it appeared to him needless for the House to take any action in this matter.

MR. S. H. PARKER thought the attention of our philanthropists ought to be directed rather to those natives who were to be seen dragging out a miserable existence at our very doors, in our public streets, than to the tribes who led a

nomadic life in the far interior. There was ample scope for the exercise of philanthropy in ministering to the wants of the natives in the settled districts of the colony. He did not mean to say it was the duty of the Legislature or of the country to provide these people with luxuries, but he did think something might be done to ameliorate their present wretched condition, something to relieve their actual necessities. He thought it was a disgrace to our civilisation to allow these natives to wander about our streets, for aught we knew or cared, in an absolutely starving condition. As to the resolution, he thought it would be time enough for our Government to take action in this direction when a proposition is made by some of these English societies to take some steps toward dealing with the natives of this colony, and the Governor could do that without reference to the Legislature. Every lease now issued was issued subject to this right—the right of the aboriginal natives to enter upon the land for the purpose of obtaining a subsistence.

MR. GRANT said it was evident to him that his resolution was not kindly received by the House, and, as he had every confidence in the Government doing what was right in the matter when the time for action arrived, he would not press the motion.

THE COLONIAL SECRETARY (Hon. M. Fraser) thought the House was indebted to the hon. member for the North for bringing the subject forward, for there could be no doubt that this question of the treatment of our natives was one which in no distant future would demand our serious attention. Last session a valuable paper on the subject of native missions, prepared by the Bishop of Perth, was presented to the House by His Excellency the Governor, and he believed he was justified in saying that the question was one which His Excellency desired to see receiving due consideration. While giving credit to the hon. member for the North for every good intention, he must say that the resolution he should like to see introduced dealing with the subject of the treatment of natives was a resolution dealing more generally and more comprehensively with the whole question, without regard to any particular district.

He thought it was worthy of consideration whether it would not be good policy to set reserves apart, throughout the colony, for aboriginal purposes, in the same way as was done in the Eastern Colonies and in the United States of America,—reserves which of late years had, he understood, become of considerable value. The same thing was done in New Zealand, where the natives were not allowed to dispose of the land so reserved, it being secured for their use in perpetuity. All hon. members seemed to agree as to the necessity of making some provision for the future of those who had been jocosely termed our aboriginal brethren, and, this being the case, he thought the hon. member for the North might be asked to withdraw this resolution.

MR. RANDELL said, before it was withdrawn, he should like to express his dissent from what had fallen from one or two hon. members, as to its being time enough for our Government to set apart these reserves when it was shown that some of the English missionary societies proposed to take action in the matter. He thought these native reserves should be set apart as soon as practicable, and should be kept available for any opportunity of utilising them which may occur in the future. Unless steps were taken without much further delay to appropriate lands for these purposes, the result would probably be that the Government would find itself in the same position as it was in with regard to public reserves in the City of Perth, where there were scarcely any at their disposal.

Motion, by leave, withdrawn.

MESSAGE (No. 19): GRAND JURY ABOLITION BILL AND EXCESS BILL.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to return to the Honorable the Legislative Council the Bill intituled:—

"An Act to consolidate and amend the laws providing for the abolition of Grand Juries, and for the summary discharge, in certain cases, of persons under committal for trial for felonies and misdemeanors;

"in order that the 10th clause may be amended by the insertion, after the word 'them,' of the words 'or some other person duly appointed for that purpose.'

"This amendment appears necessary, to enable proper provision to be made for prosecutions before circuit courts.

"The Governor has assented, in Her Majesty's name, to the undermentioned Bill, namely,

"5. *An Act to provide for the payment of certain additional and unforeseen expenses in the year One thousand eight hundred and eighty-three, over and above the Estimates for that year.*

"The certified copy of this Bill is enclosed.

"Government House, Perth, 15th August, 1883."

The consideration of the Message was made an order of the day for Thursday, August 16.

MESSAGE (No. 20): TRANSMITTING DOG BILL.

THE SPEAKER also notified the receipt of the appended Message from His Excellency the Governor:

"Referring to paragraphs 30 and 31 of the Speech with which he opened the Session, the Governor has the honor to transmit, herewith, for the consideration of the Honorable the Legislative Council, the following Bill, namely, a Bill intituled 'An Act to consolidate and amend the law relating to Dogs.' Government House, Perth, 15th August, 1883."

SUNDAY TRAINS TO GUILDFORD.

MR. STEERE, in accordance with notice, moved: That, in the opinion of the Council, arrangements should be made by the Railway Department for running trains between Fremantle and Guildford, on Sundays. He thought the majority of hon. members, and of the public, were of opinion with him that the inhabitants of Guildford ought to have the same advantages in this respect as the citizens of Perth and Fremantle.

THE COMMISSIONER OF RAILWAYS (Hon. J. H. Thomas): I rise to oppose the motion on the sole ground that it will not pay. At the present time, even the Sunday trains from Fremantle to Perth barely pay their working expenses,

and I am quite certain if they are run through to Guildford, we should be at a loss. When the time comes for calling me into account because the line does not pay, hon. members, if they carry this motion, must expect to find it put forward as one of the reasons why this railway does not yield a larger profit. I do not oppose the motion on religious grounds, for I don't think there is much in that. That reminds me of an answer given by Sir John Robertson, when premier of New South Wales, when Bishop Barker came to him at the head of a deputation against running Sunday trains. The Bishop, who lived out of town, was asked by Sir John how he came to church on Sundays, and, upon his replying that he came in his carriage, Sir John told him: "My lord, when you do away with your carriage on Sundays, come to me then and ask me to put down railway travelling on Sundays." I take the same view of the question, so far as its religious aspect is concerned, as Sir John Robertson, and I do not oppose this motion on Sabbatarian grounds, but simply because it will not pay. Of that I am quite certain.

MR. CROWTHER said the reason put forward by the head of the department would not hold water. He failed to see what the hon. gentleman, individually, had to do with the question of whether a train paid or not. These railways were not his private property; they belonged to the public. The people of the colony paid for their construction and paid for their maintenance, and did so for the convenience and comfort of the public, and, so long as they were prepared to suffer a little loss collectively for the convenience of people individually, he failed to see why the Works Department should trouble its head or break its heart over the fact of any particular train not paying. It was only the other day they were told, as a matter of great favor, that a night train would be allowed to run for a fortnight during the session of Council, in order to see whether such a train would pay—if not, he supposed it would be discontinued. It would be just as sensible if the Banks were to announce, if they found their transactions between (say) two and three o'clock in the day, did not show any profit, that they would shut up altogether.

MR. MARMION said the House was quite prepared to share with the Government any responsibility, on the ground of these Sunday trains not paying. He failed to see that it would entail much more expense than at present incurred, as there would be no necessity to increase the staff, if the trains went into Guildford. The only extra expense would be the fuel. If these trains were so timed as to arrive at their destination pretty early in the day, and pretty late at night, they would in no way interfere with the attendance of people at a place of worship. The mere fact of a train not "paying" was no legitimate excuse for stopping that train altogether, so long as it was required for the public convenience. Nor would the Commissioner be to blame, if these Guildford trains did not pay, so long as the House accepted the responsibility of moving that they shall run, whether they paid, directly or not.

THE COMMISSIONER OF RAILWAYS (Hon. J. H. Thomas): Of course if the railway officials have to work on Sunday they must be paid for doing so, or we must increase the staff. The House will bear that in mind.

MR. RANDELL said he did not rise to oppose the motion, and still less to express any Sabbatarian views—which he thought would be lost upon that House—however strong he might feel on the subject. He thought the argument put forward by the Commissioner that these trains would not pay was an argument which, after all, was worthy of some consideration, and he could not help thinking there was some inconsistency on the part of those hon. members who had taken an opposite view. They said it did not matter about the trains not paying, so long as they proved of public convenience; but he would point out that the very fact of their not paying showed that the public did not utilise them, or regard them as a source of much convenience,—that, in fact, they were run for the convenience of a few individuals rather than the convenience of the general public.

MR. STEERE said the question as to the trains not being likely to pay was a mere question of opinion. These trains had not yet been tried, and no one could say from experience whether they would

pay or not. In his own opinion there would be a very considerable amount of extra traffic if these trains went on to Guildford. He wished to call the attention of the Commissioner, particularly, to the wording of the resolution: it did not contemplate one single train at an inconvenient hour of the day, but trains running at such hours as would suit the convenience of the general public,—one up and down in the morning, and one up and down again in the evening.

The motion was then put and carried.

TOTALISATOR BILL.

MR. S. H. PARKER obtained leave to introduce a Bill to legalise the Totalisator.

Bill read a first time.

INSPECTOR OF ACCOUNTS' REPORT ON THE RAILWAY ACCOUNTS.

MR. CAREY, in accordance with notice, moved: That the Colonial Secretary do lay upon the table of the House the reports made by the Inspector of Accounts (Audit Department), with reference to the railway accounts and railway stores, for 1883.

THE COLONIAL SECRETARY (Hon. M. Fraser) thought it would be a saving of the time of the House, if he were to take this motion in the light of a question, and to reply at once that it would be undesirable to produce these papers for the reason that they were connected with departmental difficulties and disagreements which were now happily at an end. If the hon. member wished for any special information on the subject, he should be glad to obtain it for the hon. member from the head of the department.

MR. CAREY said he would see the hon. gentleman with reference to his reply.

MR. SHENTON moved the adjournment of the debate until Monday, August 20.

PAPERS RELATING TO EASTERN RAILWAY DEVIATION.

MR. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to cause

"to be laid upon the table of the House "all papers and telegrams in connection "with the deviation recently agreed to "on the second section of the Eastern "Railway." The same question had already been before the House on one or two occasions, and the other day a great deal of the correspondence between the Government and the contractor was laid on the table, and they were informed that the rest might be seen at the Colonial Secretary's Office. He thought they ought to be seen in that House, and hence the present motion.

MR. CROWTHER: This appears to me to be simply a case of "Here we are again!" If the correspondence asked for may be read by members in the Colonial Secretary's Office, I fail to see why it could not be read by them in this House, and I see no reason why the Colonial Secretary's Office should not bend, and bring the correspondence here for us to see it. The simplest plan in these matters is to give the House what it wants, for, in the end, the House is bound to have it, and I would suggest to the hon. gentleman in whose office we are told these papers may be seen, to do what any sensible man would do, when he found that the House insisted upon seeing them—bring them into the House, lay them on the table, and say "Here you are."

MR. SHENTON said he had looked through these papers at the Colonial Secretary's Office, and he could not see what objection there could be to placing them before the House. The question was one of considerable interest to the public, and one on which hon. members ought to have all the information available with reference to it. The hon. gentleman opposite must be aware that it was within the power of the House to obtain these papers from the Government, for the Government would have to come to the House for the money to pay for this deviation.

THE COLONIAL SECRETARY (Hon. M. Fraser) said hon. members must be aware—they could not be so blind as not to know that the object was not to withhold these papers from the members of the House, but that, for obvious reasons, it would be inexpedient that they should become public property, and their contents known to the whole world.

Question put—That this Address be presented:

The Council thereupon divided, with the following result—

Ayes	8
Noes	14
Majority against			6

AYES.	NOES.
Mr. Brown	Hon. A. P. Hensman
Mr. Crowther	Hon. J. H. Thomas
Mr. Higham	Hon. J. Forrest
Mr. S. S. Parker	Mr. Burges
Mr. Shenton	Mr. Burt
Mr. Steere	Mr. Glyde
Mr. Venn	Mr. Grant
Mr. Carey (Teller.)	Mr. Hamersley
	Mr. Marmion
	Mr. McRae
	Mr. S. H. Parker
	Mr. Randell
	Mr. Wittenoom
	Hon. M. Fraser (Teller.)

The motion was therefore negatived.

ABORIGINAL NATIVE OFFENDERS BILL.

On the order of the day for the further consideration of this Bill being read,

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said: I rise, sir, to make a proposition to the House in this matter. Since this debate was adjourned, we have considered the question, and I am now about to propose a course which I hope will meet with the assent of the House. We know that the matter has been considerably discussed, and discussed I hope with perfect good temper, so far as my own feelings were concerned, and I believe the feelings of those hon. members who do not agree with us; still there are many things which can be discussed more profitably across a table than in a large assembly, and what I am about to propose is that this matter shall be referred to a select committee, who can talk the matter over quietly, and who can have more opportunity of learning each other's views, and obtaining information from each other in an assembly of this kind. I think perhaps this would be the best way of arriving at some solution of this matter, at which we are all desirous of satisfactorily arriving. I therefore move that the order of the day be discharged and that the Bill be referred to a Select Committee.

MR. BROWN: For my own part I shall offer no objection to the course proposed by the hon. and learned gentleman, for I take it he would not have thought

of making such a proposition unless he is prepared on the part of the Government to make further concessions than he made the other evening. The hon. gentleman asked, the other evening, for a decided opinion on the subject on the part of the members of this House, when they gave their vote on the 4th clause, and he stated that the opinion then deliberately expressed would be taken by the Government as meaning that the majority of hon. members would not accept the compromise then offered by the Government. In the face of that, I can hardly think the hon. and learned gentleman would propose to refer the Bill to a select committee, merely to see whether that committee accepts a proposal already rejected by this House.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said, if the House accepted the proposal to refer the Bill to a select committee, nothing more could be expected from him at present, and, as there appeared to be no opposition to the course suggested, he now formally moved that the order of the day be discharged, and that the Bill be referred to a select committee, such committee to consist of the Hon. J. Forrest, Mr. Brown, Mr. Steere, Mr. Grant, and the mover, and, with leave, Sir T. C. Campbell and Mr. Burt.

Motion agreed to.

HIGH SCHOOL, PERTH, MORTGAGE BILL.

The House then went into committee for the consideration of this Bill in detail.

Clause 1—Governors of school empowered to mortgage:

THE COLONIAL SECRETARY (Hon. M. Fraser) said he understood from the hon. member for Murray and Williamis, who was in charge of the Bill, that he did not object to this power being subject to the consent of the Governor of the colony for the time being. He therefore had to move, as an amendment, that between the words "successors" and "by," in the second line of the clause, the following words be inserted: "with the consent of the Governor-in-Council."

MR. BURT said he did not object to that, but he thought some distinction ought to be drawn between lands given by the Crown and by private individuals and that the distinction ought to be

provided for. He thought the consent of the Governor-in-Council was only necessary as regards the right to mortgage the Crown grant, and that the trustees should be empowered to mortgage all other lands belonging to the school, independent of the proviso as to the Governor's consent.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the suggestion seemed to go further than the Bill contemplated. The Bill applied entirely to the grant of land already made to the school by the Crown, but he now understood that the hon. member desired to make an important addition to the Bill, bringing under its operation all other lands.

MR. BURT said if the Attorney General had read the preamble of the Bill he would have seen that the Bill was not intended to apply solely to the grant of land made to the trustees by the Government, but to "any other lands which they may hereafter acquire for the purposes of the said school." The Governor's consent had not been thought necessary before, and he failed to see the necessity for it here.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he had no wish to fetter the governors of the school unnecessarily, but it had been suggested to him by His Excellency the Governor that some such provision as this would be desirable, to meet His Excellency's instructions from home.

MR. BURT moved that the debate be adjourned until Monday, August 20.

Agreed to.

MARRIED WOMEN'S PROPERTY BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in moving the second reading of a Bill to amend the law relating to the property of married women, said there had been many changes in public opinion during the present century, but perhaps there was hardly any question upon which public opinion had altered, and he might say advanced, to so great an extent as that which related to the status and position of women; and he, for one, took it to be a very remarkable instance of our advance in civilisation that we were now, he would not say advancing the status of women,

but rather seeking to remove some restrictions from that freedom of action which he thought women ought to have. He regarded this as one of the most satisfactory signs in connection with the social and political movements of the present century. This Bill was no new thing; it was introduced—that was to say, its main provisions were introduced—in that House two years ago by the hon. and learned member for Perth. Nor was it a Bill that was brought forward without experience, because the provisions of the Bill, or, practically, the greater part of them, had been the law in England since the year 1870. Therefore, in ushering the Bill into the notice of the House, it would be unnecessary for him to say but a very few words. The first clause provided that the wages or earnings of a married woman, or any money or property she may acquire through the exercise of any literary, artistic, or scientific skill, shall be deemed and taken to be her own separate property. As the law in this colony stood at present, whatever money a married woman earned in this way, whether they were the earnings of a washerwoman or the earnings which a literary or scientific lady acquired by the exercise of her talent, became at once the property of her husband. He trusted that, in ninety-nine cases out of a hundred, or in a vast majority of cases, it made no difference whose property it became, as between husband and wife, technically speaking; but, unfortunately, there were many cases in which very great hardships—he hoped they were not known in this colony to so great an extent as in England—but there were many cases at home where a hard-working woman was obliged to support herself and family by her own industry, with the result that her lord and master periodically came down upon her to relieve her of what she had so hardly gained. This clause was what he might term a self-working clause. Where husband and wife lived, as they ought to live, in harmony with each other, there was no necessity for such a clause; but where a husband obliged his wife to carry on a separate trade, or to earn her own livelihood, this clause gave her protection against such a husband. The Bill went a little further than that. They all knew that amongst the upper classes

settlements of property took place on their marriage, but amongst the middle and lower classes that was rarely the case; and the consequence was that amongst the upper classes of society a woman who was possessed of money when she married, or might inherit money afterwards, usually had a settlement made upon her through trustees, who saw that she was protected, and had the enjoyment of that money, so far as it was necessary. Not so, however, with the lower classes, and this Bill provided a remedy for that state of things, by making provision that any deposits which a married woman may have in the savings bank before or after her marriage shall be deemed to be her own separate property. There was also a clause which provided that any personal property coming to a married woman as next of kin of an intestate, or any sum of money, not exceeding £200, which she might inherit under a will, shall belong to her for her separate use. And he might say here, once for all, that the words "for her separate use" had a legal meaning which absolutely protected a woman from any interference with her property by her husband, assuming that he is hostile. The next clause referred to any freehold property which a married woman might inherit after the passing of this Act. The law at present gave her the right to the land that might thus come to her, but it did not protect her with regard to the rents or profits accruing from such land, which, as the law now stood, were absolutely at the disposal of her husband; but this Bill provided that all the rents and profits arising from any freehold property which may come to a married woman shall belong to her for her separate use. In the event of any disputes arising between husband and wife as to any property declared by the Act to be the separate property of the wife, it would be competent for either party to apply to the Supreme Court. There was also a provision, which he trusted would commend itself to the House, that if a married woman liked to insure her own life or that of her husband, with her own money, she might be at liberty to do so. There was a clause in the Bill which necessarily followed upon those which he had already referred to,—a clause providing that a

married woman may maintain an action for the recovery of any wages, earnings, or other separate property which the Act gave her. Hon. members would see that up to the present they had been, so to speak, looking after the interests and protecting the rights of the married woman; but they would now turn round and see what they could do to protect the unfortunate married man. As the law at present stood here, a man when he married took upon himself not only the delightful society of his wife but also certain burdens, in the shape of debts and other claims contracted by the woman of his choice before they were married; but the present Bill limited the husband's liability in this respect to the extent of the assets or property that his wife brought him. These were the main provisions of the Act. As he had already said, he was aware they had been brought before the House, two years ago, and he was sorry in one respect that the matter was not again in the hands of the same hon. and learned member. While, however, viewing with great satisfaction the fact that an hon. member of that House had moved in this direction so long ago, he might at the same time say that the Bill was one of the first measures that occurred to him as one that ought to be brought before the Legislature of this colony. It so happened that in England he had taken a somewhat active part in another movement introduced in favor of women, in a different direction from this—an educational movement—and he felt much interest in this subject; therefore an Act of this character was a measure which he had hoped to give himself the pleasure of introducing in this colony. But he was glad to find that his intention had been forestalled, and he would be happy to receive the support of the hon. member who had done so, in any matter that might arise for discussion during the progress of the Bill. As he had already said, it was not a new measure. It had been tried in England for the last twelve or thirteen years; and so satisfied were the people of that country with the working of it that, last year, a Bill was brought into Parliament which went very much further than this Bill did. This Bill he believed would only work and operate against bad hus-

bands,—for, with good husbands, he maintained, living together as husbands and wives should, such a state of affairs as this measure contemplated would never be thought of. But the Bill introduced into the English Parliament last year went a great deal further than this Bill proposed to go, and we had not yet had the benefit of experience as regards the new English Act, which did away, practically, with the old idea that husband and wife are one, and made them, to all practical intents, separate persons altogether, even going so far as to provide that a husband may be tried for stealing his wife's goods, as in the case of any other person, and as if they had nothing in common. That, however, was legislating in a direction and to an extent the wisdom or expediency of which had not yet been verified by experience, and one which he did not think that House would consent to follow. But the law as it was now proposed to make it here had worked well and satisfactorily in the mother country—so well and so satisfactorily that he had never seen, since it came into operation, any single organ of public opinion, newspaper or otherwise, that had argued against the working of it. So smoothly and silently had it worked, that, in his own experience, he assured the House he had never met a man who had suffered from it. Perhaps that might be because all his friends were people who lived happily together as husbands and wives ought to live; but he certainly had never heard of a solitary case of complaint against the working and operation of the Act. He therefore hoped the House would assent to this Bill. He was sure, if they did so, they would feel that they had adopted an Act which might be regarded as one of the most useful and beneficial measures of the present century.

The motion for the second reading was then agreed to, and the House agreed to go into committee on the Bill next day.

The House adjourned at half-past nine o'clock, p.m.

LEGISLATIVE COUNCIL,

Thursday, 16th August, 1883.

Metalling Guildford Main Street—Eastern Railway, Second Section: Expenditure of Loan—Electric Telegraph Bill: second reading—Consideration of Message (No. 19) re Grand Juries Abolition Bill—Dog Bill: first reading—Married Women's Property Bill: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

METALLING GUILDFORD MAIN STREET.

MR. STEERE repeated his question, as to whether it was the intention of the Government to complete the metalling of the main street at Guildford, on the north side of the railway line, as, in its present unfinished state, the principal thoroughfare through that town was dangerous and unsafe for traffic.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the reply he had to make would be similar in its purport to that already given to the Municipality, namely, that a wider portion of the road than had been taken for the railway had been formed and metalled, and the Government had no funds wherewith to further improve it at present.

EASTERN RAILWAY, SECOND SECTION: LOAN EXPENDITURE.

MR. STEERE, in accordance with notice, asked the Colonial Secretary to lay upon the table a return of the total amount expended up to the 30th of June, 1883, out of the loan raised for the construction of the Second Section of the Eastern Railway, showing each item of such expenditure; also the amount remaining due to the contractors on the completion of the Second Section; and, so far as can be estimated, all sums that are due or may be required for the equipment of the said line.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the return asked for would be furnished as soon as possible.

ELECTRIC TELEGRAPH BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the second read-