

colonial service would be made in a different manner. But he could see no reason why that Council should not express its opinion, in order to show what it conceived to be right. With regard to the second part of the resolution, he could see some little difficulty, because that House would be pledging itself to something that had to take place in the future; and, it might be—whether under the present form of Government or under another form of Government—not always possible to vote money in connection with appointments that may have to be made during the recess. No words that he could use would express his opinion too strongly as regards the first part of the resolution, that it ought to be carried out. But as regards the voting of passage money for each particular appointment, he could see it might give rise to some difficulty. With reference to the £100 passage money allowed in the case of the railway storekeeper, the case appeared to be an abuse of the resolution of the House, which never contemplated that the maximum allowance of £100 should be allowed to men appointed to positions of inferior rank. He thought the sooner all such matters were in the hands of the colonists themselves, the better it would be for the country.

Motion, by leave, withdrawn.

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

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## LEGISLATIVE COUNCIL,

*Tuesday, 9th August, 1887.*

**Present state of Albany Sand Patch—Butterine Bill:** in committee—Water Supply between Ashburton and the Murchison: adjourned debate—Bills of Sale Act, 1879, Amendment Bill: in committee—Clackline-Newcastle Railway Bill: third reading—Supplementary Estimates: further considered in committee—Telegraphic Messages Act, 1874, Amendment Bill: second reading—Joint Stock Companies Fees Bill: in committee—Quarantine Bill: in committee—Adjournment.

**THE SPEAKER** took the Chair at noon.

**PRAYERS.**

## PRESENT STATE OF ALBANY SAND PATCH.

**MR. LAYMAN**, in accordance with notice, asked the Hon. the Director of Public Works if he could afford the House any information as to the present state of the Sand Patch at Albany, for which large sums of money had been voted by that House for the purpose of preventing the spread of this sand?

**THE DIRECTOR OF PUBLIC WORKS** (Hon. J. A. Wright) said he had no information to afford on the subject, further than that all expenditure had ceased on the Sand Patch, and that, so far as it had gone, the work had been reasonably successful.

## BUTTERINE BILL.

The House went into committee for the consideration of this bill.

Clause 1.—“From and after the passing of this Act if any person shall knowingly expose for sale, or sell, or import, under the name of butter, margarine, oleomargarine, or any substance intended as a substitute for butter, or any mixture of margarine, fat, oil, or other substances with butter, no matter how small the proportion of the mixture may be, he shall be guilty of an offence, and upon summary conviction thereof before any two or more Justices of the Peace in Petty Sessions, he shall be liable to a penalty not exceeding Fifty pounds and not less than Five pounds.”

**MR. PARKER** said it had been pointed out on the second reading of the bill, by the Attorney General, that salt was often used as a mixture with butter, and that under this clause as now worded the sale of salted butter—no matter how small the proportion of salt—would be an offence. Of course that never was the intention of the bill; and, in order to make the meaning of the clause more clear, he would move that the words “of a like nature” be inserted after the word “substances,” in the 8th line.

This was agreed to, and the clause as amended put and passed.

Clause 2.—“Any person selling any butterine, margarine, oleomargarine, or other substance or mixture intended as a substitute for butter, shall inform the purchaser that the said substance or mixture is not butter, and shall deliver it

"to the purchaser in a barrel, firkin, vessel, basket, or other receptacle legibly marked 'butterine,' 'margarine,' 'oleo-margarine,' or 'animal fat,' as the case may be."

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that in order to meet an objection raised by the hon. member for Fremantle when the bill was read a second time, as to innocent holders of butterine selling it unintentionally as butter, he would move to insert the word "knowingly" after "person," in the first line.

MR. MARMION said if the bill was intended to deal with importations of butterine sent to the colony under the name of butter, the amendment would hardly meet the case. A storekeeper here might, *bonâ fide*, order butter from Melbourne or elsewhere, and it would come to him invoiced as such, and he would sell it as such, yet all the time it might be nothing but margarine or oleo-margarine, or anything else but the genuine article. The person at the other end would of course be committing a fraud, but he failed to see how the fraud could be brought home to the retailer here.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought the price ought to be a fair index to the importer. No doubt the clause would often be evaded, but sometimes it would have effect, and a beneficial effect upon the trade.

The amendment was agreed to.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the clause specifically dealt with certain bogus mixtures, all of which were mentioned. These substances were such as were now known in the trade, but it was quite possible that other substances might be discovered by fraudulent scoundrels for imposing upon the public. In order to provide against such discoveries, he would move that, instead of the words "as the case may be" at the end of the clause, the words "or with the name of the substance" be inserted.

Agreed to, and clause, as amended, adopted.

The remaining clauses were agreed to *sub silentio*.

Preamble and title:

Agreed to.

Bill to be reported.

#### WATER SUPPLY BETWEEN ASHBURTON AND THE MURCHISON.

On the order of the day for the resumption of the debate upon the motion to appropriate £2,000 for providing a water supply along the stock route between the Ashburton and the Murchison,

MR. McRAE said the object in adjourning the debate had been to enable members to gain more information as to the best route, and the most advantageous way of spending the money. He did not suppose hon. members had taken the trouble to obtain any further information on the subject; but, from what he had gathered he should say that the best route would be, following the telegraph line some considerable distance, along to the Kennedy range, to the Gascoyne river, and thence by the ordinary stock route to the Murchison. He would suggest that the Director of Public Works should place himself in the hands of the district Roads Board, as regards the expenditure of the money. If he did so, the hon. gentleman might rely upon getting good value for his money.

The motion was then agreed to, on the voices.

#### BILLS OF SALE ACT, 1879, AMENDMENT BILL.

This bill was passed through committee without discussion, but with some verbal amendments.

#### SUPPLEMENTARY ESTIMATES, 1887.

The House went into committee for the further consideration of these Estimates.

*Miscellaneous, £6,518:*

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), reverting to the item "Travelling expenses of officials, £1,500," said this vote was required as it was not considered there would be sufficient funds to carry them on to the end of the year. The Auditor General, who, at present, had control of the vote, considered that a less sum would not do, without trenching upon the domain of the Finance Committee. The vote included the passage money of seven medical men from England, the expenses of the special visit of Mr. Fairbairn, R.M., to Roebourne (£117), and of the visit of Mr. Leake, P.M., as Commissioner, for holding a criminal sessions at Roebourne (£75).

He thought, after what had already been said in the course of the discussion upon this vote, the committee might be satisfied that the greatest care and economy would be exercised in the expenditure of the money, especially in view of the new system which had been suggested.

MR. SHENTON: When is it proposed to bring the new system into force?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) understood it was desired by hon. members that before the session closed the House should arrive at some definite conclusion on the subject. He was quite prepared to accept the views of the House on the subject.

MR. SHOLL said though he did not propose, now that the matter had been forcibly brought to the notice of the Government, to move that the vote be reduced; yet he hoped that due care would be exercised in future, for he intended to keep a sharp eye on this item.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the item "Quarantine, £2,500," be reduced by £500. He was desirous of meeting the wishes of hon. members as much as possible, as to reducing the votes upon the Supplementary Estimates, and it was possible they could do with the lesser sum of £2,000. This, however, was a vote which it was impossible to calculate beforehand, with any degree of exactitude. The great expenditure incurred this year had been in connection with the unfortunate *Elderslie* case. Last year's vote was only £250, and the total expenditure up to the present time had been £1,777, so that the vote was now overdrawn by the sum of £1,527. The Auditor General had impressed upon him the necessity of providing some additional funds to meet any contingency that might arise before the end of the year; and the reduced vote of £2,000 would leave an available balance of £473. He hoped that the passenger ships expected to arrive before the end of the year would arrive with a clean bill of health, and that the colony would not be again overtaken by the same misfortune and expenditure as that incurred in connection with the *Elderslie*.

MR. A. FORREST said he observed that the Government had been to the Finance Committee, and obtained £1,000, and they now asked for another £2,000.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said it was not so. The £1,000 sanctioned by the Finance Committee was included in the present vote.

MR. A. FORREST said he should like some explanation as to the item "Incidental Expenses, £500."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that a sum of £275 had been expended without authority, but he believed with the full concurrence and approbation of all the inhabitants of the North, and he might say of the whole community, in paying the *Australind* for going out to the rescue of the pearling fleet during the recent catastrophe that happened to the fleet. There was also certain expenditure incurred by the Crown Agents for internal revenue stamps (£112). The vote now asked for was the smallest sum possible to meet any further incidental expenditure.

MR. SHOLL said he should like to see this vote separated or split up into small sums for each department, rather than have it voted in a lump sum; and he thought every department ought to furnish a schedule showing how the vote had been expended.

MR. PARKER asked for an explanation of the item, "Secretary Board of Health, £83 6s. 8d."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said hon. members were aware that the Central Board of Health was an institution recently established by statute, and the Board requiring a secretary appointed one—or rather recommended the appointment—at a certain salary, for which however no provision had been made on the year's Estimates. The Board then applied to the Finance Committee, who advised that until the work of the Board increased with the extension of the Act to other parts of the colony, a salary of £100 a year would be sufficient for the secretary. The sum now asked for was the amount required to pay the secretary, at that rate, from the date of his appointment to the end of the year.

MR. PARKER said that, so far as the entries in their Minute Book showed, the Finance Committee distinctly refused to sanction the payment of any salary to the Secretary of the Board of Health. The Government asked the committee to vote £250 for the secretary's salary, and £100

for the rent of a grand office in the new building of the Australian Mutual Provident Society. But the committee considered both the rent and the salary excessive, and they recommended that Mr. Habgood, the Secretary of the Board of Immigration, should also be employed as Secretary of the Board of Health, and that the office of the Immigration Board might be utilised, temporarily, for the Board of Health. He believed the subject was subsequently brought before the Finance Committee, when the Government moderated their demands very considerably, and showed that very little additional expense would be needed; and he believed the committee then sanctioned the payment of a salary of £100 to the Secretary of the Board of Health. But there was no minute to that effect in the Finance Committee's record book.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the further papers referred to by the hon. member dealt with another subject; but the hon. member must be aware that there was a record made, and signed by the members of the Finance Committee, to the effect that they did not dissent from the granting of this salary. The record did not appear to have been entered up in the Minute Book, but it was in existence, and, if necessary, could be produced. It was found that the Secretary of the Board of Immigration could not very well have undertaken the duties of Secretary of the Board of Health as, in addition to his duties as Secretary of the Immigration Board, he had other duties, as Secretary of the Board of Aborigines, which it was considered would furnish him with as much work as he could undertake during the current year; and it was quite understood by the Finance Committee that a secretary should be appointed to the Central Board of Health, at the salary named.

MR. SHOLL said no doubt the arrangement arrived at was a very good one; but, so far as he understood and could hear, the Public Health Act was a dead letter, and, if so, this office must be a perfect sinecure. The Board of Health had certainly done nothing to improve the sanitary condition of Perth.

MR. SCOTT said he quite agreed with what had fallen from the hon. member

for the Gascoyne. The fact of the matter was, the Board had no funds to carry on their work, and he failed to see what they wanted with a secretary.

MR. HENSMAN said if there was no minute recorded of the action of the Finance Committee in sanctioning this salary being paid, it could not have been officially done. They were now asked on these Supplementary Estimates to vote the salary of an official who it appeared had nothing to do. Unless the Public Health Act was intended to remain a dead letter, why were not funds asked for, to provide this salary, when the Estimates-in-chief were before them last session? Had the salary been paid, what was the nature of the contract, and did the secretary do any work, or was he paid for doing nothing at all? Unless these questions were answered at once, he must move that the item be struck out.

MR. PEARSE pointed out that the Central Board of Health was not appointed for Perth alone, but for the whole colony, and he presumed such a body must have a considerable amount of correspondence. The members of the Board gave their services gratuitously, and it was too much to expect them also to do the clerical work. If the Local Board in Perth had done nothing, the Fremantle Board had done some very good and useful work.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said there was nothing in the Audit Act to provide that the Minute Book of the Finance Committee should be placed before the House. He had already stated that this matter came before the committee a second time, and that the members of the committee attached their names to a minute, which appeared not to have been entered up yet. The secretary of the Board had been paid, at the rate agreed upon, from the date of his appointment, and this would be sufficient to pay him up to the end of the year. Why the House was not asked last year for a vote he could not say, as he was not in the colony at the time.

MR. PARKER thought the House would probably like to see the minute referred to by the Colonial Secretary.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said, if members wished

it, he would produce it at their next sitting.

Mr. RANDELL apprehended that the duties of the Central Board of Health would be of a very important character, and that if the Board performed those duties, as it was to be hoped they would, a vast amount of very useful information would be obtained, which he trusted would be placed at the disposal of the Local Boards, and that these Boards would be compelled to exercise their statutory powers. There were reasons why the Local Board at Perth had been unable to act—there were no funds provided for the Board. That was no fault of the Board, nor he believed of the City Council; and he did not know exactly who was to blame, for not sending a precept to the municipal authorities to declare a sanitary rate, to provide the necessary funds. That House, in its wisdom, when passing the Public Health Act, ignored the municipal bodies, which in his opinion were the bodies that ought to have control of the rates; and the City Council, he thought very properly, stood on their dignity in the matter. But even if they had been inclined to levy a rate to be expended by another body, they would have found they had not the power to do so, and the ratepayers might have resisted and refused to pay it. The result was that the Local Board resigned, there being no funds for them to carry on their work, and consequently no reason for their further existence. Now, however, he understood, steps had been taken to remedy the position of affairs; but he understood that no rate could be levied until the time arrived for declaring the annual rates.

Mr. SHENTON said it could hardly be expected that a public body like the Central Board of Health would give their services gratuitously to the country, and also do their own clerical work. As no funds were provided last session to pay the salary of a secretary, it was necessary to provide the funds now. As to the difficulty between the Central Board and the City Council, that arose from the fact that the notice to levy a sanitary rate was sent too late to the City Council—a delay simply caused by the Board not having a secretary to attend to such matters. To his own knowledge there must be a considerable amount of correspondence in

the office of the Central Board of Health. The amount asked for was not large, and, under the circumstances, he should support the vote.

Mr. SHOLL said, it appeared, the Government, instead of amalgamating the offices of Secretary of the Board of Immigration and Secretary of the Board of Health, as suggested by the Audit Committee, had created a new office and appointed a new officer altogether; and next year they would be asked to vote another £100 to his salary. This was another of those appointments in making which the claims of our civil servants had been ignored in favor of an outsider. The civil service of the colony was becoming inundated with broken-down pensioners, and persons of that description. Why was not the minute of the Audit Committee laid before the House, like the other minutes?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he had already explained that the minute was on record, with the signatures of the members of the Finance Committee attached to it.

Mr. HENSMAN: Produce it.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said it would have been better no doubt if the Colonial Secretary had come armed with this minute, so as to allay the suspicions of the hon. member for Greenough. But they did not always carry their authorities with them. He would be prepared to accept the hon. and learned member's opinion upon a point of law without asking him to produce his authority in every case; and he thought even the hon. member for Greenough might trust the Government to this extent. He supposed they were gentlemen, and that they could accept an assurance from one another without insisting upon a minute being produced. It did not argue the highest state of mind to be suspicious on all occasions. If hon. members found they had been deceived, or that they had reason to doubt the word of the Colonial Secretary, he could understand the desire expressed on the part of his hon. and learned friend to have this minute produced. But it appeared to him almost lamentable that any hon. member of that House should hesitate to accept the assurance of the Colonial Secretary in a paltry matter like this, when that assur-

ance was also confirmed by a member of the Finance Committee itself.

[The minute of the Finance Committee referred to was brought into the House at this stage, and read by the Colonial Secretary. It was to the effect that the question of the appointment and salary of a secretary to the Board of Health having been again brought before them, the members of the committee were of opinion that a salary of £100 was sufficient, considering that the duties for the present would be so small that they might be amalgamated with those of another office. This was dated, "20-1-87," and signed by all the members of the Finance Committee.]

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) hoped he should not be again doubted when he made a statement in that House.

MR. HENSMAN did not see why, when they were told there was a certain minute, and they found that this minute had not been duly recorded among the official proceedings of a public body, and they asked that the minute should be produced,—he did not see why they were to be subjected to a lecture from the Attorney General or anybody else. There were members on the elected side of that House who did not care what might be said about them by the Attorney General, and who would always, he hoped, endeavor to see that this Audit Act was carried out properly.

The subject then dropped.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that, in pursuance of addresses passed by the House during the session, he had to move that the following items be added:—"Aid, prospecting, eastward Newcastle, £300;" "Aid, prospecting, Upper DeGrey District, £300;" "Gratuity to widow of late Capt. Smith, £500;" "Gratuity to widow of late E. Ashton, £250;" "Eradication of Rabbits, grant-in-aid, £350."

Agreed to.

Estimates to be reported.

#### TELEGRAPHIC MESSAGES ACT, 1874, AMENDMENT BILL.

THE COMMISSIONER OF TITLES (Mr. J. C. H. James), in moving the second reading of a bill to further amend and extend "The Telegraphic Messages

Act, 1874," said the bill had been brought in at the suggestion of the House. The scope of the bill was merely to extend to writs, and returns to writs, the same privileges as to other documentary evidence transmitted by telegraph. Obviously, the bill would be of great service in the case of elections taking place at a distance from the metropolis. A very long interval of time might elapse, under the present law, before a writ reached its destination, and a corresponding delay before the return to the writ could be received in a form that it could be acted upon. The drawbacks in the way of the existing law on the subject had been accentuated during the present session by the delay which had taken place in the hon. member for the North (Mr. Richardson) taking his seat. As the bill had been framed in obedience to the wish of the House, he did not at this stage anticipate any objections that might be raised to the bill.

The motion for the second reading was agreed to, without comment.

#### JOINT STOCK COMPANIES FEES BILL.

This bill, a departmental measure, was passed through committee *sub silentio*.

#### QUARANTINE BILL.

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

Clause 1—"In case it shall be deemed necessary by the Governor-in-Council to appoint any medical officer to take charge of any of the crew and passengers of a vessel placed in quarantine, the Governor may fix the amount of remuneration to be paid to such medical officer for his services and cause the same to be paid by the Colonial Treasurer; and the amount so paid shall be repaid to the Colonial Treasurer by the owner or agents of such vessel before she shall be permitted to clear out and leave that port in which she shall then be."

MR. SHENTON said he had already expressed his opinion that the result of adding this clause and the succeeding clause to the Statute Book would simply be to add to the expense which the colony would have to bear in connection with quarantine charges. It was all very well to saddle the owners of vessels with this expense. These owners would

take care to protect themselves by their charter parties; and the real expense would fall upon the public. If the clause passed as it stood, it would be a very expensive clause for the colony.

MR. VENN: Is it the same law as prevails in any other Australian colony?

THE ATTORNEY GENERAL (Hon. C. N. Warton) said it was. The bill was an adaptation of an Act in force in one of the other colonies.

MR. HENSMAN said the clause seemed to leave the owners of vessels at the mercy of the Government, as to the amount of remuneration to be paid a medical officer. Infectious diseases generally broke out on board ship under circumstances over which the officers in charge might have no control; and, if the Government sent a doctor on board, it would be in order to protect the community; and it appeared rather hard that those upon whom the services of the doctor were thrust, in order to protect the public, should have to pay for those services. There ought, at any rate, to be some limit. He would move, as an amendment, to insert between the word "remuneration" and the words "to be paid," the words "not exceeding two guineas a day."

MR. VENN said the objection to that was that medical men would then always charge two guineas, no matter how small the service they might render. He presumed that these medical officers would be Government officers, and in receipt of a regular salary, in addition to this remuneration.

MR. RANDELL preferred the clause as it stood, believing, as he did, that the Executive would always make the best bargain it could in the interests of the colony. Circumstances might be very urgent and very dangerous, requiring the constant presence of the medical officer, or, on the contrary, he might not be delayed more than five minutes. He might have hundreds of patients to attend to, or only a solitary patient.

THE ATTORNEY GENERAL (Hon. C. N. Warton) would prefer three guineas to two guineas, if they were going to fix the fee. There might be some great emergency, and the Government might have a difficulty in inducing any medical man to go on board an infected ship.

He thought the committee would do well in accepting the clause as it stood.

MR. RICHARDSON suggested that the owners or the agents of a vessel should be allowed to appoint their own medical officer instead of the Governor-in-Council doing so. There might be a medical man amongst the passengers.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said there might be a large number of passengers on board, and it might be necessary to appoint another medical officer to attend the patients.

MR. MARMION thought the question of remuneration might be left to the discretion of the Executive. Was the remuneration intended to cover the whole term during which passengers were in quarantine, on board the vessel, or on shore, or if they were transferred to some other vessel for quarantine purposes?

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that Clause 4 dealt with those who were quarantined elsewhere than on board the vessel which they arrived by. The present clause only applied to the crew or passengers who were detained on board their own ships.

MR. SCOTT thought two guineas a day would be quite enough to mulct the owners of vessels for the daily attendance of a medical man forced upon them by the Government. At the same time he did not think that the owners of vessels should be allowed to appoint these medical officers. Prompt action might be required, and the Government ought to be the party who ought to take that action.

MR. HENSMAN thought the question was worthy of consideration,—under what authority the Governor could put a medical man in charge of the passengers and crew of any vessel? Under the principal Act he saw no power whatever to justify the Governor in doing so. Under the Land Quarantine Act, when it had been proposed to empower the Governor-in-Council to authorise the disinfection of private houses and to sanction domiciliary visits by inspectors, special powers were granted to the Governor to do so; and he doubted, unless they gave the Governor statutory powers to send a medical man on board

ship to take charge of the passengers and crew, whether an action would not lie against the Government for trespass. As to the question of remuneration, he thought it would be necessary for the Government to frame a scale. Some of the medical officers who were instructed to go on board an infected vessel might be officers in the public service, receiving a regular salary; or they might be private practitioners. It would obviously be unfair that the rate of remuneration should be the same in both cases.

The amendment limiting the daily remuneration of two guineas was agreed to.

MR. SHENTON moved that all the words after "Colonial Treasurer"—before the words "and the amount so paid"—be struck out. He had already explained his objection to this provision; it was this,—that the colony would eventually be the sufferer by these charges, and not the owners of vessels.

MR. RANDELL thought it would be very hard that the colony should be put to any large expense, if the infection on board had arisen, or been caused, through the negligence of those in charge. Under such circumstances, he thought we had a right to protect ourselves. On the other hand, sickness might break out under circumstances over which the captain or the medical officer on board had no control; and to hold the owners liable, and mulct them in the quarantine expenses, would in his opinion be contrary to what was right and just between the State and individuals.

MR. SHENTON thought it was quite sufficient punishment for the owners to have their vessel detained in quarantine, without the imposition of this other penalty. In ninety-nine cases out of a hundred, where disease broke out on board ship, it was not the fault of the owners. The germs of the disease were brought on board without the knowledge of the officers of the ship.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought that, practically, it would be impossible to carry out the suggestion of the hon. member, Mr. Randell, as to charging the owners in some cases, and letting the Government bear the expense in other cases. It would be impossible, without an expensive and laborious investigation, to prove

whether the outbreak of disease was attributable to any culpable negligence on the part of the ship, or whether the disease had been brought on board at some port which the vessel had touched at. He was afraid if the bill did not throw the responsibility upon the ship's officers, they would not take such precautionary measures as they otherwise would. He thought that, in the interests of humanity, they ought to throw the responsibility upon the officers of the vessel, and, through them, upon the owners. It appeared to him to be a choice between two evils—whether we should sometimes do an injustice to the owners of vessels, or whether we should show the world that we were altogether reckless of the lives of our fellow creatures.

MR. SHENTON said that under the Merchant Shipping Act and the Passengers Ordinance very heavy liabilities were cast upon ship owners and captains, if they neglected to observe sanitary precautions. These penalties, he thought, were quite sufficient to hold over them, without adding any further liabilities.

MR. SCOTT said the remedy seemed to him to lie with the ship owners themselves, who, no doubt, finding they were liable to be mulcted in these charges, would take care to provide against it by increasing the rates of passage.

MR. HENSMAN suggested—as an amendment upon the amendment of the hon. member for Toodyay—that these quarantine charges should be divided between the Government on the one hand, and the owners of the ship on the other. He would also suggest that the wording of the clause should be altered, so that the amount due should be made recoverable by process of law rather than that the Government should have resort to the arbitrary proceeding of detaining a vessel in port until the amount due in respect of quarantine charges should be paid. It might happen that the vessel was a foreign vessel; or the captain might not have the means to pay; and although the sum might not be a large one, the Government, under the clause as it stood, might indefinitely prevent the vessel clearing out until the money was paid. This might result in placing the Government in an awkward position, especially in the case of a foreign vessel.



MR. SHENTON said he would be prepared to accept the suggestion of the hon. member for the Greenough, that a moiety of the expense should be defrayed by the owners of the vessel and the other moiety by the Government. The other point raised by the hon. and learned member was worthy of consideration; and he would now move to report progress, and ask for leave to sit again on Thursday.

Agreed to.

Progress reported.

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

## LEGISLATIVE COUNCIL,

*Wednesday, 10th August, 1887.*

Enrolled Guard acting as Police Constables—Carrying out of Public Works at Wyndham—Sea-going Steam Dredge: Provision for purchase of, in next Loan—Message (No. 30): Replying to Addresses—Alteration of terms of Beverley-Albany Railway Contract, as regards Immigration—Postage Stamp Ordinance, 1854, Amendment Bill: third reading—Joint Stock Companies Fees Bill: third reading—Telegraphic Messages Act, 1874, Amendment Bill: in committee—Adjournment.

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

PRAYERS.

### ENROLLED GUARD ACTING AS POLICE CONSTABLES.

MR. MARMION, in accordance with notice, asked the Honorable the Colonial Secretary:—

1st. Whether it was a fact that when the lately disbanded Enrolled Guard, consisting of the best conducted men of the old Pensioner Force, was transferred from the Imperial to the Colonial service each member of such Enrolled Guard was sworn in as a policeman or constable, and by virtue of the oath then taken was, during the existence of the said Enrolled Guard, liable to be called upon at any

time to perform the duties of a policeman or constable?

2nd. If the members of the Enrolled Guard were so sworn in when the force was formed, and thus became a reserve police force, whose services were available in any case of emergency, were they not justly entitled, when the Enrolled Guard was disbanded, to receive from the Colonial Government the usual gratuity or time service money granted and paid to members of the Police Force of this colony when any deserving member of such Police Force is retired?

3rd. If so entitled to the aforesaid gratuity or time service money, did they receive the same when the Enrolled Guard was disbanded; if not, why not?

4th. If such gratuity has not been awarded, has any claim been received by the Government from any member of the lately disbanded Enrolled Guard for the payment of such gratuity, and in such case was it considered, and with what result?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) replied:—

1st. There is no record of members of the Enrolled Guard having been sworn in as police constables, or of the liability of any member of the Guard to perform the duties of a policeman or constable.

2nd. They would not have been entitled to any gratuity, inasmuch as they were paid from a distinct fund and were not subject to deductions towards the Police Benefit Fund.

3rd. They did not receive any gratuity on disbandment, because they were not entitled to any.

4th. I have no knowledge of any claim having been received by the Government from any member of the late Enrolled Guard for the payment of a gratuity; neither has the Police Department received any.

### PROSECUTION OF PUBLIC WORKS AT WYNDHAM.

MR. A. FORREST, in accordance with notice, moved an address to His Excellency the Governor, praying that His Excellency will be pleased to carry out the public works, jetties, and wharves at Wyndham, the contract for which was accepted some six months ago. He found that in 1886 the House voted