

LEGISLATIVE COUNCIL,

Wednesday, 29th June, 1887.

Establishment of Telephone Exchange—Stoppage of Public Works at Derby and Wyndham—The Imperial Conference and the Fortification of King George's Sound—Reports by Admiralty Surveyor on Eclipse Island lighthouse—West Australian Land Co.'s proposals re deviation from terms of original contract as regards construction of Albany-Beverley Railway—Reports of the Royal Commission (Victoria) on Vegetable Products—Copyright Register Bill: second reading—Prisoners Employment Bill: second reading—Excess Bill, 1886: second reading; referred to select com.—Gold Duty Repeal Bill: second reading—Adjournment.

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

PRAYERS.

TELEPHONE EXCHANGE: ESTABLISHMENT OF, AND MANAGER.

MR. SHENTON, in accordance with notice, asked the Director of Public Works:—(1.) the date of Mr. Hancock's appointment as Superintendent of Telephones; (2.) to what vote had his salary been charged; (3.) the reason for the delay in opening the Telephone Exchange between Perth and Fremantle? The hon. member said that he asked the Director of Public Works last session when it was intended to commence the construction of this exchange, and the answer he then received was that as soon as the Inspector of Telephones—who was then engaged on the Breaksea island cable—arrived in Perth, the telephone exchange would be commenced. This was twelve months ago, and the exchange was still unopened.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied: 1. Mr. Hancock was appointed Superintendent of Telephones on the 1st January, 1886. 2. His salary has been charged:— $\frac{1}{2}$ to the Vote for the Telephone Exchange; $\frac{1}{2}$ to the Eastern Railway, as he is in charge of the Telephones. 3. The reason for the delay in opening the Telephone Exchange between Perth and Fremantle, is:—the amount of work entailed by fitting up the railways; our not being able to obtain possession of the house in which to install the Exchange instruments; and the non-arrival of the wire and insulators. All is now however in order, and the Exchange will, I hope, be opened in about three months.

STOPPAGE OF PUBLIC WORKS AT DERBY AND WYNDHAM.

MR. FORREST, in accordance with notice, asked the Director of Public Works the reason why the jetties and other works had been stopped at Derby and Wyndham; also, when it was likely the Government would again proceed with the works? The hon. member said that he believed certain works were tendered for, a ship chartered, the timber bought, and everything ready for carrying out the work; but, in consequence of the news from the goldfields not being very satisfactory at the time, the Government stopped the works, which caused quite a panic in the place.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright), in replying, said: I would refer the hon. member to paragraph 6 of the speech with which His Excellency the Governor opened the session, which is as follows:—“6. Our Northern Goldfields have not at first proved the success which, with some reason, was confidently anticipated; and it has been felt prudent to pause in the execution of costly public works in the Kimberley Districts. Much is now expected from the gold-bearing reefs, which have been most favorably reported upon. These reefs are already attracting private enterprise, and, when their permanent value has been proved, the construction of a line of Telegraph, and of a Jetty of a good description at Wyndham, will be proceeded with. Meanwhile, a considerable sum of money has been allotted for road-making, and for the establishment of a monthly mail service between the Goldfields and the two ports of Derby and Wyndham.” The Jetty and Tramway at Derby is all but completed, and orders have been given to finish the work as soon as possible.

FORTIFICATION OF KING GEORGE'S SOUND: REPORTS FROM DELEGATES TO THE IMPERIAL CONFERENCE.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Colonial Secretary whether the Government were in a position to furnish, for the information of the House, telegrams or reports from our delegates to the Imperial Conference, on the subject of the negotiations for the fortification of King George's Sound?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the Government knew nothing more than what had appeared in the public press of the result of the consideration of the question of the fortification of King George's Sound by the Conference. When the published report of the Conference was received, it would be presented to the House. He now laid on the table a copy of the instructions issued to the representatives of this Government at the Conference.

ECLIPSE ISLAND LIGHTHOUSE: REPORT OF ADMIRALTY SURVEYOR.

SIR T. COCKBURN-CAMPBELL asked the Colonial Secretary whether the Government had received any reports or communications from the Admiralty Surveyors on the subject of constructing a Lighthouse on Eclipse Island, and whether the question had been considered by the Government.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the question of a lighthouse on Eclipse Island had not been before the Government. The Government had endeavored from time to time to further the construction, on an inter-colonial basis, of a lighthouse on Cape Leeuwin; and the exact site of such a lighthouse had been settled, after careful investigation; but it had not yet been possible to obtain the agreement of the other colonies to the proposal.

BEVERLEY-ALBANY RAILWAY CONTRACT.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright), in accordance with notice, moved that an humble address be presented to His Excellency the Governor, informing him—*a.* That this Council approves of the proposal made on behalf of the West Australian Land Company, by their Managing Director, in his letter to the Colonial Secretary, dated 27th June, 1887, that the Railway between Beverley and Albany be completed and opened for traffic by the 31st December, 1888. *b.* That this Council further consents to an arrangement whereby the time for the completion of the two sections of fifty miles each at either end of the line be, if necessary, extended to the said date of 31st December, 1888. *c.* That this Council further con-

sents to the proposals contained in paragraphs *c.*, *d.*, and *e.* of the Managing Director's letter of the 27th June, 1887, as follows:—“(*c.*) The earthworks of the remainder of the line to be proceeded with from each end as stipulated in the Contract, but the laying of the permanent way and all other works for this portion to be from Beverley or Albany at the discretion of the Company. (*d.*) The time limit for the selection of the subsidy lands to terminate on the 31st December, 1890. (*e.*) The Contracts as to speed of construction entered into by the Company and Messrs. C. & E. Millar in no way to affect or prejudice the existing Hordern Contract of 25th October, 1884.” *d.* That this Council approves of Clause 45 (Immigration) of the Hordern Contract being cancelled. The hon. gentleman said that under the eleventh clause of the contract, one hundred miles of the railway was to be opened within four years, and not less than fifty miles in each successive year, the whole line to be completed and open for traffic by October, 1891. The proposal now made by the company was that, subject to certain modifications in the conditions of the contract, they should be allowed to complete the whole of the line by the end of next year (1888). The contract further stated that the syndicate should carry on the work of construction simultaneously from Albany at one end and Beverley at the other, and that it should be carried through at the same rate of progress from these two bases. They now asked that, provided the earthworks were proceeded with from each end as stipulated in the contract, they should be permitted to lay some seventy miles more of rails from the Albany end. There was nothing in the contract to prevent the company completing the line as soon as they liked, except financial considerations, and the necessity of raising the full capital required within the shortened period. The difference it would make to the Government was that of having to carry 5,110 tons of railway material between Fremantle and Beverley, at a price of 20s. per ton—a price which, considering they had to carry it a great deal of the way up hill, and return empty, hardly paid, if it would not even result in a loss. Therefore the difference to the Government

would not be much. On the other hand, if the railway could be completed by the end of next year, instead of the original date (25th October, 1891), the colony would reap the advantages of direct communication with Albany, and the mails would be carried by rail, superseding the present expensive mail service; besides opening up the country for settlement. With regard to the proposed arrangement whereby the time for the completion of the two 50-mile sections at either end of the line may be extended to the end of next year, he need hardly point out that any opposition to this proposal would simply retard the carrying out of the work. According to the contract the lands due to the company were to be selected within twelve months of the opening of each section. The company had already made arrangements for the selection of these lands; and the opening of the railway within the time specified would make a considerable difference to them. With regard to the condition as to the speed of construction, he hardly understood why the condition was put in. As to the immigration clause, he could not better explain the matter than by reading the managing director's letter, which was as follows:

"The West Australian Land

"Company, Limited,

"Perth, Western Australia,

"27th June, 1887.

"SIR,—I deem it expedient, in the interests of the colony, to inform you that my company will no longer be able to absorb the immigrants which, under Clause 45 of the Hordern Contract, we are bound to introduce at the rate of 1,000 per annum, in order to complete the total delivery of 5,000 by 25th October, 1891. Consequently future deliveries of immigrants will be entirely dependent upon the colony for employment, and, owing to the depression in the labor market, I apprehend that these people will become a burden upon the State.

"My company has, at some cost, made elaborate emigration arrangements all over the United Kingdom, and, so far, we have been most successful in obtaining the necessary annual complement to safe-guard our interests under Clause 45. To upset these arrangements by limiting the number, or by any other

"temporary measure framed for the relief of the colony from what threatens in the near future to be a pressing difficulty, might, while securing for the colony what it desires, impose upon my company responsibilities and expenses the magnitude of which it is at present impossible to forecast.

"The introduction of 5,000 immigrants was part of the colonial scheme. If it work adversely, my company must not be held responsible, and, according to the contract, might preserve a passive indifference. But recognising the importance of the question from a colonial stand-point, I am quite willing to offer no resistance—rather would I render all the assistance I can, provided that, by so doing, I do not commit my company.

"I believe the simplest solution would be to agree to amend Clause 45 *quâ* the numbers and the time limits, and leave it open for future arrangement as between the Government and my company to settle, from time to time, by mutual consent, the numbers, terms, and conditions governing the introduction of immigrants. By this method neither side could be placed at a disadvantage. If the colony should progress rapidly, and the company's scheme succeed, mutual self-interest should render easy the *modus operandi*.

"Yours faithfully,

"S. S. YOUNG,

"Managing Director.

"To the Honorable

"the Colonial Secretary, Perth."

It would be seen from this letter that, in view of the condition of the labor market, the company proposed that instead of introducing 1,000 immigrants annually, according to the terms of the original contract, they should be allowed to settle with the Government as to the number and time for introducing these immigrants. There was no doubt that the colony at present could not absorb the company's thousand immigrants annually, and the company themselves, it appeared, could not provide them with employment. The local labor market, as pointed out in His Excellency's speech, seemed to have reached its limit of absorption; and, if the company were compelled to adhere to the terms of their contract in this respect, serious difficulties and hardship might

ensue. No doubt, when this contract was framed, the idea was that the company would settle their immigrants upon the lands adjacent to the railway; but, unfortunately, there was nothing in the contract to compel them to do so. All they had to do, under their contract, was to deliver so many statute adults per annum, at a price of £10 per head. Hitherto the company had been able to employ the immigrants they had introduced; but now they had reached the limit of absorption. Under the circumstances it appeared to him it would be better for them to agree that the company, instead of introducing so many immigrants annually, whether employment could be found for them or not, should be allowed to arrange with the Government as to the time and number of immigrants to be brought out. He thought this would be better than introducing a lot of immigrants at the colony's expense, who, finding no work, and not having the means of settling upon the land, would simply leave the colony and go elsewhere. Men arrived here from England, very few of them with £50 in their pockets—if they had that sum they might be considered rich men—and, when these new comers, who had been accustomed to the work on English farms, were shown a jarrah forest, and told they must clear and fence it within a certain time, it was enough to break the strongest man's heart; and the result was that with the balance of their £50, they would elect at once, while it lasted, to proceed to the sister colonies, the amount of £10 paid by this Government being in reality so much paid for their passage money to the eastward. It appeared to him it would be very unwise policy to introduce a lot of men into the colony, who, as soon as they arrived, became discontented with the place, because they could not get work, and that it would be better for all concerned if the company's suggestion for a mutual arrangement between themselves and the Government as to the introduction of these immigrants were accepted. Of course it was for the House to say whether it was prepared to agree to this, and the other modifications which the managing director had submitted for their consideration. But they must not lose sight of the fact that if this line

were completed within the shortened period now proposed, the colony would derive all the advantages of railway communication between here and Albany, and a large area of agricultural land would be unlocked and thrown open for settlement within a short eighteen months, instead of waiting over three years for the completion of the line according to contract time.

MR. PARKER moved that the debate be adjourned for a week, so that the correspondence might be printed, and placed in the hands of hon. members.

MR. HENSMAN, who agreed with the proposal for adjourning the debate, said that some hon. members were not in the House in 1884 when this contract was before the Legislature, but they might remember that he then occupied the position of Attorney General, and, acting in conjunction with his friend the Commissioner of Crown Lands, they did all they could to get the best bargain for the colony, and that they endeavored to delay the consideration of this contract. It would be remembered that the contractors were pushing it on, and saying, "Unless you accept our terms, we will withdraw;" and it would also be remembered that Mr. John Forrest and himself—the former representing the lands of the colony, and he (Mr. Hensman) representing the legal interests of the Government—both of them considered and said that the matter was being pressed on too quickly; that if the thing was a good thing there was no necessity to put it so quickly into the hands of Mr. Hordern, because others would be found to take it up, but that, if it was not a good thing, the less we had to do with it the better. It would be remembered further that on one occasion only three of them went into the division lobby against all the rest of the House; and that he and Mr. Forrest foretold the difficulties that would arise with respect to this contract; and, for that, they were treated in a certain way which induced them to say at last, "If you *will* have this contract, take it." But they placed their protest on record, that, in their opinion, the contract had not received that consideration which its importance required; and a question was asked in that House, whether the Government was represented in that House by the Treasury

bench—in view of the difference of opinion among the occupants of that bench,—and the answer was that the Colonial Secretary represented the Government. But Mr. Forrest, who represented the lands, and himself (who represented the legal interests of the Government) both suggested that the contract was being urged on with too much rapidity, and that there were some matters which ought to be put in the contract for the protection of the Government of the colony. It was a strange thing that within three years he should find himself sitting on that side of the House and find those prophecies come true. Mr. Forrest and himself endured a considerable amount of obloquy; but they felt that the facts would eventually justify them, and that the contract was pushed through with too much haste, for purposes which he need not now refer to. At the same time, he felt bound to remind the House that he had said there was great inconvenience in discussing the contract, when Mr. Hordern was pressing the contract in the way he did on their acceptance. He was not now bringing up these matters in the least to bring up that which was unpleasant, but because he did object again to this question being pushed hurriedly through the House. He therefore cordially supported the proposition for the adjournment of the debate, and he trusted that when the matter came again before them, they should have every information, and that no one would be in a hurry on the present occasion to carry it through the House.

The debate was then adjourned for a week.

REPORTS OF COMMISSION ON VEGETABLE PRODUCTS.

MR. HARPER, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to take such steps as may be necessary to ascertain (as soon as possible) from the Government of Victoria, whether they can supply the Government of this colony with about 500 copies each of the progress reports of the Royal Commission on Vegetable Products, now sitting in Vic-

toria. The object of obtaining such copies to be their distribution *gratis* among the cultivators of the soil in this colony; also the cost of such copies. He did not know whether hon. members had had an opportunity of reading these reports, but he would just read the preface of the second report, which would indicate the value put upon the work in Victoria. [The hon. member here read the preface.] The Commission had had before them, under examination, experts in agriculture and every description of cultivation, and taken copious notes; and, to those interested in the cultivation of the soil, these reports contained some of the most valuable information which they could have—information of a modern date, and treating of many things not to be found in the best books elsewhere. Much had been written and said about the state of our Western Australian farmers, and the style of their farming, and he thought there could be no better way of bringing about an improvement than by educating our farmers in such matters as were treated of in these reports. He thought if these reports were placed in the hands of cultivators of the soil it would prove a great advantage to them, and teach them not only the different methods of getting products from the soil, but also indicate to them the best kind of implements to be used.

MR. RANDELL had much pleasure in seconding and supporting the motion. He thought it would very materially tend to the great advantage of our agriculturists to have these reports, and to study them; and, in saying that it would be an advantage to our agriculturists, he might say that it would be, indirectly, an advantage to the colony generally. Sometimes he received papers from California, and found in them a mass of information which he should be glad to find disseminated very generally throughout this colony. In its climate and in much of its soils, California was very much like our own colony; and one could not but be struck with the mass of valuable information supplied by these papers—information of the greatest importance to cultivators of the soil. He could only wish that our own local press would sometimes give more extracts, which would be useful to the agriculturist, and also to viticulturists, and other cultiva-

tors of the soil, which he thought would be of great benefit to them.

The address was agreed to.

COPYRIGHT REGISTER BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of a bill for the establishment of a copyright register, said he thought it always well to state the reason for the introduction of a bill, which perhaps might not always be obvious. He begged leave to state that the present bill, as they might gather from the preamble, was in consequence of the International Copyright Act, 1886, passed by the Imperial Parliament. By the 8th section of that Act it was provided that the law of copyright should, subject to certain provisions, apply to artistic work first produced in any British possession in like manner as in the United Kingdom. In the second schedule of the International Copyright Act a number of Acts were mentioned which applied to British possessions, and, this being a British possession, he thought we were bound to observe the provisions of that Act so as to bring ourselves within its purview. A condition precedent to our obtaining the full benefit of the International Copyright Act was that there shall be a copyright register established in the colony, and, in short, that was the object of the present bill. He might say, without going into great length on the merits of the International Act, that it was the result of a Conference held at Berne, some years ago, and the Act itself was a valuable one for ensuring the simultaneous publication of literary and artistic works, and for the protection of authors as regards the work of their own brains. He might add that in the bill now before the House he had followed the provisions of the Imperial Act as to fees.

MR. HENSMAN said that a bill to protect the copyright of literary works and works of that nature must, of course, commend itself to that House, and perhaps the hon. and learned Attorney General was hardly aware that there were in this colony several persons who had produced literary works,—some of them works of considerable merit. He might mention that a gentleman employed in a Government department had

only recently produced a work of the kind, and a most excellent effort it was,—one which he hoped might be followed by others from the same pen; and he hoped the author might be protected in any profits that might arise from the publication of his works. Therefore he thought the House would readily welcome any legislation having that object in view. But, before they went into committee, he should like to hear from the Attorney General what statute of the Imperial Parliament relating to copyright at present applied to this colony. Of course the hon. and learned gentleman was aware that the common law gave no protection to literary property; it protected property in sheep but not in a poem. Recent legislation in England, he was aware, had been directed to protect the work of men's brains as well as their chattels; but the learned Attorney General had not told them what statute of the Imperial Parliament was in force in this colony relating to the law of copyright.

The motion for the second reading was then put and passed.

PRISONERS EMPLOYMENT BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he rose for the purpose of moving the second reading of a bill to amend the law in respect of the employment of prisoners sentenced to hard labor. He thought it would only be fair to the House to explain the reason why the bill had been brought before them. It so happened that, some time ago, a man was imprisoned and sentenced to hard labor, and he made his escape; and the question came before the Acting Attorney General and other persons (himself included), as to whether this man had been guilty of the technical offence of escaping, while employed at work outside the precincts of the prison; and they maintained that he had not,—that he had not been guilty of what was technically known as an escape. His own impression was that if a gaoler took his prisoner out on the roads, and the prisoner ran away and escaped, he could not be punished for doing so. There was an old Act, however, in force in this colony (12 Vic., No. 7) which gave the Governor certain powers in respect of

prisoners employed at work on the roads, and under the 24th section of that Act the Governor was authorised to make an order, under which any male prisoner sentenced to hard labor for a certain class of offences might be put to work on the roads, and if he escaped he could be punished. But it had seemed to him that at the time the prisoner referred to made his escape no proper order had been made under the 24th section. As it was now found that it would be obviously inconvenient, in view of the extension of settlement in this vast colony, that the Governor should be the person to make these orders, in respect of every particular prisoner, in any part of the colony, before such prisoner could be legally set to work on the roads, it was now proposed that a general order should be made once for all, adapted to all circumstances. The present bill proposed to empower the gaoler in whose custody a prisoner was to place that prisoner to work on the roads, or outside the precincts of the gaol, and, if that prisoner attempted to escape, he could be punished. This was considered most convenient, and in every way more simple, than to continue the old circuitous process—suitable enough, no doubt, to the circumstances of the colony in its earlier days—of asking the Governor to make an order, with regard to each individual prisoner. He thought the House would agree as to the necessity of utilising the labor of prisoners, and that when necessary they should be employed outside the prison walls, and that if they ran away they should be liable to the penalties provided in such cases. That, he might say, was the object of the present bill.

MR. HENSMAN said his view of legislation was this—that, unless good cause was shown, it was better to leave things as they were, rather than attempt to legislate for individual cases. "Hard cases made bad laws," and he thought they should consider whether it was desirable, when anything happened which they did not like, that an Act should be brought in to remedy it. For his own part, with regard to the present bill, he very much preferred the old section to the proposed re-enactment of it; and he thought had very often been brought to his mind that, in the old times in this

colony, there were some very good lawyers. He himself had often thought that some of these old Acts were very much wiser than some of their modern attempts at legislation. He understood this bill was brought forward because some prisoner had escaped. No doubt it was very wrong of that man to escape, but all he could say was this,—that if he (the hon. member) were in the same position he should probably have done the same; and, if it was proposed to bring in a new law to punish people who tried to escape, he for one should object to its being made more penal than it was now. He thought the old section enacted all that was necessary. He quite agreed that the labor of prisoners should be utilised as much as possible; but he should be very sorry to see a man working in chains—and the present bill authorised a gaoler to set a prisoner to work in chains. He was quite aware that in the early days of the colony that was a common sight, but they were all equally aware that the sight was one that shocked those who came to the colony, and did as much as anything to make the colony unpopular. He thought the less they said about working men in chains on the public roads the better. If a prisoner proved himself so refractory as to require putting in chains, it would be much better, he thought, that that prisoner should be kept within the precincts of the prison. It appeared to him that the provisions of the old law were far better than the present bill, because under the old law no one could be put in chains unless he was convicted of felony and sentenced to hard labor, or was detected in attempting to escape; but under the bill now before the House it was proposed that any prisoner convicted of felony or misdemeanor might be put in chains. There was another point in which he thought the old Act was far better than this: the old Act said any "male" prisoner guilty of so-and-so; the present bill said "any" prisoner. Of course he should be told that no one would think of putting a woman to work on the roads; but he was dealing with the bill as it stood, and the bill might be amended in that respect in committee. The old Act, too, said that prisoners might be set to work on the roads or on public works, by order of the Governor; and he objected to putting it in

the power of any keeper of a gaol to do so. What did it signify about the Act being so many years old? As had been said, "Many a good tune comes out of an old fiddle." It appeared to him that the bill was unnecessary, and he ventured to submit that the House would agree with him that this was a backward step. He did object to this cobbling up of old Acts, drawn up by men quite as capable as the men of the present, and expressing what was wanted. He thought we had done with chains in this colony, and he trusted the sight of prisoners working in chains on the public roads was a sight that would never again be seen here. He thought it was an altogether unnecessary stirring up of—he would not say the mud; but he did think it would have been better if it had been left alone. It was for the House to say whether it had not better leave the matter as it stood.

CAPTAIN FAWCETT said that his experience in the colony with regard to prisoners had shown to him that the more severely you treated them the less work they would do, and the more liable they were to escape. If they were kindly treated they would not endeavor to escape. In Governor Hampton's time prison discipline was awfully severe, and prisoners escaped almost every day, and many of them were caught in those days by that noble but defunct corps, the Pinjarrah Mounted Volunteers. But these men escaped because they were so severely treated, and they gave an endless amount of trouble. Death itself would have been a release to some of these men. Even prisoners were human beings, and he thought they ought not to be put in chains, in which they would do no labor at all. He thought every prisoner should be made to earn his food, but he objected to their being put in chains. He agreed with the hon. member for the Greenough that the bill was not necessary, and that it was a most undesirable bill. If they wanted to punish a prisoner, let them deprive him of his allowance of salt for a few days. He believed that was about the most dreadful punishment they could give a man, and it was not so revolting as putting a man in chains, and then placing him on the roads to work. They wanted kindness and encouragement

these men, if we expected to reform them. We should never reform them by putting them in chains, like a hobbled horse. He thought there was very little sense indeed in the bill.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that while in accord with much that had been said by the hon. and learned member for the Greenough, he could not follow the hon. member in all he had said. Very often, no doubt, an old law was better than the new; and he agreed with his hon. and learned friend that they ought not to legislate for every case. Still, one instance might afford an example of what was applicable to many. The hon. and learned member might be able to get more music than he could out of an old fiddle; but he must say that, as regards this particular order, the informality was, it was never published in the *Gazette*. He thought the wording of the old clause, "all male prisoners," &c., was too general; he thought some discretionary power should be left to the governor of the prison, who would know a prisoner's state of health and what his general conduct was. He thought it was most inhuman to make a general order that all prisoners should be so set to work. He agreed with his hon. and learned friend that it would be better perhaps to put in the word "male," as in the old Act; this could be done in committee. As to doing away with chains altogether, there were some prisoners who could not be trusted outside the prison walls unless they were secured; and he thought it would be far better in the interests of the public, who were entitled to the work of these stalwart men, that they should not be allowed to escape work altogether. If these men would not work, they must be made to work. It had never entered his head that any gaoler would put a woman to work on the roads.

MR. PARKER said, as the question of the second reading of this bill might probably come to a division, he did not wish to give a silent vote. It appeared to him that the amendment of the law that was sought by the bill was simply this,—that, whereas by the old Act, male prisoners sentenced to hard labor for felony could only be worked on the roads, or outside a prison, by order of the Gov-

error, it was now asked that they might be so worked by direction of the gaoler who had them in custody. He took it that the gaoler was the officer who regulated the work of the prison, and who decided at what work a prisoner should be employed; and he did not know any reason why this power should not be vested in him by law. He thought the keeper of the gaol quite as competent a man, and more competent, to decide the question than the Governor of the colony. The gaoler was allowed to regulate the labor of prisoners inside the gaol, and why should he not be allowed to regulate the labor of his prisoners outside. The Governor, after all, could only act upon the recommendation of the gaoler in these matters; and why not let the gaoler do it himself. But he must say, he agreed with the hon. member for the Greenough, that so far as the chains were concerned, he preferred the old law to the new. The old law provided that any male prisoner sentenced to hard labor for felony, or who attempted to escape, should be worked in chains; whereas now it was proposed that any prisoner who had been so sentenced for felony, or for any misdemeanor for which he was liable to be sentenced without the alternative of a fine, might be worked in chains. But he had no doubt the Attorney General would, in committee, consent to an alteration in this section, and limit the provisions of the bill to giving a gaoler power to direct how a prisoner should be worked. [THE ATTORNEY GENERAL: Hear, hear.] In that case he would be prepared to vote for the bill.

MR. KEANE said he must object to what the learned Attorney General had said, that "if men won't work they must be made to work." That was all very fine in theory; but, in practice, it might be found to be like taking a horse to water, and compelling him to drink—no easy matter. He thought if a man could not be made to work without putting him in chains, he could not be made to work in chains.

The motion for the second reading of the bill was then put, and, a division being called for, the numbers were—

Ayes	13
Noes	8
Majority for	5

AYES.

Mr. E. B. Brockman
Sir T. C. Campbell
Mr. Congdon
Hon. Sir M. Fraser
Mr. Harper
Mr. James
Mr. Marmion
Mr. McKee
Mr. Parker
Mr. Randall
Mr. Sholl
Hon. J. A. Wright
Hon. C. N. Warton
(Teller).

NOES.

Mr. H. Brockman
Captain Fawcett
Mr. Forrest
Mr. Keane
Mr. Layman
Mr. Pearce
Mr. Venn
Mr. Hensman (Teller).

Bill read a second time.

EXCESS BILL, 1886.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), in moving the second reading of the Excess Bill for the past year, said it had been customary in the past to refer these bills to a select committee, and, if such was the wish of hon. members in regard to the present bill, he should offer no opposition. The bill, it would be seen, only covered an expenditure of £1,132 16s. 1d. Hon. members would see, on reference to Council Paper (No. 1) presented to them at the opening of the session, how the revenue stood at the close of the year. It would be seen from the returns there furnished that the actual expenditure for the year, so far from exceeding the estimated expenditure, was considerably below it, there being an underdraft of £24,610 7s. 11d. These underdrafts, however, were not now taken into consideration as an asset to meet overdrafts; every vote lapsed, provided it was not appropriated to the object it was dedicated. The overdraft for the past year, as he had already said, only amounted to £1,132, which consisted of two items,—“Customs Department, £583 3s. 8d.,” and “Miscellaneous, £549 12s. 5d.” The first of these items had been caused by increased expenditure necessitated by the development of the shipping business, the payment of officers occasionally employed by the Customs, and rent of additional warehouses,—all evidences of increased shipping. The Finance Committee had approved of the extra expenditure occasioned by these charges, and indeed of even a larger expenditure, which was occasioned by a heavy pressure of business. With regard to the other item, “Miscellaneous, £549 12s. 5d.,” hon. members would find that this expenditure was occasioned in consequence of the increased postage of letters and

the cost of telegrams on public service. He might remark, incidentally, that although there was an item of £700 on the debit side, charged for the Kimberley gold purchased for the Colonial and Indian Exhibition, the account sales showed that the gold when sold realised very nearly that amount.

MR. MARMION said he had no desire whatever to oppose the second reading, but he thought it would be advisable that the course which had been for so many years followed should be pursued in this instance, and that the bill should be referred to a select committee. He thought it would be satisfactory to members generally if that course was adopted. There were special reasons why these bills should now be so referred, the reason being that some of the privileges of that Council had been delegated to a Board of Advice, who were empowered to sanction certain over-expenditure, and the House would naturally wish to inquire into these excess items. They constantly heard that the public funds had been improperly placed in the hands of this Board of Advice, but he felt sure that when the Council had before it the report of the select committee on the actual over-expenditure, hon. members would have no doubt as to the propriety of the action of the Board of Advice.

MR. HENSMAN said he understood from the Colonial Secretary that a good deal of the item "Miscellaneous" was made up of postage and telegrams on public service. [THE COLONIAL SECRETARY: Postage, £179 9s. 7d.; Telegrams, £391 9s. 9d.] Before he should vote for these items he should require some information as to what these telegrams were about,—whether they were on public service, in the proper sense of the term. He should desire also to have a great deal more information under every head before he, for one, should vote for these overdrafts. He did not object to the bill going to a select committee, provided it be understood that every member of the House reserved to himself the right not to be bound by the report of such committee. He believed that last year the Excess Bill only amounted to about £14, and their lamented friend Captain Smith, who was then Acting Colonial Secretary, said he hoped these bills were growing "smaller by degrees and beau-

tifully less." But here they had an Excess Bill of over £1,100. Although these items had been before the Audit Committee, he himself did not feel that he was in any way bound by the recommendation of that Committee. While he had no objection to the second reading of the bill, he reserved to himself full right to inquire into every item, before he voted a penny of it.

The motion for the second reading was then agreed to.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) formally moved that the bill be now considered in committee.

MR. MARMION moved, as an amendment, that the bill be referred to a select committee, consisting of Mr. Randall, Mr. Sholl, Mr. Venn, Mr. Shenton, and the mover.

MR. VENN proposed that Mr. Hensman's name be added to the committee.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I think, under the circumstances, it would be well that a ballot be taken.

Hon. members having delivered to the Clerk their ballot papers, it was found that the following names had obtained the greatest number of votes: Mr. Hensman, Mr. Marmion, Mr. Randall, Mr. Shenton, Mr. Sholl, and Mr. Venn.

Bill referred to select committee as above.

GOLD DUTY REPEAL BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved the second reading of a bill to repeal the 50th Vic., No. 21, being an Act which imposed a duty upon gold. Hon. members were aware of the circumstances under which that Act was passed last year. It had since been ascertained that it had practically been inoperative. When he told hon. members that the whole of the duty paid for gold under the Act since it came into operation was only £27 5s. 3d., they might well consider that it had remained inoperative. The fact had been that crude gold had passed out of the colony surreptitiously, and been negotiated in the Eastern colonies where there was no duty imposed. In this way it was impossible to estimate what the actual yield of gold was on our goldfields, and the Government thought it would be better to remove the duty altogether.

MR. HENSMAN said, as no other member seemed disposed to rise, he must say a few words, on this bill. It seemed that last year a bill was introduced by the Government, and passed, imposing a duty on gold exported out of the colony, and now it was proposed to repeal it. That alone did not seem to him to be very creditable to the wisdom of the Government, or, if creditable to the wisdom of the Government, it showed that that House was misled last year. The imposition of a duty on gold did not seem to have been a desirable proceeding: at any rate it seemed to have been very hasty legislation, and now it was found to have been mistaken legislation. The present bill, he must say, he could not understand. The preamble, which usually appeared at the beginning of a bill and offered the reason why the bill was brought in, did not on this occasion come at the beginning, but, for some reason—which was known of course to those who prepared it—it came in the third section of the bill; and it gave the reasons for bringing in the bill. It enacted that “whereas it is desirable for public reasons to ascertain the quantity of gold which is exported from this colony,” and so on. Now it might be very desirable, for public reasons, to ascertain the amount of gold going out of the colony; it might be desirable if you could ascertain many things. All statistics, if they were well got up and properly used, were no doubt valuable; and, because it was desirable to ascertain the quantity of gold exported from this colony, the bill went on to say that “all persons leaving the colony “having in their possession crude or un-“manufactured gold, or gold ore, or gold “dust, or articles manufactured of gold “found in or procured from the soil of “this colony,” shall declare at the Customs the weight of it; and the next section provided a penalty for not doing so. It therefore appeared—and he was not romancing, but stating the bare fact—that if a lady, or a man, or a little boy chose to buy any article at a goldsmith's here, made out of colonial gold, and did not, before he went on board ship, declare the weight of it, and the estimated value of it, he committed a new crime, now invented for the first time, and be liable to a penalty not exceeding £20; and, under the general law of the

colony, if he could not pay the fine, he might be sent to gaol. He was astonished that such legislation should be attempted. This seemed to him to be a bill of a character which it was impossible to carry out. He presumed Acts of Parliament were passed in order that they might be carried out. No doubt it was desirable to ascertain how much gold was found in the colony, and how much gold left the colony, but, to pass an Act that no one could leave the colony with any gold in his possession, or a piece of jewellery, without declaring the value of it, or otherwise be guilty of a crime, did appear to him a very extraordinary piece of legislation. How were they going to carry it out? Was every member of a family to go to the Customs and declare the value of every piece of jewellery manufactured out of colonial gold, that he had in his possession? There was no provision in the bill for searching people, or for detaining them. Were they to serve a summons upon them when the ship was about to leave, or issue a warrant, and make them run the risk of losing their vessel, simply because they had not declared the value of an article of ornament they might have upon them? The bill might have a good object in view, but it was not an object which could be carried out by inventing new crimes, and by making a crime of an act which in itself was no offence, namely, walking out of the colony with the property that belonged to you. He asked the House to pause, having passed a bill last year putting a duty on gold, before they now passed another repealing it, and creating an offence which he submitted was no offence at all. If the Government wanted statistics as to the amount of gold raised in the colony, or sent out of it, let them get them in the proper way, and not make it an offence liable to a penalty of £20, or imprisonment if people couldn't pay. Let us not try to make this colony the most unpopular place in the world, and try to make crimes of what no reasonable being that did not breathe this air would consider a crime, and, in this inquisitorial manner, compel people to declare what they possessed before allowing them to leave the colony.

MR. MARMION said they had been told by the hon. member for the Greenough

that the House had been misled last year with regard to this bill—he presumed the hon. member meant misled by the arguments or statements of the Government. As one of those who helped to pass the bill he could assure the hon. member that he was mistaken. The House passed the bill with its eyes open, and the intention of the bill was a good one, and it was not anticipated that the result would have been what it had been. The object of the bill was to ascertain the quantity of gold raised in the Kimberley District and exported from it. There was a reward of £5,000 offered by the Government for the first 10,000 ounces passed through the Customs; and, unless some steps were taken to ascertain the quantity passing through the Customs it would have been impossible to keep any check upon it. That was the object of the House in passing the bill last year; but they were now told that the bill had not answered its object, and, for his own part, he did not think it was anything to be ashamed of that when they found an Act passed one session not answering their expectations, they should repeal it. He thought the present bill would require some altering in committee. When the bill of last year was under consideration he drew attention to the particular portion of it which had just now been alluded to by the hon. member for Greenough, namely, the imposition of a duty on articles of jewellery manufactured in the colony out of colonial gold. He pointed out at the time that, in his opinion, it was a mistake, and an injustice to the local manufacturers; and he thought it would be necessary, in committee, to strike out the words “articles manufactured of gold found in or procured from the soil of the colony.” What he said last session was that “he thought it would be a rather severe tax upon local industries, but he did not suppose it would be much felt, as he doubted whether it was ever likely to be enforced.” This bill might be in operation for some years, and Western Australian gold might be manufactured into various articles, and it would be rather awkward and difficult for people to keep a record of every article they might become possessed of, so as to declare its value, years afterwards, at the Customs, should they happen to be leaving the colony. He thought there

was another slight blot upon the bill: there was nothing in the 3rd clause which compelled anyone exporting gold to make a declaration; it only referred to people leaving the colony and taking gold with them. A large quantity of gold might come into the possession of a Bank, and he thought they ought to be compelled by law to declare at the Customs the amount of gold which they exported. Although there were blots on the bill, he thought even the hon. member for the Greenough would admit that a bill of this kind was desirable, in order to ascertain the quantity of gold raised in the colony and sent out of it.

MR. A. FORREST said it gave him great pleasure to support the second reading of the bill. Great complaints had been made about this duty levied upon gold, but nearly everyone said there would be no difficulty about declaring the quantity at the Customs, provided there was no duty to pay.

MR. PARKER said the time might come when, like the other colonies, it might be desirable to impose a duty upon gold, but he did not think that in the present state of the Kimberley goldfields such an impost was desirable, and he thought it would be good policy to repeal the duty. But it seemed to him that the 3rd and 4th clauses of the bill had been added to it after it was originally drafted, and it appeared to him they did not fit in at all. There certainly was nothing in the title of the bill to bear out the 3rd and 4th clauses, and he thought they would be absolutely unworkable. If we were to produce gold in large quantities we might not have to import jewellery at all, but manufacture it from our own gold, and it would be rather awkward to keep a record of every article, and declare its value every time people left the colony. Supposing a passenger by a P. & O. boat went to a jeweller's shop at Albany to buy an article of jewellery, was he to be subjected to a penalty of £20 if he did not go to the Customs and declare its value, before he returned on board the steamer? If he was, all he could say was, it was not likely that any other visitor would ever buy an article manufactured of Western Australian gold. He could not help thinking that this clause of the bill would be a dead letter. He might also

point out that the bill provided for no searcher to search people, to see if they had any gold about their persons, or articles of jewellery. Were the police to go on board every vessel to search passengers, and ascertain what gold they had on them? Who was to determine whether an article had been manufactured out of Western Australian gold or any other country's gold? Were they going to detain passengers until that point was settled? Was it a crime to purchase articles manufactured out of our own gold? He thought these two clauses were altogether unworkable; and he should, when in committee, support any proposal to eliminate them.

The motion for the second reading was then put and passed.

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

LEGISLATIVE COUNCIL,

Thursday, 30th June, 1887.

Governor's acknowledgment of the Address in Reply—Bonded Store at Carnarvon—Roads Bill: first reading—Extending provisions of Electric Telegraph Messages Act—Message (No. 1): Forwarding Secretary of State's reply to the Telegram sent to Her Majesty on the occasion of her Jubilee—Message (No. 2): Replying to Address *re* correspondence between the Government and Midland Railway Syndicate—Message (No. 3): Respecting renewal of contract with Adelaide Steamship Company—Message (No. 4): Forwarding draft scheme for the Classification of the Clerical Staff of the Civil Service: (referred to a select committee)—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

PRESENTATION OF THE ADDRESS-IN-REPLY.

At ten minutes past twelve o'clock, p.m., the Council adjourned to present the Address in reply to His Excellency's Speech, and re-assembled at half-past one o'clock.

THE SPEAKER announced to the Council that the Address-in-Reply had been presented to His Excellency, in accordance with the resolution of the House, and that His Excellency had been pleased to reply as follows:—

"MR. SPEAKER AND GENTLEMEN OF
"THE HONORABLE THE LEGISLATIVE
"COUNCIL,—

"I thank you for your Address in reply
"to my Speech, and I trust that the pre-
"sent Session of the Legislature may still
"further advance the welfare of this
"Colony."

BONDED STORE AT CARNARVON.

MR. SHOLL asked the Director of Public Works when it was intended to proceed with the erection of the Bonded Store at Carnarvon? His reason for asking the question was this: at the last session of Council he moved an address to have a sum placed on the Estimates for this work, and the Director of Public Works replied as follows: "The resolution was hardly necessary, as the erection of a bonded store at Carnarvon was already contemplated among the works proposed to be executed out of the last loan. It was intended to erect a bonded store as part of the tramway accommodation. The hon. member's address was therefore hardly necessary." Twelve months had elapsed since this statement was made, and the work was not yet commenced.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied that so soon as the present works were completed, they would be in a position to know what balance, if any, remained from the amount included in the Schedule of the Loan Act, 1884, for the Jetty and Tramway. If none, the requisite funds might be provided on the General Estimates.

ROADS BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the first reading of a Bill to regulate the management of Roads in Western Australia, said the bill was the same bill as that introduced last year; but he had gone through the bill, and a great many amendments would be proposed in committee.

Motion agreed to.

Bill read a first time.