

"separate themselves in order that this section of the colony might at once enjoy the freest institutions, I would say, for very serious financial reasons, if for no others, let the change be delayed." He regretted very much that His Excellency should have held out this threat of separation, and he could only hope that, whatever the outcome of the question might be, its solution might be accomplished without the extreme course of separation, which, in his opinion, would be a suicidal policy. He hoped that, if not during the present session, at some future session they might be able to introduce and carry a resolution recommending the adoption of Responsible Government—but Responsible Government for the whole colony. He was glad to find that they were to be asked to pass a resolution in favor of establishing a Federal Quarantine Station at Albany; and also that a law providing for compulsory assurance in connection with the Civil Service was to be laid before them. A revision of the Customs Tariff was also a very desirable piece of promised legislation, and he was glad to find that the question of the public health was to receive further consideration. Nothing could be of greater importance to any community than a satisfactory Public Health Act. They were also promised legislation on the subject of the protection of life policies, inquiry into fires, the jury system, and the jurisdiction of magistrates,—all of which subjects he was sure would commend themselves to the attention of the House. In conclusion, he would again express the pleasure which it gave him to second the resolution submitted by the hon. member for Geraldton.

MR. SPEAKER: The question is that an humble address be presented.

MR. PARKER moved that the debate be adjourned until the next meeting of the Council.

The motion was agreed to.

ADJOURNMENT OVER JUBILEE WEEK.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he understood it was the desire of hon. members that the House, at its rising, should adjourn for a few days, in view of the approaching celebrations in honor of Her Ma-

jesty's Jubilee. That being so, he moved that the House, on its rising, should adjourn until Friday, June 24th.

Agreed to.

The House adjourned at a quarter-past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 24th June, 1897.

Petition (No. 1): Responsible Government—The Address to Her Majesty—Representation of the North District: Return of Mr. Richardson—Erratum: *Hansard* report of Mr. Speaker's ruling—Commission to inquire into Salaries of Civil Servants—Copyright Register Bill: first reading—Prisoners Employment Bill: first reading—Correspondence with the Waddington Syndicate re Midland Railway—Post Office Discipline Bill: second reading—Address in Reply: Adjourned Debate—Adjournment.

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

PRAYERS.

PETITION (No. 1): IN FAVOR OF RESPONSIBLE GOVERNMENT.

MR. PARKER presented a petition adopted by the citizens of Perth, in public meeting assembled, embodying certain resolutions in favor of the immediate introduction of Responsible Government.

The petition was received and read.

ADDRESS TO HER MAJESTY.

MR. SPEAKER informed the Council that the Address of the Legislative Council to Her Majesty was handed to His Excellency, who was pleased to reply as follows:—

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

"The Address which you have placed in my hands will be transmitted by me to Her Majesty the Queen by the earliest opportunity, and I have no doubt that Her Majesty will receive it very graciously."

REPRESENTATION OF THE NORTH DISTRICT.

Mr. PARKER, with leave, without notice, asked the Colonial Secretary whether the Government proposed to introduce any measure that would enable the newly-elected member for the North (Mr. A. R. Richardson) to take his seat in the House, before the date fixed by *Gazette* notice for the return to the writ; which would not be till the middle of August. He was sure that it would be very gratifying to the members generally, as well as an act of justice to the district, if the newly-elected member should be able to take his seat before that time. It had been suggested that the return to the writ might be telegraphed; but he understood that the law in its present form, although it allowed documents required in courts of justice to be telegraphed and made use of, did not extend that mode of procedure to the return of an electoral writ. He thought this was unfortunate, and particularly so in the present instance,—more especially in view of the desirability that every district in the colony should be duly represented upon the question of a change in the constitution. Not only was it desirable, and not only would it be convenient, that some measure should be adopted by the Government to facilitate the return to the writ in the present case,—it was also desirable, and he thought it would be very convenient, that means should be available during the coming general election to enable the returns to writs in distant electorates to be telegraphed, so as to avoid the delay which the present mode of communication must necessarily entail, as regards such remote places as Kimberley and the North. He therefore wished to ask whether the Government had taken the subject into their consideration, and whether they had any proposal to make which would remove the present difficulty, so as to enable the hon. member for the North to take his seat without undue delay.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said hon. members were aware that the late hon. member for the North (Mr. Grant) only resigned his seat a few weeks before the date fixed for the meeting of Council. Immediately upon His Excellency receiving a noti-

fication of the late member's resignation, inquiries were instituted as to the steam-boat arrangements with the North, and communication was opened with the Returning Officer to fix the date of the election as early as possible. The result was that although the election was arranged to take place in June, yet, owing to the long distance between the North and the seat of the Government, and the infrequency of the means of communication by sea, the date of the return to the writ had to be fixed for August, which the Government at the time understood would be the earliest date at which the return could possibly be received. But, he might say this: although the writ was not made returnable until that distant date, there was nothing in the law that he was aware of which would prevent the newly-elected member taking his seat, if the writ should arrive before that date. The moment the fact was telegraphed to the Government that Mr. Richardson had been returned to represent the district unopposed, he (the Colonial Secretary) put himself in communication with his hon. and learned friend on his right (the Attorney General), as to whether it would be practicable under the law as at present existing for the new member to take his seat, without the necessity of waiting for the return of the writ in due course. The advice he received from his learned friend was that in the present state of the law it would not. He regretted very much indeed that such was the case, and that this delay should happen. But it had arisen, as he had already said, from the fact that the late member did not resign his seat until a very short time before the date fixed for the meeting of the Council. As to the question of whether it was desirable or not to introduce and pass an Act rapidly through the House to meet the present difficulty, he was not at present prepared to express an opinion upon the subject. In the other colonies, so far as he was aware, they had no such measures in force; though the matter was certainly one, as the hon. member had said, worthy of consideration. Still, he thought it was a question whether it would be desirable to make a special law to meet this particular case,—the first case of the kind which he believed had occurred in

the history of the parliamentary institutions of this colony.

**"HANSARD" REPORT OF THE
SPEAKER'S RULING.**

THE SPEAKER: Before proceeding with the business on the Notice Paper, I think it is right I should call attention to an inaccuracy which I find in *Hansard* for last session, with reference to my ruling with regard to certain questions handed by the hon. member for Pinjarrah to the Clerk for insertion on the Notice Paper, and which I did not allow to appear, because, as I stated at the time, the questions were of a description that in my opinion ought not to be put, and that if the hon. member wished to do anything in the matter it ought to be by motion. I am glad to find that my ruling on that occasion has been confirmed by the Speaker of the House of Commons in a recent case, who refused to allow a question which he considered improper to be put to the House. In the report of my ruling in *Hansard* (vol. XI., p. 300) I am made to say that the questions of the hon. member for Pinjarrah were "among that class of questions that ought *first* to be put to the House," whereas what I did say was that they were "among that class of questions that ought *not* to be put to the House."

COMMISSION TO INQUIRE INTO SALARIES OF CIVIL SERVANTS.

MR. SHOLL—who had given notice of his intention to ask the Colonial Secretary whether the Government intended to appoint a Commission to inquire into the question of the salaries of civil servants, as indicated by His Excellency last session—said that since he had put the question upon the notice paper he found that reference was made to the subject in the 20th paragraph of the Governor's speech at the opening of the present session. But the information therein contained was so meagre that he did not think he would withdraw his question. Probably the Colonial Secretary might be able to furnish them with further information on the subject.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he had concluded, when he saw the hon. member's question

on the notice paper, that the hon. member had drafted it before he had heard or seen His Excellency's speech; and that, as reference was made to the subject in that speech, the hon. member would have been satisfied. At the present moment, therefore, he could offer nothing further in explanation, except to state that the papers on the subject would be laid before the House at an early date, and that the matter had received that attention at the hands of the Government which its importance demanded.

MR. SHOLL: Do I understand, then, that a Commission has been appointed?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): In one sense. The Governor has had the matter under consideration for some time past, and I may say that the whole question has been gone into.

COPYRIGHT REGISTER BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved the first reading of a Bill for the establishment of a Copyright Register.

Motion agreed to.

Bill read a first time.

PRISONERS EMPLOYMENT BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved the first reading of a Bill to amend the law in respect of the Employment of Prisoners sentenced to Hard Labor.

Motion agreed to.

Bill read a first time.

CORRESPONDENCE WITH THE WADDINGTON SYNDICATE, RE MIDLAND RAILWAY.

MR. PARKER, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying His Excellency to be pleased to present to the House all the correspondence that had passed between the Government, the Crown Agents, and the Waddington Syndicate, relative to the Midland Railway. He observed that His Excellency in his speech said that "there was some prospect that the difficulties which had arrested the works on the land grant railway to connect Geraldton with Perth may shortly be

"overcome;" and that, "should this be so, we should reap the advantage of a further large expenditure." He was very pleased when he heard that announcement. He thought it would also be satisfactory, not only to the members of that House, but also to the country at large. He thought it was very desirable that they should know whether this railway was likely to be proceeded with or not, or whether the whole scheme was likely to collapse. He thought the information would be very welcome to the House and the public at large. He did not mean to say that it would be welcome for them to hear that the project had collapsed; but it would be very satisfactory for everybody to ascertain whether the work was really to be proceeded with or not, so as to remove the present uncertainty. When this railway was inaugurated with so much flourish of trumpets, some twelve or eighteen months ago, the hopes of all the people between Guildford and the Greenough were raised considerably. Many persons entered into speculations, in consequence; and when, a short time ago, there was a sudden stoppage of the works it created no small amount of, he might say, consternation. Not only had it thrown a great many people out of employment, not only had it injured those people who had placed reliance upon the continuance of the work—it would also do material damage to the interests of the colony to have it bruited abroad that a work of this magnitude, started with so much flourish of trumpets only a few months ago, should suddenly collapse; and nothing would afford him greater pleasure—and he was sure it would be equally satisfactory to other members and the colony at large—than to find that there were good grounds for the announcement in His Excellency's speech that there was a prospect of the difficulties which had arrested the progress of the works being overcome. In moving for this correspondence, he did not wish in any way to embarrass the Government. He did not wish to make anything public, or to place anything before the House, that was likely to prejudice either the syndicate or the Government, and no doubt the hon. gentleman opposite would understand that in putting forward this motion he did so subject to the perfect right of the

Government to withhold anything which they considered might be calculated to prejudice the colony on the one hand or the contractor on the other.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said it would not be advisable at present to place "all" the correspondence before the House and the public; but, with that reservation, there was no desire on the part of the Government to oppose the hon. member's motion in any way.

The motion was then put and carried.

POST OFFICE DISCIPLINE BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), in moving the second reading of a bill to secure the due performance of their duties by post office servants, said the bill was a very simple bill indeed. Its object, as its title implied, was to enable the post office authorities to ensure the performance of their duties by the letter carriers and telegraph messengers; and, to that end, it proposed to give power to the postmaster of any post office to fine any letter carrier or messenger in any sum not exceeding 5s., who, in his opinion, had been guilty of disobedience to any lawful order given to him by his superior officer; also to punish him in the same way for negligence or delay in the performance of his duties. This, as hon. members might be aware, had been rendered necessary by indiscreet conduct, on one or two occasions, on the part of telegraph boys, who had rendered themselves open to censure,—in one case the services of the messenger had to be dispensed with. It was in order to check such misconduct more effectually in the future that it was now proposed to give postmasters the power to fine these messengers and letter carriers for any small misdemeanor,—a power which was considered likely to operate very beneficially in the interests of the public. He moved that the bill be now read a second time.

MR. HENSMAN said he understood from the hon. the Colonial Secretary that this bill which the hon. gentleman called a very simple or a very small bill, had been introduced into that House in consequence of the indiscreet conduct of one or two little boys, post office messengers. He was bound to say that he had never

yet heard such a statement put forward in any Legislative Assembly. Nor did he think that such a statement ever could have been put forward before that evening to justify the introduction of a bill of this description. A more obnoxious bill—he meant more obnoxious to all recognised principles of justice and of English law—he did not think he had ever read. This bill proposed to put in the hands of postmasters all over the colony—and he presumed that when they said postmasters, postmistresses were also included,—possibly they might have a statement as to that, later on; but he believed there were some postmistresses in this colony—it was proposed to put into the hands of postmasters and postmistresses, all over the colony, power to fine any letter carrier or telegraph messenger, in any sum not exceeding 5s., for anything which in the opinion of that postmaster or postmistress might be disobedience of any lawful order given to him,—not necessarily by the postmaster or by the postmistress, but by any “superior officer,” whatever in the world that might mean. Therefore if one little boy who happened to be a little older than another little boy, who happened to be a telegraph messenger, gave the other little boy an order to do something, and that other little boy refused or neglected to obey the order, that little boy, he presumed, would come within the clause, and render himself amenable to a fine of 5s. for disobeying the lawful orders of his “superior officer,”—the other little boy, who happened to be a little older. However that might be or not, the second clause of the bill provided that it shall be put in the power of any postmaster or postmistress—for he took it that the Act which said that the masculine gender shall include the feminine applied to this bill—to fine any letter-carrier or messenger any sum not exceeding 5s. who, in his or her opinion, shall have been guilty of negligence or delay in the performance of his duties. “Negligence”—one of the most difficult things to define even by courts of law—or “delay”—and there was no definition of these substantives in the Act; so that if a little boy who was employed as a letter-carrier or a messenger stopped on the way to speak to a friend, he might, in the opinion of his superior officer, be

deemed guilty of negligence or delay, and be forthwith fined five shillings. Surely these were exceptional powers to be given to postmasters and postmistresses—powers which generally were only given to magistrates or justices. And they were given because of the indiscreet conduct of one or two of these post office messengers. This was an absolute power in the hands of any postmaster or postmistress to decide as to what constituted a “lawful order” given by a “superior officer,” what constituted “negligence,” and what constituted “delay.” And, what was more, it was a power that might be exercised by any postmaster or postmistress on the heat of the moment, and without any right of redress, or of that security which throughout the English law was given for obtaining a proper defence. The postmaster or the postmistress was in fact to be both prosecutor and judge, and to decide what was an offence and what was not an offence, and to punish accordingly. And, what was more,—in this remarkable little bill, brought in because of the indiscreet conduct of one or two messengers, there was no appeal. The postmaster or any superior officer was empowered not only to fine, but also to possess himself of the salary of the naughty little boy who disobeyed his lawful order, and deduct the amount of the fine from the salary due to him. Another clause provided that the amount so deducted was to go to the revenue. He did not know what these messengers and letter-carriers were paid; he only knew that they were as respectable a class of persons as any other class; many of them were full-grown men; some of them might be boys. However; out of their salaries, whatever the amount might be—and he did not suppose it was very large—their superior officers were to deduct these fines, and they were to go to the public revenue. All he could say was, if that was the way the revenue of the colony was to be assisted, he for one should be no party to it. What he submitted was this: if any post office servant misbehaved himself, in the same way as any other servant misbehaved himself—dismiss him. Who ever heard of a master having the power to fine his servant when he happened to be annoyed by

him? So long as the servant remains in his employ let him pay him his salary, and, if he misbehaves himself, let him be dismissed. In the same way with these letter carriers and telegraph messengers. Why should the House be asked to place this absolute power in the hands of the postmasters and postmistresses, because the conduct of one or two messengers had been indiscreet? If this bill was good for the post office why should it not apply to the whole service? If they were going to allow postmasters and postmistresses to fine any of their subordinates whom they chose to accuse, without an appeal to anybody, let the same power be granted all through the service. Let the Colonial Secretary have power to fine the young gentlemen in his office £10 or £20 (or whatever may be a proportionate amount) who may neglect their duties, or who may delay in coming to their office. He objected to the bill. He submitted it was a piece of legislation such as had never before been put to that House. It was objectionable on every principle of good legislation. Firstly, it was exceptional—that was admitted. There was no reason for bringing it forward, except the misconduct of one or two messengers. Secondly, it allowed the prosecutor to be the judge in his own case, and it allowed him to act when he might be heated with temper; it provided no security whatever that he shall exercise his judgment when the heat of temper has passed, and he is calm. Again, it allowed no appeal from his judgment, and it thus put messengers and carriers at the absolute mercy and caprice of postmasters and postmistresses—he did not say that they would exercise their power wrongly—but it placed these messengers and carriers absolutely at their mercy and caprice. The bill, too, was only to be applied to a class of public servants who were little able to protect themselves. For these reasons he objected to the bill. He need hardly remind the House that of course the bill had not been drawn up by a lawyer; and he now moved, as an amendment, that the bill be read a second time that day six months.

MR. FORREST seconded the amendment.

MR. SCOTT thought it might be necessary to introduce some measure for

the security of telegraph messengers performing their duties properly, and with due despatch. At the same time he could not help thinking that this bill had been drawn up very hastily, and without due consideration. But that there was necessity for doing something to improve the telegraph service was undeniable. He had an instance of carelessness brought under his own notice some little time ago, though in that case it was really not the messenger who was at fault but the officials at head quarters. Some time ago he received a telegram from Northam requesting his professional attendance there; and had only about forty minutes to prepare for his journey. The telegram was marked "Reply paid;" but the messenger never waited for the reply. He therefore sent his own servant with the answer, to be sent to Northam, stating that he would come; but the man was sent back from the head office to get the original telegram, before the answer could be forwarded. He might have gone away with that telegram in his pocket, and the unfortunate people at Northam who required his attendance would not have known whether he was coming or not. It seemed to him that if they were going to fine the telegraph messengers, it would be equally incumbent upon them to fine the people in a higher position in the service. On another occasion he received a message from Pinjarrah, according to which he was called to Mandurah,—wholly the fault of the officials at the head office. He was afraid the present bill would not have the effect which the Government desired. He thought it was an unjust bill, and would not answer the object in view; and, under the circumstances, he should be inclined to support the amendment.

MR. MARMION, while agreeing to some extent with the remarks that had fallen from the hon. member for the Greenough, still could not agree with everything. It appeared to him that they must view these messengers and carriers in the light of apprentices, who enter the service in order to learn how to perform certain duties, with a view of obtaining promotion; and he thought it was only right that there should be some control exercised over them, and some means of securing from them a proper performance of their duties. Although it

might be necessary to dismiss a public servant for some grave and serious offence, he could not agree with the hon. member when he said that if any blame should attach to any of these junior officers they ought to be immediately dismissed the service. Their offence might be a very mild one, and dismissal from the service a punishment altogether disproportionate to the offence. Although the bill was open to objection in its present form, he thought it quite possible that it might be so amended in committee as to meet the circumstances of the case, without throwing it out altogether. At any rate, he should like to hear some further explanation as to the object of the bill, and the necessity for it. It did not follow that because a fine of 5s. was contemplated, the full penalty would be inflicted in every case. Possibly in some cases a fine of sixpence, or even threepence would be considered sufficient. He thought it was very desirable that some penalty should be provided to meet the cases of messengers who misbehaved themselves, and he was afraid the only way of dealing with these youngsters effectually was by appealing to their most tender point—their pockets.

THE ATTORNEY GENERAL (Hon. C. N. Warton), who was very imperfectly heard, was understood to say that it was always a sign of weakness when the hon. and learned member for the Greenough indulged in heroics. The hon. member had characterised the bill as an obnoxious bill—a very strong term to apply to a little bill like this; and the hon. member's objections to it, when they came to be analysed, would be found to be of the flimsiest character. Being flimsy, the hon. member must indulge in the strongest possible language in order to cover the weakness of his cause. That was a common fault with his hon. and learned friend. He knew him well. One objection he had to the bill—he really did not know whether the hon. member was serious or not—it was difficult to say when the hon. member *was* serious—one objection he had to the bill was because it allowed a superior officer to fine a subordinate officer; and the hon. member went on to say that a superior officer might be some little boy in the service who happened to be older than some other little boy. Most ordinary Englishmen—his hon. friend was not an

ordinary Englishman, but a very extraordinary one—would have imagined that a superior officer was a person in command of an inferior, and whose orders that inferior was supposed to obey. He was not aware that a little boy being a year older than another in the service was by virtue of that one year's seniority the other little boy's superior officer. As to the necessity for the bill—the necessity for providing some effectual means of ensuring the due performance of their duties on the part of telegraph messengers—he could emphasise the necessity for some such measure as this by citing his own experience. Having occasion to send a telegraph message from Fremantle to Perth to stop the payment of a cheque, he found that, although he left Fremantle a considerable time after despatching the message, he arrived in Perth by rail and reached the bank himself before the message. The bill had not been introduced because of one or two cases of misconduct; it was the result, he might say, of forty years' experience of the Postmaster General (Mr. Helmich); and it was that officer who had suggested the bill, which he considered absolutely necessary for the preservation of discipline in his department. There was no desire to oppress the post office servants. His hon. and learned friend always smelt oppression everywhere. Superior officers were always oppressing their inferiors, with his hon. and learned friend. But the present bill could not, even by the ingenuity of his hon. and learned friend, be tortured into an instrument of oppression. It was simply what the Postmaster General's forty years' experience had suggested as a means of improving the discipline of a certain portion of his department. The hon. member for the Greenough said if these messengers misbehaved themselves let them be dismissed. He was more humane than the hon. member. He thought it would be kinder towards these boys to fine them—to let them know that there was power to fine them—rather than dismiss them peremptorily from the service. It was not a question of sentiment at all, but of discipline, and of preserving order in an important public department. They all knew what boys were, unless they were checked. He did not know whether his hon. friend would

prefer that they should have a little corporal punishment. That seemed to be the *tertium quid*. So far from the bill having been drawn up hastily, it was, as he had already said, based upon the accumulated experience of forty years' service of the head of the department; and he thought the House would hesitate before it inconsiderately rejected such a measure, simply because it appeared obnoxious to the hon. and learned member for the Greenough. There were details which hon. members perhaps might not approve, and which could be easily settled in committee. He was not going to speak as to the clause with regard to the application of the fines. Some hon. members might think it would be better that the fines should go towards a fund to relieve necessitous servants of the post office, amongst them perhaps some of these little boys themselves, when they became older. The application of the fines was not of the essence of the bill.

MR. LOTON said it appeared to him that a little more importance had been introduced into the discussion with regard to this little bill, on both sides of the House, than it was worthy of. He was very much inclined to agree with a very great deal that fell from the hon. member for Greenough, and his reason for doing so was this: he thought that Council should legislate at all events on some principle; and it appeared to him there was not much principle in this. They were asked to legislate for a particular department of the Government service, giving powers to certain superior officers to impose fines, and to retain these fines out of the salaries of little boys, or of old people, as the case might be, who were under them. The Attorney General told them that the bill emanated from the Postmaster General, after an experience of forty years. Well, his own view of the matter was this: they could have done very well without this little bill if a little more firmness were exercised by whoever happened to be at the head of the department. It did seem to him absurd that the Government should come to that Council with such a paltry piece of paper as this. He considered it a waste of time. He did not say the bill was "obnoxious," but it appeared to him absurd, and beneath the notice of members. If these abuses

existed—he did not say for a moment that they didn't; he was too well aware that they did—they could easily be remedied, without coming to that House and asking it to pass a bill. If these boys were taken on trial, for a certain time, it would be a very easy matter for the persons engaging them to say to them—and to have it reduced into writing—"If you do not perform your duties satisfactorily, you will get no pay at all." They did not want legislation for that. Should these probationers, after a fair amount of trial, turn out to be incorrigible,—dismiss them. He did not himself see the necessity for the bill in its present shape; therefore he should vote for the amendment.

MR. PARKER said it struck him that the bill gave indication of a decay or falling off in the Government; and that as the present Constitution was (so to speak) on its deathbed, the Government were gradually becoming more and more feeble, until at last they could not manage a few telegraph boys without special legislation; and this after the accumulated wisdom of forty years. For forty years they had gone on successfully managing these little boys—the Government must have been a strong Government at one time—but now that the old Constitution was on its deathbed, they had to ask that House for these special powers. The Attorney General told them that the bill was the Postmaster General's bill, and the Postmaster General to whom he alluded had held office for forty years. That official, it appeared, had managed these boys without a bill of this kind, and, as he was about to retire, and his place filled up by another Postmaster General, the presumption was this bill was required for the new Postmaster General. Would it not be well to ascertain from the new Postmaster General whether he desired such a bill, or whether he could not manage these boys without that House assisting him. Let him tell that House that he could not manage these naughty little boys without special legislation; let the new Postmaster General tell them that, and they should soon tell the new Postmaster General that they could manage the Post Office very well without his services. The only specific instance of delay in the delivery of messages, or of

negligence, which the Government had given them in support of the bill was the experience of the Attorney General. The case referred to by his hon. friend on his left (Dr. Scott) related to remissness on the part of some of the higher officials, and not on the part of the messengers. The Attorney General said he was too humane to suggest that these boys should be dismissed; but how long would he go on fining them? Did the hon. and learned gentleman think the public would be satisfied if he went on fining these boys, and there was no improvement in the service? The hon. gentleman said it was a question of preserving discipline in an important public office. Did he not think that the public also should be considered? If it was a question of preserving discipline in this important public office, the only way to do so, if a messenger or other officer misbehaved himself to any grave extent, was to dismiss him. That was the way in which a private firm would treat their employes, and why should not a Government department do the same? He thought with the hon. member for Greenough that the bill was a ridiculous bill to present to that House. The bill was an objectionable bill, being what he might call class legislation, it being intended to apply only to one public department, and only to one class of those employed in that department. It also provided, as had already been pointed out, that the prosecutor was to be his own judge, and there was to be no appeal from his decision. All these objections combined made the bill a most objectionable bill; and, under the circumstances, he must vote for the amendment. He agreed with the hon. member, Mr. Loton, that they ought to legislate upon some principle, and that if they were to pass this bill they should be virtually legislating upon no principle.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) moved the adjournment of the debate.

MR. HENSMAN: Again, this is very curious. A bill is brought in by the Government, and a motion is made that it be considered that day six months; and, without the slightest reason given, we have a motion made that the debate be adjourned. I, for one, object. There is no attempt, no serious attempt,

made to answer the arguments put forward by this side of the House. There have been some narratives personal to the hon. gentlemen who spoke; but, without any argument whatever—except that the bill is the result of the accumulated experience of forty years—we are asked to adjourn the debate, indefinitely. It is a strange thing that this experience should have been bottled up so long,—until the new Postmaster General arrived in the colony. I, for one, shall prefer not to complicate matters in this way, by adjourning the debate, without rhyme or reason.

The motion to adjourn the debate, *sine die*, was then put and passed.

ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

ADJOURNED DEBATE.

MR. PARKER resumed the debate upon the address in reply to His Excellency's speech. The hon. member said it must have been gratifying to the Governor as Her Majesty's representative, and it must have been gratifying to that House, to find the unbounded loyalty that had been displayed during the recent celebration of Her Majesty's jubilee by the people of this colony, by all classes of the community, and especially he might say by those classes which were usually known as the working classes. [The ATTORNEY GENERAL: Hear, hear.] Such manifestation of loyalty could not fail to be gratifying to Her Majesty herself. The speech delivered by His Excellency at the opening of the session contained reference to many subjects of great importance and interest to the colony. He did not propose, himself, at this stage, to discuss the various questions referred to in it, in detail, but there were one or two subjects on which he desired to say a few words. In the eighth paragraph of his speech His Excellency told them that "the construction of the Albany-Beverley Railway is proceeding in a very satisfactory manner, and it is hoped that the line may be opened by the end of next year. In the prosecution of this great public work," His Excellency added, "the colony is enjoying many benefits of an expenditure not less than £750,000." He (Mr. Parker) regretted extremely that the colony was not enjoying the benefit of that expendi-

ture in the manner and to the extent she ought to enjoy it. He regretted extremely that, notwithstanding railway extension, the settlement of the soil was not progressing in the way they had a right to expect it would, and that as a matter of fact the expenditure of this and other large sums of money on public works did not yield that profit to the agriculturists and cultivators of the colony which it did to the agriculturists and producers of the neighboring colonies. Not only was flour imported into the colony for the use of the navvies employed on the line, but hay and corn were also imported for their horses. He believed that even meat, also, was imported by way of Albany. Now, he did not hesitate to say that if such a state of things continued, very little benefit indeed would be derived by this colony from the construction of this Albany-Beverley line. He thought that, with one exception, the most important question that ought to occupy their attention during the present session was the discovery of some means by which the land of the colony shall be settled and cultivated, some means whereby foreign productions shall no longer take the place of the colonial article. It was a subject that had often been talked of in that House, but he thought the time had now arrived when they should take some practical steps to bring about the desired end. They knew that the line of railway between this and Beverley ran through a quantity of agricultural land; and those who had travelled on that line knew also that very little of the land was under cultivation, and that very little of it was being brought under cultivation. [Sir T. C. CAMPBELL: It's all locked up.] The hon. member said it was all locked up. At a recent session he (Mr. Parker) proposed to unlock that land: and it was his intention to do so again. He thought the owners of that land owed a duty to the public. They had no right to lock up their land. He thought if they did so, the Legislature had a right to unlock it, and to open it for settlement; and the way he proposed to do it was by constitutional means, and that was by levying a land tax. A land tax on agricultural land, of a penny an acre, on land unutilised except for the purposes of a sheep-walk was a tax that would be felt. The owners of these lands

would find it to their advantage either to cultivate the soil themselves, or sell the land to someone else who would cultivate it. Another question which the Governor referred to in his speech was that of the financial position of the colony. No doubt it was very gratifying to find that we had a large balance in hand; but he was one of those who did not think it was well for the Government of the colony to have large sums of money locked up. The Government of the colony were not like private individuals. There was no necessity for a Government to keep on hand all this reserve fund, unless it imagined that its credit was exhausted; and there was no reason that he was aware why the Government of this colony should imagine that its credit was exhausted, or why it could not borrow more; and, for his own part, he did not see the slightest necessity for keeping all this money in reserve. It might appear gratifying, at the first glance, to find their Customs duties largely increasing, but he thought nothing would be more gratifying, in one sense, than to find these duties diminishing, for this reason: they were paid largely upon the products of the neighboring colonies, —products which we ought to produce in this colony. They were also paid upon the manufactures of other countries, many of which also might be produced here; and, to his mind, nothing would better show the progress of the colony, both as to its productive powers and its manufacturing powers, than to find these duties diminishing in amount instead of increasing. His Excellency had also touched upon the question of immigration. He said: "Though no very large number of immigrants have as yet been landed," —His Excellency was referring to the supersession of the operations of our own Immigration Board by those of the W.A. Land Company—"the limit of the absorbing power of the colony appears at present to be very soon reached." He was sorry to say he could not agree with His Excellency there. Probably the limit of the absorbing power of the colony might soon be reached as regards the class of immigrants who had been introduced here; but, as regards the class of immigrants which we should wish to see introduced, the absorbing power of the colony was absolutely unlimited. We

had the land upon which to settle them; but we wanted the right class of people to settle upon it. To introduce a laboring man here, without any means, and place him upon the soil in the expectation that he would be converted into a useful and thriving colonist was ridiculous. What we wanted was a class possessed of some capital and enterprise, who would cultivate and settle the country. As for introducing a lot of men for the purposes of these railway companies, men who left the colony by the first opportunity, it appeared to him it was simply throwing money away; and, to that extent, he agreed with His Excellency that the colony had reached the limits of its absorbing power. In connection with this subject he could not help thinking that the time had arrived when this colony ought to be represented at home by its own Agent General. He had heard from several gentlemen at home on this subject, and they all with one consent replied, "You ought to be represented in London; no one knows anything about Western Australia here, and if you ask anybody about it nobody seems to be able to give you any information, or to care a straw about you and your colony." He thought what we wanted was a representative man at home, who would always be accessible to the public seeking information, and who would not only be useful in this way but would also serve as an excellent advertising medium for the colony, and keep us before the English public. With regard to the question of Responsible Government, inasmuch as at an early stage this most important question would be brought prominently before the House, he should not at present say further than this with reference to it—he doubted very much whether His Excellency's anticipation would be realised that it would be possible for them to have another session of the Council this year to discuss this matter, after a general election. The advocates of constitutional change were not in such a hurry for the change which they all desired as to see the question rushed through the House or thrust upon the country with any undue haste. They wished the whole question to be carefully considered, not only here but also by the Home Government; and, as for having a

general election and another session this year, which His Excellency seemed to anticipate, he doubted himself whether His Excellency's anticipations in this respect would be realised. He would say no more. He was sure they all united with His Excellency in hoping that the progress of the colony may continue solid and permanent, and that it may continue to increase and to secure the welfare of the community in an elevated, as well as in a material sense.

Mr. RANDELL said the hon. member for Perth had not gone very deeply into His Excellency's speech. He had rather anticipated that the hon. member would have done so, in view of the importance of many of the subjects dealt with by His Excellency. He thought there were three or four clauses in the speech which marked it as one of the greatest importance ever delivered to the Legislature of this colony. He had not himself anticipated having to address himself to the speech that evening, thinking probably that the debate would be further adjourned; but as there seemed to be an indisposition to prolong it, he should like to offer a few remarks on one or two subjects. With regard to the paragraph relating to the benefits enjoyed by the colony from the expenditure of so large a sum of money upon the Albany-Beverley railway, he thought with the hon. member for Perth it was a most unfortunate circumstance that we were not enjoying a great deal more than we now did of the benefits which the colony ought to derive from the expenditure of public money. Very little of the expenditure upon this Albany line, he was afraid, would remain in the colony by the time the line was constructed. From many circumstances, unfortunate circumstances, the settlers of the colony had been unable to take advantage of this and other large expenditures of public funds, borrowed and otherwise; and from what he could gather there was very little prospect, even now, that we shall induce a settlement of the land to such an extent as to enable us to produce the necessary articles that we ought to produce. It was an unfortunate thing for the colony that such should be the case; but the fact remained, deplore it how they might. He found that imports instead of decreasing were expanding and extending in many direc-

tions, many of them he thought in a direction deeply to be regretted. Some of them, he fancied—were it not for the otherwise serious aspect of the question—were calculated to provoke a smile, and one article at least seemed to bear out what was stated by one of the speakers at a late public meeting in Perth, in favor of Responsible Government, who spoke of the present constitution as being on its deathbed; for amongst other things which he found introduced into the colony at the present moment, and figuring amongst the colony's imports, were—coffins.

MR. PARKER: Those are for the remains of the old constitution.

MR. RANDELL, continuing, said if coffins did not constitute the climax of incongruous and unnecessary importations he did not know what did. With the best timber of its character in the world, yet people were so forgetful—he thought he might use that harsh expression—of the patriotic duty which they owed to their country as to go searching in every possible direction for articles which they shall introduce into the colony rather than produce such articles themselves, until at last they had gone so far as to import coffins. He thought all this was very discouraging. With regard to the paragraphs in His Excellency's speech dealing with the question of Responsible Government and of a loan, he thought the paragraphs in question were of the first importance to the colony at large. The hon. member for Perth had sketched out what he thought would be a panacea for the neglect of the settlers and landowners of the colony in bringing their land into cultivation, and for inducing a settlement of the soil. He was afraid the hon. member's panacea would only accomplish the object he had in view in a very limited degree. The imposition of a land tax might, under certain conditions, be supported perhaps—conditions which he need not now enter upon; but he thought there must be some other means found to induce settlement on our lands and to bring about that state of affairs which we all desired, and under which we should not be so dependent upon other countries for the supplies, and he might almost say, the necessities of life. The hon. member for Perth had also referred

to the question of our public finances, and the hon. member seemed to think there was nothing to be proud of in the fact of the colony having an unexpended balance of £83,000. He (Mr. Randell) was one of those who had always held the opinion, and still held it, that it was desirable that the Government should possess what Governor Robinson once called a "nest egg," in the shape of a reserve fund. He thought it was quite possible that circumstances might arise—he could conceive circumstances arising—which would make it very desirable that the Government should have a considerable sum of money in the public chest. He could remember a time when the Government of the day could not pay the civil servants their salaries when they became due, and they had to go on until next month, and even then he believed they had to borrow from the banks to pay them,—a lamentable state of affairs, which he hoped the Government would never get into again. There was at the end of the 14th paragraph of His Excellency's speech a clause which he considered of the utmost importance. He referred to the paragraph in which the Governor stated that it was a matter for consideration, on financial as well as other grounds, whether it be wise to pass a further Loan Bill this session. He thought that was a matter not only for consideration, but for very serious consideration. There were opinions expressed daily in the columns of the public press, and he often heard them expressed by individuals, that nothing would save the colony but a further loan. He himself would rather face the difficulties ahead—difficulties and troubles which every thoughtful man must see looming just before us—he would rather face those difficulties boldly, than by raising another loan seek to remove them a little farther ahead, and have them intensified tenfold in a few years time. If the proposal were to raise a loan in order to stave off these difficulties, if the loan was to be for anything but public works of a reproductive character, if the loan was not to bring about a settlement of the soil, he, for one, should, so far as he was able, oppose the passing of any Bill for a further loan. He thought it would be most disastrous to the future interests of the colony to at present incur further

liabilities under any such circumstances. It would be adding burdens to those which our children would have to bear—burdens which they would find it difficult, if not impossible, to bear. Not only that, he ventured to submit that if we went on heedlessly and recklessly borrowing without at the same time increasing the settlement of the colony, the result would be that we must be brought face to face with a state of affairs bordering on bankruptcy. And, unless he could see that any future loan—and he wished to express himself plainly upon this subject at this early stage of the session—unless he could see that any future loan was calculated to open up the lands of the colony for settlement, and to induce greater population, and to develop the resources of the country, he should oppose it. With reference to the 15th clause in His Excellency's speech, dealing with the question of Responsible Government, and the question of separation, though possibly he should under other circumstances have considered this paragraph as going somewhat beyond the scope of such deliverances, perhaps, after all, it was as well that His Excellency should thus plainly place before the country the result of its adopting this change in the Constitution. They were warned here that the change will be purchased at a price; and a price which he understood was already frightening some of the weak-kneed friends of Responsible Government. Some of these gentlemen were already hesitating about taking the final plunge. In the words of one of Dr. Watts's hymns,—

"They linger shivering on the brink,
And fear to launch away."

He was referring now to the question of separation. For his own part, were he to make up his mind in favor of the change which the hon. member opposite had spoken of, this cry of separation would not deter him; and, when he found some of the advocates of the change regarding with apprehension the price they were likely to be called upon to pay for it, he could not help thinking that it indicated they had very little faith in their principles. If he were one of them he thought he should be rather ashamed of himself. His own opinion, ever since he first saw Lord Derby's despatch, was that we must make

up our minds, if we have Responsible Government here, that the Imperial Government will, at once, he took it, take measures to deprive us of the control of the lands in the Northern and North-Eastern portions of the territory. He thought the Imperial authorities would be wanting in their duty if they did not do so,—wanting in their duty to the English public, in their duty to future immigrants from that country, if they were to surrender to so small a population as ours the whole of this vast territory, utterly unable, as he thought we should be, to properly conduct the Government of so distant a part of the colony. He thought it would be even more mischievous if the Home Government were to refrain from at once adopting this course. He thought its indefinite postponement would damp all energies, and introduce such an element of uncertainty in dealing with the lands of the North, that it would be most disastrous not only to the North itself but also to this part of the colony. He said again he thought it would be better for the Home Government to take this step at once, rather than defer it indefinitely, and leave the question in its present state of uncertainty. With regard to the course which His Excellency proposed to pursue in the event of a resolution in favor of Responsible Government being adopted, there appeared to be some difference of opinion on the subject. He himself saw no objection to it. Possibly the matter might not be quite so speedily accomplished as His Excellency thought; and, for his own part, he did not anticipate there would be any necessity to have another session this year. But he thought the sooner this question of Responsible Government was settled on one side or the other the better. [Mr. PARKER: Hear, hear.] The energies of hon. members and the energies of the public were to a very great extent paralysed from considering other topics of importance. The attention of the country and the attention of many hon. members was, by the all-absorbing consideration of this one question, diverted from what in his opinion were far more important things than this question of the form of Government, which, to his mind, was a question of subsidiary or secondary importance. He had no de-

sire or intention that evening to inflict upon the House his views upon the relative merits of this or that form of Government; but he did think it would be better for all concerned to get rid of the present state of uncertainty as to the future form of Government, so as to allow the public mind freedom to deal with subjects of paramount importance to the colony. With regard to the question of Harbor Works, no doubt that was a question that would be debated very seriously if not very bitterly before they separated. He would therefore refrain from saying any more than this: he hoped the House would most seriously consider the question of whether it would be wise, whether it would be expedient, for us under any circumstances—much less at the present juncture, at this period of transition, with all its uncertainties—to think of entering the money market and of imposing further burdens upon our present limited population.

MR. FORREST moved the adjournment of the debate until Monday evening.

The motion was agreed to.

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

LEGISLATIVE COUNCIL,

Monday, 27th June, 1887.

Excess Bill, 1886: first reading—Gold Duty Repeal Bill: first reading—Magistrates Jurisdiction Bill: first reading—Jury Act Amendment Bill: first reading—Representation of the Kimberley District—Address-in-Reply: Adjourned Debate—Adjournment.

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

PRAYERS.

EXCESS BILL, 1886.

Read a first time.

GOLD DUTY (REPEAL) BILL.

Read a first time.

MAGISTRATES JURISDICTION BILL.

Read a first time.

JURY ACT AMENDMENT BILL.

Read a first time.

REPRESENTATION OF THE KIMBERLEY DISTRICT.

MR. FORREST, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to introduce a bill at the present session of the Council to amend the Constitution Act, by dividing the Kimberley District into two constituencies, to be called East and West Kimberley, and giving one member for each division. The hon. member said he rose to move the address with a great deal of diffidence, because he was well aware that on Monday next it was proposed to move a resolution in favor of giving the colony Responsible Government. At the same time, as they were not aware yet upon what terms they should get that form of Government, or whether many of them, in the event of a dissolution and an appeal to the country, would again have a seat in that House, he thought it better to move this resolution at the present time. In asking for this increased representation of the Kimberley District, he might state that the population of the district, in round numbers, now amounted to about 2,000—which, he believed, was even larger than the adjoining district. The number of sheep in the district was very close upon 100,000, and the number of cattle about 20,000. During the last five years the district had paid to Treasury in rents alone—he was alluding to the rents paid by the squatters—a sum of £95,293; while the revenue from the sale of town lands had reached a sum of about £20,000. Hon. members were aware that lately a great many auriferous reefs had been taken up in the district; and, no doubt, before long they might expect a population there, not of 2,000 but of 20,000. He might also say that before the session closed he might perhaps ask that a bill should be introduced for the construction of a rail-