

THE COLONIAL SECRETARY (Hon. S. H. Parker): That is the title prescribed by the Constitution Act.

Question put and passed.

POST OFFICE SAVINGS BANK CONSOLIDATION BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

ADJOURNMENT.

The Council, at 4:55 o'clock p.m., adjourned until Tuesday 25th July, at 2:30 o'clock p.m.

Legislative Assembly,

Thursday, 20th July, 1893.

Grant of Pastoral Lease applied for by Robert Heron to another Person—Fencing by Government of Private Lands along York-Beverley Railway—Opening for Selection of Midland Railway Reserves—Dipping Imported Fruit Trees and Vine Cuttings—Supply Bill: third reading—Post and Telegraph Bill: in committee—Adjournment.

The SPEAKER took the chair at 4:30 p.m.

PRAYERS.

GRANT OF PASTORAL LEASE APPLIED FOR BY ROBERT HERON TO ANOTHER PERSON.

MR. DE HAMEL, in accordance with notice, asked the Commissioner of Crown Lands,—1. Whether he did not, in February, 1892, receive from Robert Heron, of Coolup, an application, with deposit thereon for £5, for the conditional purchase of 400 acres of land, portion of Pastoral Lease $\frac{6}{625}$, held by the said Robert Heron. 2. Whether, on the 23rd March, 1892, the said Commissioner did not refund the deposit, on the ground that the application was inadmissible by reason of the land being in the Harvey Agricultural Area, and unsurveyed. 3. Whether this portion of the said Agri-

cultural Area has been yet surveyed; and, if so, when. 4. Whether, in February last, the conditional purchase of the same land was not applied for and granted, before survey, to another party over the head of the previous applicant; and, if so, why this injustice was permitted. 5. Did the Commissioner of Crown Lands propose to compensate the said Robert Heron for the loss he has sustained through the action of the Lands Department in this matter?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied:—1. Yes. An application was received from Robert Heron for the land referred to in February, 1892. 2. Yes. It having been the practice not to entertain any application for lands in Agricultural Areas before survey, the applicant was informed that his application was inadmissible, and deposit was refunded on 30th March, 1892. 3. No. This land has not yet been surveyed. 4. In February Mr. J. N. Cox applied for 700 acres of land under Conditional Purchase, including the piece previously applied for by Mr. Heron, and his application was dealt with in a similar manner to that of Mr. Heron; but in May last, on Mr. Cox renewing his application, and strong representations being made to me to the effect that the total shutting up of the lands in Agricultural Areas, pending survey, was retarding settlement, and the fact of Mr. Heron's previous application having been overlooked, I consented to accept Mr. Cox's application, pending survey. 5. It is not proposed to compensate Mr. Heron. The value of any improvements made by him on the land will, under the terms of his Pastoral Lease, be paid to him by Mr. Cox.

FENCING BY GOVERNMENT OF PRIVATE LANDS ALONG YORK-BEVERLEY RAILWAY.

MR. CONNOR, on behalf of Mr. MONGER, in accordance with notice, asked the Commissioner of Railways why the Government had not fenced in all private lands between York and Beverley, through which the present Government railway runs.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied that there was no liability on the part of the Government to fence in freehold

lands not fenced in previous to the construction of the railway.

OPENING FOR SELECTION OF MIDLAND RAILWAY RESERVES.

MR. PATERSON, on behalf of Mr. THROSSELL, in accordance with notice, asked the Commissioner of Crown Lands whether the Government was in a position to throw open for selection all lands now held in reserve on account of the Midland Railway Company; and, if so, when such lands would be open to the public.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied that notice, throwing these lands open for selection on 11th September next, would appear in the *Government Gazette* of that date (20th July).

DIPPING IMPORTED FRUIT TREES AND VINE CUTTINGS.

MR. SOLOMON, without notice, asked the Premier whether any officer had been appointed to superintend the dipping of imported fruit trees and vine cuttings at the port of entry.

THE PREMIER (Hon. Sir J. Forrest) replied that no such officer had been appointed, but the Collector of Customs had instructions to see that the dipping was properly performed according to the Order lately issued, and to direct the amounts of money to be paid by the persons who imported these articles. The manner in which the dipping should be done was clearly defined in the Order, and he might inform hon. members that the Order had been re-worded so as to make the definition clear.

SUPPLY BILL.

Read a third time and passed.

POST AND TELEGRAPH BILL. IN COMMITTEE.

This Bill was further considered in committee.

Clauses 70 and 71 passed without comment.

Clause 72.—“Penalty for publishing or posting newspapers with a supplement not printed in Western Australia:”

THE ATTORNEY GENERAL (Hon. S. Burt) moved that this clause be struck

out. He said a Bill dealing with postage was not the proper place in which to impose penalties for publishing. The intention was not to punish anyone for publishing such supplements with newspapers, but to give the Postmaster General power to stop the postage of those supplements at newspaper rates, if thought fit. If the proprietors of a newspaper were to import a printed supplement, in the form of a serial story, they could not publish the supplement in this colony, under this clause; whereas by omitting this clause and afterwards making a regulation, such supplements might be published here without a penalty, but the Postmaster General might, under a regulation, stop such supplements from going through the post at newspaper rates. As the latter object was the one in view, the Government proposed not to prohibit entirely the publication of such supplements, but to carry them through the post at a higher charge, if the publishers chose to pay it. At the recent Postal Conference in Brisbane, it was agreed that details of this kind could be best dealt with in regulations, which might be varied to suit circumstances, instead of being fixed rigidly in the Act. Therefore, he proposed to omit this clause, and deal with the posting of newspaper supplements in regulations to be afterwards made.

MR. A. FORREST said he had intended to move in the same direction himself. The practice of some country newspapers was to import supplements already printed, and these were a great attraction to readers in remote country districts. He was glad to find that these supplements might continue to be issued.

Question put and passed, and the clause struck out accordingly.

Clauses 73 to 80, inclusive, passed without comment.

Clause 81.—“Penalty for improperly franking letters, telegrams, &c.”:

MR. A. FORREST hoped this clause would be strictly enforced by the Minister in charge, as the fact was well known that telegrams were freely franked for some officials, although not relating to public business.

MR. SIMPSON said he lately saw a newspaper account for money, sent to a person in an envelope, bearing the words “On Her Majesty’s service.”

THE PREMIER (Hon. Sir J. Forrest) said that such an envelope would not pass free through the post, unless franked with the stamp or initials of some officer authorised to frank letters.

MR. A. FORREST said the system was abused. He would not say that a Minister would use the franking privilege for his private correspondence, but subordinates in a Government department might improperly use the franking stamp. Many of the telegrams which were sent on public business, and often to such extent as to cause the delay of private persons' messages, might just as well pass through the post in the form of letters, when not urgent.

THE ATTORNEY GENERAL (Hon. S. Burt) said his observation satisfied him that the rules as regards the franking of letters and telegrams were most strictly carried out. He had known telegrams to be stopped and returned to the sender, more than once, in order to ascertain whether the contents really related to public business. He was satisfied there was no leakage whatever, in regard to telegrams, though as regards letters there was not the same open facility for ascertaining whether the contents related to public business. He knew, however, that the department would at once bring up any case of abuse in franking letters or telegrams. Before he had to do with Government affairs, he suspected that there was a great loss of revenue from the franking of private correspondence, but his experience had satisfied him that a tight hand was kept on the franking privilege.

THE PREMIER (Hon. Sir J. Forrest) was glad to hear what the Attorney General had said, on this subject, because the department was under his (the Premier's) control, and he was sure there was a close check, at any rate on the franking of telegrams. The Postmaster General would at once send back any telegram which did not come within the regulations, or would call his (the Premier's) attention to it. As to what the hon. member for West Kimberley had said, that news which was not urgent should not be sent by telegram but by letter, he really thought there would be more loss by the delay than would be saved in the extra labour involved. In fact, the departments found it necessary to use the

telegraph to a considerable extent. As to the abuse of franking, there must be an official stamp in a department, and letters stamped with it could not be opened and examined; but, so far as his experience went, there was not much to find fault with. Any officer who was known to be franking his private correspondence by using the official stamp would hear of it, and would probably be removed from the service.

Question put and passed, and the clause agreed to.

Clauses 82 to 92, inclusive, passed without comment.

Clause 93.—“Opening or tampering with letters :”

MR. LEFROY asked whether this clause applied to mail drivers.

THE ATTORNEY GENERAL (Hon. S. Burt) said that since the hon. member spoke to him on the subject, he had been considering as to the best place for introducing a penalty as to mail drivers, but would decide later.

MR. LEFROY said the clause required that fraud must be proved, but according to a case recently tried, a fraudulent intent in opening a letter was difficult to prove. It would be well to provide that fraud need not necessarily be proved.

Question put and passed, and the clause agreed to.

Clauses 94 to 99, inclusive, passed without comment.

Clause 100.—“Selling stamps without a license or pretending to be licensed :”

MR. LEFROY said that this clause might be strained to apply to the case of one settler selling a few stamps to oblige another settler in a country district where stamps could not be procured. Private malice might cause an information to be laid, and this power should not be made available in such cases.

THE ATTORNEY GENERAL (Hon. S. Burt) said it would not be practicable to make exceptions of such a case as that suggested. No conviction could ensue, on such evidence, as there would be no intentional evasion of the provision as to a license for selling stamps. The clause was meant only to catch persons who habitually sold or exposed stamps for sale. Liquor licenses, in the same way, prohibited the selling or disposing of liquor without a license, but if hon. members were called on to answer for all the

whiskies and sodas they disposed of, there might be serious troubles resulting from such a rigid construction of the Licensing Act. The law as to selling stamps was the same in all post-office statutes.

MR. LEFROY said the cases were not analogous, for if it could be proved that no payment was made for the liquor disposed of, there would be no conviction; but this clause in the Bill would apply to any person who sold a dozen stamps to oblige a friend, and accepted a shilling in payment.

Question put and passed, and the clause agreed to.

Clauses 101 to 109, inclusive, passed without comment.

Clause 110.—"Damage to be made good in addition to penalty."

MR. CONNOR asked how this penalty was to be enforced in the case of telegraph lines in the North, when injured by the blacks.

THE ATTORNEY GENERAL (Hon. S. Burt) said the Postmaster General would, no doubt, find a way of punishing the hon. member's aboriginal constituents, if they injured the lines.

Question put and passed, and the clause agreed to.

Clause 111.—"Arrest of offenders."

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the words "either of the two last preceding," in the second line, be struck out, and that the words "one hundred and seven and one hundred and eight of this Act" be inserted in lieu thereof.

Question put and passed, and the clause, as amended, agreed to.

Clauses 112 to 114, inclusive, passed without comment.

Clause 115.—"Proceedings for penalties":

MR. LEFROY said this clause provided that justices of the peace might deal with offences under this Bill, and he asked the Attorney General to define, in this clause, the exception previously mentioned in the case of a few stamps being sold as a friendly convenience, and not to evade the license. It would be difficult for a justice to adjudicate on a charge of selling stamps without a license, if the clause was to be construed strictly.

THE ATTORNEY GENERAL (Hon. S. Burt) said that, even if a conviction were obtained in such a case, the Govern-

ment would remit the fine on being informed of the real circumstances of the transaction. He proposed to amend this clause, for another purpose, by striking out the words "complaint for" in the first line, and inserting in lieu thereof the words "proceedings in respect of."

Question put and passed, and the clause, as amended, agreed to.

Clauses 116 to 121, inclusive, passed without comment.

Ordered—That clause 121 be numbered 120, and that the preceding clauses up to 73, inclusive, be re-numbered one less accordingly.

Schedules 1 to 5, inclusive, passed without comment.

Preamble and title agreed to.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 5.30 p.m.

Legislative Assembly,

Monday, 24th July, 1893.

Accident to the "Priestman" Dredger: Expenses connected therewith—Mechanics' Institute, Albany, and Moneys granted to public bodies lodged in the National Bank—Use of Karri Timber for Boyanup-Busselton Railway Bridges—Importation of Cattle across the border, and imposition of Stock Tax—Accommodation at Colonial Hospital—Steamship Service to Northern Ports—Renewal of Contract for Fremantle-Wyndham Steamship Service—Arbitrations under Clause 108 of the Land Regulations—Constitution Act Amendment Bill; further considered in committee—Adjournment.

THE SPEAKER took the chair at 7.30 p.m.

PRAYERS:

ACCIDENT TO THE "PRIESTMAN" DREDGER, AND THE EXPENSES CONNECTED THEREWITH.

MR. SOLOMAN, in accordance with notice, asked the Director of Public Works what had been the cost of attempting to lay moorings in Gage's Roads