

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said there was no doubt of that; and the clause was verbally amended so as to render it more explicit on that point.

Clause 35.—One bill only out of a set need be stamped:

Agreed to without discussion.

MR. BURT then moved, That Progress be reported and leave given to sit again next day.

Agreed to.

Progress reported.

#### JURY ACT AMENDMENT BILL.

Read a third time and passed.

#### EASTERN RAILWAY EXTENSION BILL.

The House then went into Committee for the further consideration of this Bill.

Mr. Burt's new clause—"It shall not be lawful, in extending the said railway, or for any purpose whatever, for the Commissioner of Railways to enter upon, resume, or take any portion of that piece of land in the town of Guildford known as Stirling Square, any Act, law, or authority to the contrary notwithstanding"—was reverted to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he had on the occasion of the previous debate upon this clause exhausted his persuasive eloquence in endeavouring to induce the hon. member for Murray to withdraw it, but without avail; and he now felt, after the result of the Select Committee's investigations, and the adoption of their report, it would be useless to oppose it any longer, and that any effort on his part in that direction would be futile. He therefore felt that there was nothing for him to do but to succumb to the inevitable.

MR. BROWN said it would of course be useless on his part to further urge his opposition to the clause, but he must say he regretted its introduction into the Bill.

The clause was then put and passed.

Schedule read:

MR. STEERE moved some verbal amendments, so as to provide for the deviation resolved upon by the House in the route through Stirling Square.

The amendments were agreed to.

Preamble and title agreed to.

Bill reported.

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

#### LEGISLATIVE COUNCIL,

*Tuesday, 29th March, 1881.*

Telegraph Messages on Sunday—Timber Concessions to Mr. Leonard, at Deep River—Auctioneers Act Amendment Bill: second reading; in committee—Message No. 2: Consideration of—Message No. 4: Consideration of—Stamp Duties Bill: Further consideration of in committee—Messages (Nos. 9, 10, and 11) from His Excellency the Governor—Railways Act Amendment Bill: third reading—Adjournment.

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

PRAYERS.

#### TELEGRAPH MESSAGES ON SUNDAYS.

MR. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to permit that Messages of an ordinary kind be sent during the hours that the Telegraph Offices throughout the Colony are open on Sundays." He thought the motion was one that would commend itself to every hon. member. As the operators had already to attend at the telegraph offices at certain hours, he thought they might as well be fully employed during that time, as be sitting idle, twiddling their thumbs; and as for the public convenience which the throwing open of the lines for ordinary messages would cause, there could be no difference of opinion on that point. The proposal would not entail any extra cost, while at the same time it would tend to increase the revenue of the department. Double rates were charged for the messages which were now allowed to be sent, and he did not propose to reduce the

charge in any way, as regards ordinary messages, but that these messages also should be charged double rates.

SIR T. COCKBURN-CAMPBELL, in seconding the motion, failed to see that it would cause any hardship in any way as regards the officers of the telegraph department, as they were compelled to be in attendance. He thought the time must hang very heavily on their hands at present, and that an increase of business would be a boon rather than otherwise to them. He did not in any way advocate any extension of their office hours, but, so long as the telegraph stations were opened, he failed to see why the public convenience should be so restricted as it is at present.

The motion was carried *nem. con.*

#### TIMBER CONCESSIONS TO MR. LEONARD, AT DEEP RIVER.

MR. CAREY, in accordance with notice, asked the Honorable the Colonial Secretary, "If any timber concession in the 'vicinity of the Deep River—Southern Coast—has lately been granted, or promised, by the Government to Mr. Leonard.'"

THE COLONIAL SECRETARY (Lord Gifford) replied:—"The negotiations 'are proceeding; it would be well if the 'hon. member postponed his address to 'next Session.'"

MR. CAREY said if the negotiations were still pending he had no wish to press for the production of the correspondence to the prejudice of the Government. But if the matter was likely to be finally settled before the next Session of Council, it would then be too late for the House to offer any expression of opinion on the subject. He thought it would be well that the Government, before concluding any agreement with Mr. Leonard, should be placed in possession of the views of the Council with reference to the proposed concessions. He was quite aware that, as a matter of right, the House could not ask to be allowed to interfere in negotiations relating to the Crown Lands, but at the same time he would point out that the right was one which had hitherto been conceded. Hon. members would remember that during the Session of 1879 a resolution was adopted, affirming that in the

opinion of the Legislature no more concessions of land should be granted to any timber company, or private individuals, without reference, in the first place, to that House, inasmuch as these concessions materially affected the public revenue. For this reason he thought it would be well that the House should have an opportunity of expressing an opinion upon the negotiations now admittedly pending between the Government and Mr. Leonard. Perhaps, without his moving for the production of the correspondence, the right hon. gentleman at the head of the Government in the House would be able to furnish hon. members with such information on the subject as would enable them to express an opinion upon the concessions proposed to be made.

After a pause, and there being no response,

MR. CAREY said: As the right hon. gentleman remains silent, I feel bound to move the motion standing in my name: "That an Humble Address be presented 'to His Excellency the Governor, praying that he will be pleased to cause to 'be laid upon the Table of the House 'copies of all correspondence between the 'Government and Mr. Leonard on this 'subject.' In moving this address, he would merely add that he was given to understand that the concessions had already been made to Mr. Leonard.

MR. STEERE, in seconding the motion, said that unless it would really be detrimental to the public interests that the correspondence should be laid on the Table, he thought it would be well that the House should have an opportunity of perusing it. The concessions made to these timber companies in the past were, to his mind, both unnecessarily liberal and altogether too one-sided.

The motion was agreed to.

#### AUCTIONEERS ACT, 1873, AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in accordance with notice, moved the second reading of a Bill to amend "The Auctioneers Act, 1873." The hon. gentleman said unless the Bill distinctly recommended itself to the minds of hon. members, the Government had no wish to press it during the present Session, no reference having been made

to it in His Excellency's Speech sketching out the business which would be brought before the House. But, inasmuch as the Bill had been in the hands of hon. members for some days, and as he had not heard a breath against it, he did not think it could be considered that the Government had in any way broken faith with the House in introducing the measure. The reasons which had induced the Government to bring it forward were somewhat urgent. Two Sessions ago, a short Bill was brought in and passed with the object of putting auctioneers who had no license under the Wines, Beer, and Spirit Sale Act in a certain position with reference to selling liquors by auction, without such license. It was intended by that Bill to give an auctioneer who had no gallon license all the privileges of a gallon license-holder in certain respects; that was to say, he was to be allowed to sell liquor belonging to the person on whose premises he was holding a sale of his other goods and chattels. But, owing to a slight obscurity in the wording of the Act, some misunderstanding had arisen as to whether the auctioneer in such a case could not also sell liquor that did not belong to the person on whose premises he was holding an auction, but to other persons altogether. That was not the intention of the Legislature. Another point had been raised, and upon that also some obscurity was felt, namely, whether a licensed auctioneer who had also a gallon license could sell liquors at auction by virtue of that license without having permission to do so from the Magistrate, as in the case of an auctioneer who did not possess a gallon license. No doubt the intention of the Act was to give an auctioneer, who was not a gallon license-holder, permission, under certain circumstances, to sell liquors at auction; but it had been held that an auctioneer who was also a gallon license-holder could not exercise the privileges of a license-holder as regards sales of liquor by auction, without the permission of the Magistrate. That obviously was not the intention of the Legislature. These were the two points which the present Bill sought to render more clear. Provision was also made to remove the prohibition of night auctions as regards sales of land.

Bill read a second time without discussion.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved the committal of the Bill, which was agreed to.

In Committee, the various clauses were agreed to *sub silentio*, and the Bill was reported to the House.

#### MESSAGE (No. 1): CONSIDERATION OF.

The consideration of Message No. 1, which was the next Order of the Day, was postponed until Thursday, 31st March.

#### MESSAGE (No. 2): THE INTERCOLONIAL CONFERENCE AND CHINESE IMMIGRATION—CONSIDERATION OF.

MR. STEERE, in accordance with notice, moved that the House should take into consideration the Message (*Vide* p. 45, *ante*) in which His Excellency the Governor had forwarded to the Council the Minutes of the Proceedings of the late Intercolonial Conference held at Sydney, together with a copy of the Memorial to the Secretary of State adopted by the Conference on the subject of Chinese immigration to this Colony.

Motion agreed to.

MR. STEERE then moved, "That an Humble Address be presented to His Excellency the Governor, requesting him to forward to Her Majesty's Secretary of State the following Memorial, with reference to Chinese Immigration:—

*"To The Right Honorable The Secretary of State for the Colonies.*

*"The Memorial of the Legislative Council of Western Australia, humbly sheweth:—*

*"1. The Local Government having placed before Your Lordship's Memorialists a copy of the remonstrance lately drawn up at the Intercolonial Conference, and forwarded to Your Lordship, in regard to the Immigration policy which the Legislature of Western Australia has thought fit to adopt, Your Memorialists consider it desirable that they should address Your Lordship upon the subject.*

*"2. Consequent upon the cessation of Convict Transportation to Western Australia, chiefly caused by objections raised in the Eastern Colonies to its continuance; consequent also upon the*

"subsequent ill-success which has attended the efforts made by the Colony to attract free immigrants of the working class to its shores—a very inconvenient dearth of labor has resulted. Notwithstanding the existence of this want, Your Lordship's Memorialists have found it necessary to discontinue the introduction of European Immigrants at the public expense, except under a system of nomination, owing to the fact that a very large proportion of persons so introduced leave Western Australia after a short stay, to seek their fortunes in colonies which, apparently, have greater attractions to offer. Under the Nomination System the Colony is able to obtain a steady though slow supply of useful immigrants, who for the most part become permanent residents in Western Australia. But by this means little is done to meet that want of labour to which Your Lordship's Memorialists have already alluded.

"3. Under these circumstances, it was determined in 1878 to introduce, as an experiment, a few Chinese Coolies; and fifty Chinamen were accordingly obtained from Singapore. These men having given general satisfaction to their employers, it was last year considered desirable to send for another shipment, and an additional fifty are shortly expected to arrive in the Colony. This has been the total extent of Chinese State-aided immigration to Western Australia. Your Lordship's Memorialists are well aware that, except for temporary purposes, Chinese are not the best class of immigrants to encourage. But their introduction at the public expense was sanctioned under exceptional circumstances, and for the purpose of meeting an exceptional want, and the success of the experiment, although only attempted on a very small scale, has not led Your Lordship's Memorialists to question the soundness of the policy which dictated a resort to this description of labor.

"4. Although Your Memorialists do not assume that Your Lordship will see any ground for taking action upon the remonstrance of the Delegates at the Intercolonial Conference, they nevertheless think it well to point out

"that that remonstrance has apparently been the result of an altogether mistaken impression. For, had the Delegates been cognisant of the true facts of the case, they would scarcely have given expression to the utterly groundless fear that, in consequence of the policy of so remote a neighbour, their colonies were in danger of being flooded by Mongolians arriving by way of Western Australia. If, on the other hand, the assembled ministers subscribed the remonstrance with a full knowledge of the facts, Your Lordship's Memorialists can only conclude that the comments upon this interposition of the Conference contained in the extract from the *Australasian* annexed to this document are scarcely couched in terms of unjustifiable severity.

"5. Your Memorialists are confident that Your Lordship, approaching the subject with a complete understanding of all the circumstances surrounding the case, will readily acknowledge that no just grounds whatever exist for the action in regard to this Colony which the Intercolonial Conference has thought proper to take.

"And Your Lordship's Memorialists will ever pray, &c.

*Extract from the Australasian.*

"It is not to be wondered at that irritation and resentment should be occasioned in Western Australia by the action taken at the Intercolonial Conference at Sydney in regard to Chinese immigration to that Colony. What on earth have Sir Henry Parkes and Mr. Berry to do with the immigration policy of Western Australia? The circumstances of that Colony are peculiar. It is as much separated from us, so far as intercommunication is concerned, as though it were in another continent. The Colony is struggling through a time of transition, in which it has difficulties in the way of labour supply, owing to the cessation of convict transportation and the absence of immigration. It is believed in the Colony that its wants could be best met by a system of Chinese immigration; and if that is the case, why should that be interfered with, merely as a bit of electioneering dodging in the interest of politicians upwards of a thousand miles away? The incident is a piece of impertinence almost unparalleled in political affairs. It is to be noted that even among the Eastern Colonies there was not unanimity of opinion on the Chinese question. The Colonies which possess tropical territory,

'and which recognise that they may be glad to introduce Chinese labour, are content with the Queensland system of regulation. But Sir Henry Parkes and Mr. Berry, having in view the Electors of East Sydney, and Collingwood, and Geelong, want a measure which is almost prohibitive as a sop to the prejudice and more than Chinese exclusiveness of these electors. While this difference on the subject prevails among the Eastern Colonies, they can all unite in a petty piece of meddling busy-bodyism towards the internal affairs of Western Australia.'"

MR. STEERE thought the best reply the House could send to the Governor's Message was the foregoing Memorial, which had been placed in the hands of hon. members for some days past, protesting on the part of the Legislature of this Colony against the action which the Conference thought fit to adopt with regard to this subject. This Memorial, hon. members would observe, set forth the circumstances under which it was determined by the House three years ago to introduce, as an experiment, a few Chinese coolies, and that fifty Chinamen were accordingly obtained from Singapore; that these men having given general satisfaction to their employers, it was last year considered desirable to send for another shipment; that an additional fifty were shortly expected to arrive in the Colony; and that this had been the total extent of State-aided Chinese immigration into Western Australia. The Memorial further pointed out that the Council was well aware that, except for temporary purposes, Chinese were not the best class of immigrants to encourage; but that their introduction into this Colony at public expense was sanctioned under exceptional circumstances, and for the purpose of meeting an exceptional want; and that the success of the experiment, although only attempted on a very small scale, had not led the Legislature to question the soundness of the policy which dictated a resort to this description of labor. He was sure that the Secretary of State, approaching the subject, as he now would, with a complete understanding of all the circumstances surrounding the case, would readily acknowledge that no just grounds whatever existed for the action which the Conference thought proper to take with regard to this subject. He thought the House would

agree with him that they should not allow the remonstrance which the delegates had taken upon themselves to send home to go unchallenged; and, if the Memorial now before hon. members were adopted, it would clearly show the Secretary of State that there was no cause whatever for entertaining any apprehension that the neighbouring provinces would suffer from any influx of Chinese from this Colony. He believed himself, with the *Australasian*, that the action of the Conference in this matter was simply an electioneering dodge, put forward to catch the support of the multitude; and that if the delegates had been better informed as to the number of Chinese which we had imported, or were likely to import, and that those who were introduced came under an agreement that at the expiration of three years they should be returned whence they came from; if the delegates had been cognisant of these facts, and of the exceptional circumstances under which the Colony had resorted to this temporary expedient of supplying a pressing want, they would never have made such a very big mountain out of a molehill of such very insignificant dimensions, or have made themselves so utterly ridiculous as to address Her Majesty's Secretary of State on the subject. He begged to move the adoption of the Memorial now before the House.

MR. SHENTON seconded the motion. He thought the Council was bound to protest against such a petty and unwarrantable piece of meddling with the internal affairs of the Colony. He could not conceive that the Conference, when it adopted the step which it did in the matter, was cognisant of the true state of affairs; and he thought it was to be regretted that their ignorance on the subject should not have been dispelled before they took the ridiculous action which they had taken, in addressing the Secretary of State on a subject which in no way concerned them.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) wished to make one remark with respect to what had fallen from the hon. members who had spoken on the subject. It was stated, or at any rate assumed, that the delegates—he believed they called themselves delegates—who had met at the Confer-

ence were not aware, or were not accurately informed, as to the amount of Chinese immigration to this Colony. But he had been informed, by the very highest authority on that point, that although His Honor the Chief Justice, who represented this Colony at the Conference, to a certain extent considered himself officially restricted from going into this question in all its details, yet, that unofficially he did make it well known to every delegate present the exact amount of Chinese who were introduced into the Colony. Consequently, such action as the Conference took in the matter was not taken in ignorance but with a full knowledge of the circumstances of the case.

MR. MARMION said he intended to support the memorial, and, lest he should hereafter be charged with inconsistency—he having always opposed the introduction of coolie labour at public expense—he wished to state briefly why he was prepared to support it. He did so, because, although he himself had strenuously opposed the proposition, the Legislature of the Colony had, by a large majority, and after due consideration of all the circumstances of the case, consented to the application of a portion of the public funds for the purpose of introducing these coolies, in small numbers, for the benefit (as the majority considered) of the Colony; and that being the case, he could see no valid reason why our sensitive friends in the other colonies should take exception to the action of our local Legislature, more especially when by that action we were of opinion that no detriment or harm can possibly befall those colonies. There was not the remotest probability—regard being had to the conditions upon which these coolies were introduced into this Colony—of there ever being an exodus of Chinese from our shores to the neighbouring provinces, and for this reason he resented the interference of the Conference with the deliberate action of our Legislature on the subject. He did not support the Memorial on the ground that either the experiment made was an unqualified success, or that, in his opinion, it was desirable that similar experiments should be made at the public expense in future; but on the ground that the independence of the Council was to a

certain extent at stake, that we were quite justified in asserting our rights and privileges as an integral portion of the Australian group, and that we were as much bound to protect our own interests as were those colonies of the group which were more prosperous and more populous than our own.

THE COLONIAL SECRETARY (Lord Gifford) thought there was one point which seemed to have escaped the attention of the framers of the Memorial, and, with a view to render it still more effective, he would propose, as an amendment, the introduction of a statement to the effect that the House had good reason to believe that the experiment made with regard to the introduction of these coolies had met with the approval of Her Majesty's Secretary of State. As a matter of fact, this was the case, for Sir M. Hicks-Beach, in a despatch which he forwarded to His Excellency the Governor, acknowledging the receipt of the despatch intimating that the Legislature had decided upon making the experiment, had approved of the step taken. He (Lord Gifford) thought that this, of itself, constituted a strong argument in support of the policy adopted by the Legislature, in this respect.

MR. BURT said the Memorial had his cordial support. He thought if the hon. member for the Swan had known at the time he moved its adoption that the delegates when in Conference assembled had been informed, although unofficially, of the true state of affairs, the hon. member would probably have used more severe language than he had then felt inclined to do. He (Mr. Burt) rose chiefly for the purpose of pointing out what a very ungracious act this was on the part of the other colonies, who had always been treated by this Colony with more than respect—with more than respect, in this way: some years ago, that House approved of an arrangement by which the residents in this Colony were at liberty to obtain immigrants from the neighbouring provinces, by means of State aid, the Government paying a certain sum of money to those introducing the newcomers, in respect of their passages. After further consideration, however, it was considered that this was not a proper thing to do, inasmuch as those colonies were expending large sums of money

upon their own immigration schemes, and it was considered unfair that we should enter, as it were, at their back door, and endeavour to persuade these people to come over here. Consequently, without any deprecatory movement being made on the part of our neighbours, but entirely of our own free accord, we repealed that arrangement, regarding it as an unfair one. And, in the face of that, he thought this movement on the part of the Conference in interfering with our action as regards coolie immigration was particularly ungracious, to say the least of it. No doubt it was something more than that—"a bit of electioneering dodging," as the *Australasian* very properly characterised it; and, more than that, too,—a downright piece of impudence. When he said it was an electioneering dodge on the part of the assembled delegates, of course he did not include our own worthy Chief Justice, who had no political ends to serve, but the representatives of the other colonies, who had the fear of the electors before their eyes. As to the amendment suggested by the right hon. gentleman the leader of the Government, so far as he could see at present it was put forward merely for the sake of introducing the name of the Secretary of State into the Memorial. He thought there was too much of this Secretary of State business about everything that had been done this Session, and he failed to see what was to be gained by the introduction of that functionary's name here, unless it was that hon. members should be made to recognise the fact that there is a Secretary of State standing above everything they chose to do in that House. Unfortunately they knew that too well, without being eternally reminded of it, and he thought it would be wiser policy to endeavour to conceal the humiliating fact rather than to blazon it abroad on every opportunity. For his own part he did not care whether the Secretary of State approved of this coolie experiment, or not, and he failed to see why any other hon. member need care, or why this great man's name should be brought on the board at all. If the country required these coolies, and this House voted the money for their introduction, he failed to see what on earth the Secretary of State had to do with it; and he was at

a loss to understand what good or useful purpose was to be gained by the introduction into the Memorial of the words proposed in the amendment, and which appeared to him tantamount to saying to the Secretary of State—"You yourself, recollect, thought the experiment was a good move on our part, and you cannot very well go back from your own expressed opinion."

MR. BROWN would support the original resolution and also the amendment. The hon. member for the Murray said he saw no reason why the amendment should be introduced; but the reason he (Mr. Brown) thought was—that we should make our case stronger. And if hon. members were in earnest in thinking that the introduction of these coolies was desirable, it was equally desirable that we should make out as strong a case as possible against any interference with our policy; and if we could show that we had, not only the sanction of the Government here, but also the approval of Her Majesty's Secretary of State at home, he thought we should have made out a very strong case indeed. True the approval had been given by another Secretary of State than the functionary now appealed to; but when the present holder of the office found that the step had been approved by his predecessor, he would find it exceedingly difficult to retract. As to the action of the Conference being an ungracious one, there could be no doubt about that, especially when it was borne in mind, as pointed out by the hon. member for Murray, how this Colony had, in the matter of intercolonial immigration, acted towards its neighbours. He was sorry that the action of the Conference in this instance was by no means singular, in following up the cry taken up by political agitators, and in throwing a sop to the prejudices of electors. Notably had this been done in some of the colonies, with regard to the passport system, under which no one from this Colony, whether a free-born colonist or an exile, was allowed to land on their shores without undergoing the humiliation of producing a certificate showing whether or not he had ever been a prisoner of the Crown. The very presence of a West Australian, be he a free-born citizen or otherwise, amongst

our immaculate neighbours, immediately aroused their virtuous indignation; and so susceptible of moral contagion were they that no one from the despised shores of this Colony was allowed to enter amongst them without first submitting to the degradation of producing a certificate showing to what class of society he belonged. Yet these colonies knew very well that—although true enough there were persons here who committed crimes—they had among their own communities quite an equal proportion of criminal offenders. This offensive assumption of superiority over West Australians—a superiority which he thought was in no way warranted, would, not impossibly, if continued in, lead to retaliation; but he hoped that our neighbours would in the meantime see the error of their ways, and repeal an enactment which he could not help regarding as a disgrace to their Statute Books.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): May I be permitted to say a few words in support of the amendment of the right hon. gentleman at the head of the Government. I cordially agree with the Memorial, and I think the words suggested to be added will strengthen that Memorial. I think it will do so for this reason: that when we point out to the Secretary of State that his predecessor in office has taken a certain line of action with regard to this matter, the Secretary of State to whom you are now appealing will—in words which have been rendered memorable in the political annals of the mother country—"think once, and twice, and three times," before he breaks off from the policy and the traditions of the Colonial Office. I imagine that, among all the great departments of State, the policy of the Colonial Office is a policy marked with greater continuity of action than that of any other department; in other words, that the traditions of the Colonial Office are more continuous—are carried on by successive Administrations more on the same lines of policy—than is the case in connection with any other department of State. Therefore if you can prove to the head of that department that his immediate predecessor in office took a certain line of action with regard to the subject matter of this Memorial, I maintain that the Secretary of State to whom you are

now appealing is more likely to support it than if you could not point to that fact. I do not mean to say for one instant that—whether his attention is called to these words or not—the present Secretary of State is not perfectly well aware that his predecessor did send this despatch, approving of the policy in question; but I do say that you strengthen your Memorial by letting him know you are aware of it, and that when you are asking him to agree to your Memorial you are asking him to adhere to the policy of his predecessor. Let us put the converse of the proposition; let us suppose that instead of having approved of your action with regard to the introduction of coolie labor, Sir Michael Hicks-Beach had disapproved of the step—would not that fact have strengthened the arguments put forward by the other side, and would this Memorial have gone home with half the weight it possesses now? I think not. Strong though it be, you will make it doubly strong by the insertion of the words proposed in the amendment.

MR. CAREY hoped the hon. member for Murray would not carry his opposition to the amendment any further, as it would be a great pity that there should be any want of unanimity in the adoption of the Memorial.

MR. STONE said he did not wish the address to pass without giving expression to certain views which he entertained with regard to it. First of all, he might state that he reluctantly gave his support to the Memorial and to the amendment—he said reluctantly, because he recognised in the Memorial another acknowledgment of the entire dependence of that Council upon the will of the Secretary of State. When he first read of the action of the Conference at Sydney upon this question, he could not help laughing, and exclaiming in the words of the *Australasian*, "What on earth have Sir Henry Parkes and Mr. Berry to do with the immigration policy of Western Australia?" And, on the impulse of the moment, he had felt inclined to add—"or the Secretary of State either." He had then fallen into the same error as the hon. member for Murray had this evening, when he said he failed to see what the Secretary of State had to do with this question. But, upon calmer



consideration, he (Mr. Stone) came to the conclusion that the Secretary of State had a great deal to do with it, because, although it was within the province of that House to address the Governor, praying him to place a sum of money on the Estimates for the introduction of coolies, the Governor might be so directed by the Secretary of State that he might find himself precluded from agreeing to the address of the Council. And that would be just the position we would be placed in, if the Secretary of State were to take a favorable view of the protest or remonstrance forwarded to him by the Conference delegates. It was for that reason he thought it necessary to memorialise the Secretary of State on the subject. He should have preferred, instead of this Memorial, to have seen a resolution adopted, condemnatory of the action of the delegates, and expressed in language of justifiable severity; but it was no use wishing for that, as they must proceed along the only constitutional course open to them—under our existing form of Government—if they were desirous of gaining the object which they had in view.

The Memorial, as amended, was then agreed to unanimously.

#### MESSAGE (No. 4): THE RAILWAY ROUTE THROUGH STIRLING SQUARE—CONSIDERATION OF.

MR. STEERE, in accordance with notice, moved the adoption of the following reply to the Message received from His Excellency the Governor on the 24th March. (*Vide p. 56, ante.*)

"The Council has had under its consideration Message No. 4, enclosing a communication from the Commissioner of Railways, in which Your Excellency is urged to use every means to prevent what the Commissioner is pleased to term the 'deplorable results' that would inevitably arise if the proposed deviation of the Eastern Railway through Guildford is ever carried into effect.

"On the 23rd of March the Council unanimously adopted a Resolution 'That in the opinion of this House the extension of the Eastern Railway should not be carried through Stirling

"Square in the town of Guildford, as at present contemplated by the Commissioner of Works,' and on the 24th of March the Council passed, without any dissent, the following Resolution in reply to Message No. 3 from Your Excellency, 'That the Council has considered Message No. 3 from His Excellency the Governor, forwarding two Reports from the Commissioner of Railways, and desire to adhere to the Resolution adopted by this House on the 23rd of March.'

"The Council believes that had Your Excellency been aware that the House had agreed to the Resolution in reply to your Message No. 3, you would not have thought it necessary to forward another Message containing a further communication from the Commissioner of Railways, with assertions couched in such unqualified terms as were not likely to be accepted as conclusive in favor of the position taken up by the Commissioner.

"The Council, however, with an anxious desire to pay due consideration to all Messages received from Your Excellency, agreed, on receipt of Message No. 4, to appoint a Select Committee to proceed to the locality of the proposed deviation and examine the same, with a view to giving further information to the Council as to the Report of the Commissioner of Railways 'that grave and all but insurmountable difficulties exist to making the deviation suggested by the Council.' The Select Committee in pursuance of its instructions has inspected the locality in question, and a majority has arrived at the conclusion embodied in the previous Resolution adopted by the Council,—no grave and insurmountable obstacles to the proposed deviation appear to exist; and the only engineering difficulties consist in the difference between a straight line and a curve the greatest radius of which is 15 chains.

"The only inconvenience likely to be caused by the deviation is, that the sidings and the shuntings will have to be on one side only; but as this system is of frequent occurrence on other railways, and is the plan on the first section of this railway at Perth and Fremantle, and as Guildford will not be a terminus,

"the Council is of opinion that this circumstance is not of sufficient importance to cause it to alter the decision at which it had previously arrived, not to carry the railway through Stirling Square in the town of Guildford.

"The Commissioner of Railways, in his evidence before the Select Committee, states that the danger in the proposed deviation would consist in the traffic from the Eastern districts having to pass the Railway along an unguarded thoroughfare; but it must be remembered that this traffic will be greatly reduced as the railway extension proceeds eastwards, and the distance on each side of the Railway in James and Mangles Streets in Guildford will be 42 feet, whereas in the main street at Geraldton, through which the Geraldton and Northampton Railway passes, there is only a width of 23 feet on each side of the line."

MR. STEERE said it was not necessary for him to occupy the time of the House by dilating upon this subject beyond what was stated in the formal reply which he had first read. A great deal of time had already been wasted, in his opinion, in dealing with this question, and he had no wish to initiate or prolong any further discussion on the subject. The reply was rather longer than might, at first sight, appear necessary, but he thought it would be well that the reasons which had guided the House in coming to the decision which it did, and in adhering to that resolution, should be set forth, more especially as the matter would probably be referred to the Secretary of State, and in view of the statement made by the Colonial Secretary that the House would have to take upon itself the whole responsibility of the proposed deviation. That House had frequently, before now, had to take upon itself heavy responsibilities, independent of the Government, and, in all probability, it would have to do so again. He had no doubt himself but that the Secretary of State would agree to the wishes of the House in this matter, and permit of the proposed deviation being carried out.

MR. BROWN said he also had no wish to prolong the discussion, but at the same time he could not give a silent vote on the occasion, as he had opposed the proposal hitherto, and he had seen nothing what-

ever to induce him to alter his opinion. With reference to the control exercised by the Secretary of State over the decisions of that House, he might take this opportunity of saying that he altogether disagreed with those who considered it to be a disadvantage that the Secretary of State should have supreme control over their actions; on the contrary, he regarded it as a great advantage to the Colony that such should be the case. That functionary had never interfered in our local affairs except in cases where his interference had been to the extreme benefit of the Colony, and he hoped the day was far distant when they should live under a Constitution which did not provide that safeguard.

The reply to His Excellency's Message was then adopted.

#### MESSAGE (No. 9): APPROPRIATION FOR RAILWAY SURVEYS.

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

"In reference to your Address No. 10, the Governor forwards a Memorandum from the Director of Public Works, in which he states that 'To survey the line from the termination of the second section to York, in accordance with the Resolution, it would probably cost from £700 to £1,000, but if, as I presume, it is intended merely that such a survey should be made so as to connect the present surveyed route to Northam with the Town of York by the best route possible, this would cost from £300 to £400.'"

"It will therefore be necessary to appropriate a sum of £1000 for the new surveys desired, and the Governor recommends such appropriation to Your Honorable House accordingly.

"Government House, Perth, 29th March, 1881."

MR. STEERE moved, That the Message be taken into consideration on Thursday, 31st March.

Agreed to.

#### MESSAGE (No. 10): MR. SURVEYOR COWLE'S REPORT.

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

"In compliance with Address No. 6, the Governor lays before Council Mr. Cowle's report relative to proposed tramway line over the Darling Range, East of Perth.

"Government House, Perth, 29th March, 1881."

#### MESSAGE (No. 11) : ACKNOWLEDGING ADDRESSES.

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

"The Governor begs to acknowledge the receipt of Addresses from Your Honorable Council, as under:—

"No. 1.—Requesting the Governor to obtain an Official Report from the Admiralty Surveyor upon the present condition of Princess Royal Harbor, and of the steps which in the opinion of those gentlemen are required to preserve it from siltage. Although Your Honorable House has not asked that this Report should be laid before you, the Governor assumes you would wish to see it, and has therefore the pleasure to forward a copy for your information.

"No. 5.—Asking for copies of correspondence between the Government and the Swan Roads Board, on the subject of the condition of the Gingin Road.

"No. 7.—Asking for copies of correspondence between the Government and the inhabitants of Albany relative to buoys for Princess Royal Harbor, as also between the Government and the West Australian Timber Company, relative to the transfer of the concession held by the Company to an English syndicate.

"The Governor stated in his opening Speech that 'as this Session had been specially convened for the consideration of a particular question, he had not thought it right, in the absence of some of your members, to bring forward any general measures as to which controversies might be likely to arise.' For similar reasons the Governor does not consider it expedient to lay on the Table at present the papers asked for in your Addresses Nos. 5 and 7, though probably there will be no objection to presenting them on a future occasion.

"In compliance with Address No. 9, the Governor will have much pleasure in ascertaining the views of Her Majesty's Government on the subject of Railway Construction on the Land Grant principle.

"In reply to Address No. 11, the Governor begs to state that, in view of the favorable recommendation contained in your Address No. 10 of last Session, he has, in the exercise of the discretionary power conferred upon him by the 78th section of the Land Regulations, granted a concession to the Bunbury Timber Company on as favorable terms as appeared to the Governor consistent with the interests of the Colony and with fairness to other companies of a similar character.

"Government House, Perth, 29th March, 1881."

MR. STEERE moved, That the consideration of this Message be made an Order of the Day for Thursday, 31st March.

Agreed to.

#### STAMP DUTIES BILL.

The House then went into Committee for the further consideration of this Bill:

Clauses 36, 37, 38, and 39 :

Agreed to without discussion.

Clause 40.—"The term 'conveyance of sale' includes every instrument, and every decree or order of any Court, or of any Commissioners, whereby any property upon the sale thereof is legally or equitably transferred to, or vested in, the purchaser or any other person on his behalf, or by his direction :"

MR. STEERE pointed out that the only "Commissioner" who would here have to make a decree or to issue an instrument for the conveyance of sale, was the Commissioner of Titles. He would therefore move that the words "any Commissioners" be struck out, and the words "Commissioner of Titles" inserted in lieu thereof :

Agreed to, and clause, as amended, put and passed.

Clauses 41 to 63 inclusive were agreed to (with some verbal alterations, for which see "Votes and Proceedings," p. 37) without discussion.

Clause 64.—“Every person who—

“1. Receives or takes credit for any  
“premium or consideration for  
“any contract of insurance, and  
“does not, within one month  
“after receiving or taking credit  
“for such premium or consider-  
“ation, make out and execute a  
“duly stamped policy of such  
“insurance :

“2. Makes, executes, or delivers out,  
“or pays or allows in account,  
“or agrees to pay or allow in  
“account, any money upon, or  
“in respect of any policy which  
“is not duly stamped ;

“shall forfeit the sum of £20:”

MR. MARMION pointed out that in this Colony insurance companies were merely represented by local agents, and not by resident boards of directors, and that consequently greater delay must necessarily take place in executing policies of insurance, the premium being paid here to the agent, and the policy issuing from the head office in another Colony. He would therefore suggest that the period which the Act allowed to lapse between the payment of the premium and the execution of a duly stamped policy should be extended from one month to two months.

MR. RANDELL thought three months would not be too long, regard being had to the delay that must inevitably take place before the local agents can communicate with the head office, and the directors could execute a policy duly stamped, as required by the Act.

MR. MARMION was quite prepared to accept the hon. member's suggestion, and formally moved, That the words “one month,” in the fifth line, be struck out, and “three months” be inserted in lieu thereof, in sub-section 1.

Agreed to.

MR. STEERE moved, as a further amendment upon the same section, That the following words be added to it—“or receipt for such premium or consideration, which receipt shall bear a stamp of the same value as the policy.” Policies were not re-issued every year, but premiums were paid in respect thereof annually, for which a receipt was given, and he thought such receipt should bear a stamp.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) was afraid he could not support the amendment. The policy in England was to encourage people to insure their life and property, and those institutions which effected these insurances were regarded as very beneficial societies. He was afraid that to put too heavy a duty upon these premiums would be to unduly tax the most sensible thing a man could do.

MR. SHENTON pointed out that these receipts referred not only to life, but also to fire insurances, and any person taking out a fire insurance policy could insist, if he liked, upon its renewal every year; but, as a rule, instead of a new policy being issued, the companies merely gave a receipt for the premium, which kept the policy alive for another year. He presumed it was to meet these cases that the amendment of the hon. member for the Swan was intended. He agreed with the hon. member that these receipts, which were virtually equivalent to a renewal of the policy, should bear the same stamp as the original policy. As to life insurances, the stamp upon these receipts would not come out of the person insured, but would be paid for by the company insuring, who, as a rule, could very well afford to pay these small amounts in respect of the renewals.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Depend upon it they will increase their premium rates, and the duty will ultimately fall upon the person insured.

MR. BURT said that some policies were payable quarterly, and the receipts given accordingly; the result would be, if they imposed a stamp duty upon each receipt, the receipts would be taxed even to a greater extent than the original premium.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): I think that would be carrying taxation altogether too far, and could not do otherwise than tend to unnecessarily hamper the insurance business.

MR. BURT said the clause as it now stood simply contemplated that insurance companies should do what they ought to be made to do, namely, to issue a fresh policy as often as the old one expired, instead of giving a mere receipt, containing no covenants or conditions.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) was surprised to hear that policies were not renewed as they expired, but that the companies, or rather the insured parties, were satisfied with a mere receipt for the premium. He thought that was a state of things that should not be recognised in the eye of the law, and he certainly deprecated any legislation in that direction.

MR. BURT said that all he asked was that the clause should be allowed to stand as it is; it would then compel these companies to make out and execute duly stamped policies within three months of the payment of any premium or consideration paid in respect of an insurance.

The amendment of the hon. member for Swan was then, with leave, withdrawn, and the clause as originally amended ordered to stand part of the Bill.

Clauses 65 and 66:

Agreed to without discussion.

Clause 67.—“A receipt given without “being stamped may be subsequently “stamped by the Colonial Treasurer or a “Sub-Collector of Revenue, upon the “terms following:

“1. Within fourteen days after it “has been given, on payment of “the duty and a penalty of “Five pounds;

“2. After fourteen days but within “one month after it has been “given, on payment of the duty “and a penalty of Ten pounds;

“and shall not in any other case be subsequently stamped:”

MR. RANDELL pointed out that, with such heavy penalties as this clause imposed, the stamp duty might possibly be less than the penalty, and although the receipt would be of no use unless duly stamped, still, sooner than paying a penalty of £5 or £10, a man might run the risk of an unstamped receipt.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): On the other hand the receipt might be for £500.

MR. BURT moved, That the words “not exceeding” be inserted before the words “five pounds” and “ten pounds,” which would meet the difficulty.

This was agreed to, and the clause as amended ordered to stand part of the Bill.

Clauses 68, 69, and 70:

Agreed to *sub silentio*.

Clause 71.—Proceedings for the detection of forged stamps:

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved an amendment, extending the scope of this clause. (*Vide* “Votes and Proceedings” p. 38.)

The amendment was accepted without comment, and the clause as amended put and passed.

Clauses 72, 73, and 74:

Agreed to without discussion.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said, as it was not intended that the Bill should be retrospective in its operation, he would move that the following new clause be added, to stand as clause 31:—“No bill of exchange or “promissory note drawn or made before “the commencement of this Act shall be “made liable to duty.”

Agreed to.

MR. BURT, without comment, moved, That the following new clause be added to the Bill, to stand as clause 26:— “If any party shall feel aggrieved by “any determination or adjudication of “any Justice or Justices with respect to “any penalty or forfeiture under the “provisions of this Act, such party may “appeal from such determination or “adjudication to the Supreme Court. “Provided always that notice of such “appeal shall be given to the convicting “Justice or Justices within three weeks, “and that such appeal shall be entered “for hearing within two months after “such determination or adjudication.”

The clause was accepted, and ordered to stand part of the Bill.

Schedule A: Nature of Instruments upon which Stamp Duty payable:

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it had been pointed out to him that, whereas indentures of apprenticeship were liable to a stamp duty, articles of clerkship were exempted. He would therefore move, That the following items be added between the items “Agreement” and “Award”:— “Articles of clerkship whereby any person becomes bound to serve as a clerk “in order to his admission as an Attorney “or Solicitor of the Supreme Court— “£10.” “Admission of any law student “to act as Barrister or Advocate in the “Supreme Court—£10.”

MR. BURT: Why tax a young man who wants to become a lawyer any more than he who aspires to become a merchant—a far more lucrative business?

MR. MARMION said they had a precedent at home as regards clerks articulated to lawyers, who had to pay a very heavy premium, which was not the case as regards mercantile clerks.

The items were agreed to.

Item "Bill of Exchange payable on demand, 1d.:"

THE ATTORNEY GENERAL (Hon. A. C. Onslow), with a view to meet a suggestion made the other day, with respect to "orders" drawn for the payment of money or goods on other persons than bankers—a form of order which he understood was customary in this Colony—moved that, after the word "demand," the following words be added to the item: "Or any cheques drawn on "any banker payable either to order, or "to bearer on demand; or any order for "the payment of money or goods drawn "on any person other than a banker and "payable on demand."

MR. MARMION presumed that a person making an order for the delivery of goods for his own use would be exempted from having to place a stamp upon such order.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he would presently move an exemption to that effect.

The amendment was then agreed to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) then moved the following exemption to the application of the amendment—"Any order for the delivery "of goods for the use and on behalf of "the maker of the order."

Agreed to.

Item "Bill of Exchange payable otherwise than on demand:"

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the following words be inserted:—"Exemptions—

- "(1.) Draft or order drawn by any  
"banker in Western Australia  
"upon any other banker in  
"Western Australia not payable  
"to bearer or order, and used  
"solely for the purpose of settling or clearing any account  
"between such bankers.

- "(2.) Letter written by a banker in  
"Western Australia to any other

"banker in Western Australia  
"directing the payment of any  
"sum of money, the same not  
"being payable to bearer or to  
"order, and such letter not  
"being sent or delivered to the  
"person to whom payment is to  
"be made or to any person on  
"his behalf.

- "(3.) Letter of credit granted in  
"Western Australia authorising  
"drafts to be drawn out of  
"Western Australia payable in  
"Western Australia."

The hon. gentleman said his attention had been directed to the necessity for introducing these exemptions, without which, as was obvious to all hon. members conversant with the transactions of local bankers, one with another, the banking business would be unnecessarily and vexatiously hampered.

The amendment was accepted *sub silentio*.

Item—"Bill of Lading, or Boat Note, or "Receipt, of or for any goods, merchandise, or effects, to be exported, or carried "coastwise, 1s.; for every receipt or copy "thereof from mate or agent, 1d.:"

MR. STEERE thought some difference ought to be made between the duty payable upon bills of lading in respect of goods exported (which generally represented large amounts), and boat notes issued by the small crafts plying coastwise. He would therefore move, That this item be struck out, and the following inserted in lieu thereof: "Bill of Lading of or for "any goods or effects to be exported, "1s.; every Receipt of the master or mate "taken in lieu of the Bill of Lading, 6d.; "Bill of Lading coastwise, 6d.; every "Receipt of master or mate coastwise, 3d.; "every Receipt of master or mate for "goods under half a ton weight or measurement coastwise, 1d.:"

The amendment was agreed to.

Item—"Charter party, or any agreement or contract for the charter of any "ship or vessel, or any memorandum, "letter, or other writing, between the "captain, master, or owner of any ship "or vessel, and any other person, for or "relating to the freight or conveyance of "any money, goods, or effects on board "of such ship or vessel: In the case of a "coasting vessel, 10s.; in the case of a "foreign going vessel, £1:"

MR. STEERE pointed out that agreements were often made here between the masters of coasters and persons shipping, relating to the freight of very small quantities—half a ton of goods—in respect of which, according to this clause, the shippers would have to pay 10s., which would be out of all proportion with the amount of freight paid, and possibly of the value of the goods themselves.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the "agreement" was intended to refer to the chartering of the whole vessel.

MR. RANDELL thought that, regard being had to the very minute amount of revenue which was likely to accrue from this item, it would be better to strike it out altogether. Owners of vessels were already subjected to quite sufficient charges.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the duty here would be paid by the shipper, and not by the owner or master of the vessel.

MR. SHENTON said that during the period of ten years he had been in the shipping business at Fremantle, only three charter parties had passed through his hands. It was evident therefore that the amount of revenue which would be received from this item would be infinitesimal.

MR. BURT moved, That the whole item be expunged. It would lead to needless trouble without any commensurate return.

The motion was agreed to, and the item struck out.

Item—"Conveyance or Transfer on sale of any real estate or any Bill of Sale purporting to absolutely transfer any personal property without any proviso providing for the re-transfer of such property to the maker: For every £5, and also for any fractional part of £5, of the amount or value of the consideration, 6d."

MR. BURT did not see why land brought under the operation of the Transfer of Land Act should be exempted from the operation of the Bill. He would therefore move, That the following words be added: "*Land Transfer.*—Under 'The Transfer of Land Act, 1874,' and any Acts amending the same: (1.) Upon every consent to an application lodged on and after the 1st day of October,

"1881, whereby the consenting party relinquishes any estate or interest for valuable consideration. (2.) Upon every application to bring land under the Act by any person who has purchased such land without having paid the duty in respect of a conveyance or transfer thereof to him, unless such conveyance or transfer to him has been actually executed before the 1st October, 1881. (3.) Upon every transfer of land on a sale thereof which transfer has been lodged on and after the 1st October, 1881. For every £5 and also for any fractional part of £5 of the amount or value of the consideration, 6d."

The amendment was accepted without discussion.

Item—"Customs Forms:"

MR. STEERE pointed out that many of the forms contained in the Schedules here enumerated referred to goods imported duty free, and he thought the item should be amended in this respect. Some of the forms referred to were forms used by the Customs Department itself.

MR. MARMION said no doubt the clause as it now stood would be the source of a great deal of trouble and annoyance, far more so than the extent of revenue likely to be derived from the proposed stamp duties.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he would like some time to inquire into the matter, and would therefore move, That Progress be reported and leave given to sit again on the following day.

Agreed to.

Progress reported.

#### RAILWAYS ACT AMENDMENT

BILL, 1881.

Read a third time and passed.

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