

LEGISLATIVE COUNCIL,

Friday, 29th July, 1887.

Condition of Busselton Hospital—The late Mr. Ashton's duties—Errors in Blue Book returns—Telegraphic Messages Act, 1874, Amendment Bill: first reading—Return of number of Aborigines engaged in the Pearl Shell Fisheries—Prisoners Employment Bill: recommitment—Postage Stamp Ordinance Amendment Bill: in committee—Butterine Bill: second reading—Inquiry into Wrecks Bill: in committee—Quarantine Bill: second reading—Joint Stock Companies Fees Bill: second reading—Documentary Evidence Bill: in committee—Adjournment.

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

PRAYERS.

CONDITION OF BUSSELTON HOSPITAL.

MR. LAYMAN, in accordance with notice, asked the Colonial Secretary if it had been brought under the notice of the Government that the building used as a hospital at Busselton was in an unfit state for that purpose? And whether it was the intention of the Government to take steps either to erect a new, or make the necessary alterations and repairs to the old, building?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the Government, so far as he had been able to ascertain, had received no report on the matter particularised, and therefore no action had been taken.

THE LATE MR. ASHTON'S DUTIES.

MR. LAYMAN, in accordance with notice, asked the Colonial Secretary whether it was a fact, as had been stated in the House the other evening, that at the present time two clerks were employed to do the work formerly carried out by the late Edward Ashton at the General Post Office; and, if so, what amount of pay these two clerks were receiving?

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

1. Although Mr. Ashton did the work now performed by two clerks, a junior clerk was appointed to fill the post, provided for on Estimates for 1887, before Mr. Ashton died, showing the necessity for a second clerk.

2. The senior clerk now receives a salary of £250 a year, the junior £120 a year.

ERRORS IN THE BLUE BOOK RETURNS.

MR. HARPER, in accordance with notice, called attention to the misleading nature of some of the returns published in the Blue Book for 1886. In the first place, the hon. member said, the value placed upon some of the colony's principal exports were so exaggerated as to neutralise the value of these returns, which, in his opinion, ought to be as reliable and accurate as they could possibly be made. There was guano, for instance; the quantity given as having been exported was no doubt quite correct, but the value per ton placed on the article was, so far as he had been able to learn, certainly £2 per ton more than its real marketable value. This error alone produced an excess of £20,000 in the estimated value of our exports. The next item he would refer to was that of our principal staple export—wool. Wool, as hon. members were well aware, was divided into three classes—greasy, washed, and scoured; but they were all lumped together in the Blue Book, and the average value set against the wool exported from this colony was 1s. 1d. per lb., whereas he ventured to say that the average price realised for greasy wool—which was the description of wool chiefly exported—was not more than 7d. He thought that in future it would be better to classify the exports under this head into the three classes mentioned, and a separate value put upon each. This would enable us to see whether the custom was increasing of shipping the wool in grease or otherwise. No doubt if these returns were gone carefully through, other discrepancies would be found. But his principal object in moving in the matter was to impress upon the Government the necessity of collecting the returns of agricultural produce after, instead of before, the harvest, as was done at present. It was impossible to give anything like an accurate estimate of the yield before harvest, and he thought every facility should be afforded to obtain accurate information upon this subject. There was one kind of information omitted entirely from these returns—information which he thought it very desirable should be furnished. He referred to the quantity of land enclosed or fenced, each year. Fencing being regarded as a sign of pro-

gress, he thought it would be very useful if this information were in future obtained and published. He thought he had said sufficient to show that the Blue Book returns required revision; and, in order to bring the matter formally before the Government, he would move that an humble address be presented to His Excellency the Governor, praying that he will be pleased to take such steps as may be necessary to provide that the collection of the returns of agricultural produce for the Blue Book be undertaken after, instead of before, harvest, and that such returns from each district be published independently in the *Gazette*, as soon as possible after they were collated.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that as soon as he saw the hon. member's motion on the notice paper he communicated with the Collector of Customs, whose duty it was to collate the export returns for the Blue Book, and asked him to say whether he was sure that the returns were based upon reliable data. The reply he received from that officer was that for years past he had been guided, as to the value placed against wool, sandalwood, live stock, timber, pearls, pearlshells, and guano, etc., by the advice given to him by the Chamber of Commerce and others, who, by their experience in trade, were in a position to give reliable information. The Collector of Customs added that he took every possible precaution in obtaining trustworthy information as to the average value of these items, prior to constructing the returns; and that all the other items in the export returns were made up from the declared value of the export entries passed at the Customs. He thought himself it was true that a more careful classification might possibly be made in the direction indicated by the hon. member with regard to wool being divided into three classes; and, in future, if practicable, this might be done, if the weights were given, and the bales marked so as to render it possible to individualise the different classes of wool. Such a calculation as the hon. member contemplated might be interesting and well worth working out. But he believed himself that the Collector of Customs was fully satisfied with the course followed heretofore in calculating

his returns, and that the value placed upon the various articles was considered equitable by those who ought to know their true value. With regard to the hon. member's suggestion as to the preparation of agricultural returns after harvest, instead of before the grain was gathered, possibly these returns might be made more perfect. But, in all these matters they must be guided by the information furnished to them by the agriculturists themselves. But, unfortunately, the returns of the Blue Book had to be hastened so as to admit of the volume being published early in the year, for the information of the Colonial Office. This compilation was a work which he presumed would not be necessary when the colony entered upon another form of Government, as it would then be superseded by the Year Book, the first issue of which hon. members had seen this session.

MR. RICHARDSON said if it was the case that the Collector of Customs consulted the Chamber of Commerce as to the value of these exports, all he could say was that the advice given to him spoke very little of the knowledge possessed on the subject by that body. To estimate the value of wool, indiscriminately, at 1s. 1d., was obviously beyond the mark, when the bulk of the wool did not realise more than 7d., though the washed and scoured, of which, however, there was a comparatively small proportion, might realise an average of 1s. 3d. Pearl shells again—a very important article of export indeed. He noticed that the net average value of the exports under this head last year was set down at £138 per ton, which everybody, who had any practical acquaintance with the real value of pearl shells, must know to be a most fallacious estimate. The same might be said of other items. Guano, for instance, was palpably very much over-estimated. He did not suppose that at the port of discharge it was worth anything like the value put upon it by the Collector of Customs—£6 10s. per ton. With regard to the necessity of being more correct as regards the agricultural returns, and the necessity for compiling the Blue Book early in the year, he thought if the collection of these returns were put off until February, very possibly most of the harvest yield could be more accurately ascertained. As these returns only

occupied a very small space in the Blue Book, that portion of the volume might be held back until the last moment, so as to admit of these agricultural returns being included. He thought those who collected these statistics ought to require a declaration to be made by the farmers that the returns were true and faithful returns. Unless some such form were insisted upon, people became very loose and inaccurate in their returns, without any intention of falsifying them.

MR. MARMION said he had on more than one occasion, both in that House and outside, made allusion to the misleading character of the statements made in the Blue Book, which for all practical purposes he considered almost valueless; and it certainly surprised him to hear the Colonial Secretary stating that the Collector of Customs always made a point of referring for his information to the Chamber of Commerce, and others engaged in mercantile operations. The values given were not to be relied upon in the slightest degree, as regards many of the items. Horses, for instance, were put down at £13 per head. The principle that ought to guide us in assessing the value of our exports was the value, not in the market where it was intended to sell the article, but its value at the place of shipment; and they knew that horses were, on an average, not worth anything like £13 in this colony. Guano, again, which was put down at £6 10s. per ton, was altogether over-estimated. He would be willing to wager that if they could produce the account sales of those who exported this article, it would be found it did not realise a net value of more than £2 10s. per ton. This made a difference of about £40,000 in one item. Timber was put down in the Blue Book at £4 per load, and the estimated value of our exports under that head was £50,000. He was not a timber merchant, but he knew a little about timber, and he was perfectly certain that if they were to take the average returns of the amounts realised, it would not be more than £3 per load; so that they would have to deduct from £10,000 to £15,000 from that item. With regard to wool, he agreed with the hon. member for York that it was very desirable that the different classes of wool should be specified, and the respective value of each class

placed against it. If this had been done last year, they would have found a very considerable decrease in the value of this particular export. The average would not have been, at the outside, more than 9d. or 10d. per lb., taking into consideration the quantity of greasy and scoured exported. With regard to imports, there seemed to be no proper system with regard to establishing the approximate value of imported goods. Though there might be some difficulty in arriving at the value of exports, certainly there ought to be no difficulty in arriving at the value of imports.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): They are taken from the invoices.

MR. MARMION said that where the goods came under the *ad valorem* list it was easy enough to arrive at the amount; but the value of goods coming under the head of specific duties and goods that were free of duty could not be easily ascertained from the invoices; and there appeared to be no system whatever of arriving at the value of goods imported into the colony. It was his intention to return to this subject, and to insist that we should have some legislation on the subject—a course which appeared to him absolutely necessary, if we wished to have records worthy of any reliance.

MR. VENN thought the hon. member for Fremantle was a little out in his estimate as to the value of timber. With regard to the suggestion that farmers should be called upon to make a solemn declaration to the policeman who came round to collect these statistics, he thought that was rather too much to ask. For his own part he would be quite prepared to take a man's plain word on such a subject just as much as if he made a serious declaration, and he thought the returns furnished by our agriculturists might fairly be relied upon.

The motion was then put to the House and affirmed.

TELEGRAPHIC MESSAGES ACT, 1874, AMENDMENT BILL.

THE COMMISSIONER OF TITLES (Mr. J. C. H. James) moved the first reading of a bill to further amend and

extend "The Telegraphic Messages Act, 1874."

Motion agreed to.

Bill read a first time.

NATIVES EMPLOYED IN THE PEARL FISHERIES.

MR. RICHARDSON moved that an humble address be presented to His Excellency the Governor, praying that he will lay on the table of the House a return showing the number of aboriginal natives engaged in the pearl shell fisheries of this colony for the seasons 1884-5, 1885-6, and 1886-7, respectively; such return to be prepared and ready for inspection by the next proposed sitting of the Council, at the end of the present year.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that, so far as practicable, the returns asked for would be prepared, if such was the wish of the House.

The motion was agreed to.

PRISONERS EMPLOYMENT BILL.

On the order of the day for the third reading of this bill,

MR. PARKER moved that the order be discharged, and the bill recommitted. Agreed to.

IN COMMITTEE.

Clause 3 (reverted to):

MR. PARKER said it might be in the recollection of the House that this bill was a bill that repealed a clause in an old statute, the 12th Vic. No. 7, by which repealed clause the Governor was empowered to order prisoners sentenced to hard labor to be worked outside the prison walls, and, if necessary, to be worked in chains. That section was repealed by the present bill, and the 3rd clause was substituted in lieu of it, giving the keeper of a prison the power which under the old Act was vested in the Governor of the colony. It had struck him since the clause was passed that it would be better to place this power in the hands of the Inspector of Prisons, or the Resident Magistrate of the district. The Inspector could exercise the power in Perth, Fremantle, and Guildford; while

in the various country districts where there was a gaol, the Resident Magistrate might be allowed to exercise this power. He thought it would be seen that it would be better to place this power in the hands of these functionaries than in the hands of the gaolers themselves. He therefore proposed to submit an amendment in the 3rd clause to that effect. He also proposed to provide a further safeguard, as regards working prisoners in chains. He would require another order from the Inspector of Prisons, or the Resident Magistrate (as the case might be) before a prisoner who had been ordered to work on the roads could be so worked in chains. In order to carry this out he had to move that the words "keeper of the prison in which he shall be then confined," in the 4th and 5th lines, be struck out, and the words "Inspector of Prisons or a Resident Magistrate" inserted in lieu thereof; also that the words "by the further order of such Inspector or of a Resident Magistrate" be inserted between the words "may" and "be," in the 13th line.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he felt very much indebted to the hon. member for Perth for the careful consideration he had given to this bill, and he was inclined to agree in principle with his proposed amendment. Indeed, he might say, he was prepared to accept the amendment, which he believed would meet with general favor.

MR. HENSMAN said he certainly should not oppose the amendment, for it would be inconsistent on his part to oppose anything that would tend to make the bill less obnoxious. He still, however, preferred the old Act, which gave the Governor—the supreme authority—the power to make these orders. The bill was simply brought in to enable aboriginal prisoners to be worked in chains, under color of a general clause, dealing with all prisoners; and, as there was power already given to the Governor, under the Aborigines Protection Act, to make rules and orders for the safe custody of native prisoners, and the mode of working them, the bill was in reality unnecessary.

The amendment was agreed to, and the clause, as amended, ordered to stand part of the bill.

Bill to be reported on a future day.

POSTAGE STAMP ORDINANCE AMENDMENT BILL.

The House went into committee to consider this bill in detail.

Clause 1.—“That if any person shall “forge or counterfeit, or cause or procure to be forged or counterfeited, any “die, plate, or other instrument, or any “part of any die, plate, or other instrument which hath been or shall or “may be provided, made, or used by or “under the direction of any competent “person, authority, department, or Government in or of the United Kingdom or “any of its dependencies, India, or any “foreign country or state “such person shall, upon conviction, be “adjudged guilty of felony, and shall be “liable, at the discretion of the Court, to “be kept in penal servitude for any term “not less than seven years, or be imprisoned for a term not exceeding four “years, nor less than two years, with or “without hard labor, as the Court shall “award.”

MR. HENSMAN asked what was the meaning of the words die, plate, or instrument made or used by, or under the direction of, any “competent person?” He presumed that anyone who was competent to make a die or a plate must be a “competent person;” and, if so, where did the crime come in? It seemed to him they were manufacturing crime in this colony during the present session at a surprising rate. He did not know where this long clause was copied from, but he thought the sooner these words “competent person” were eliminated the better.

THE COMMISSIONER OF TITLES (Mr. J. C. H. James) submitted that the word “competent” in this connection meant “authorised.” It did not refer to a person who by his skill was competent to make a die, but a person who, by virtue of his position, was entitled or authorised to have dies or plates made for the purpose of manufacturing these stamps.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the expression which the hon. and learned member cavilled at was an expression that had been in use in an English Act of Parliament for over a quarter of a century, but, of course, being introduced in a Government bill in that House, the hon. and learned member must oppose it. The hon. and learned

member reminded him of the Irishman, who, upon landing in America, asked whether there was a Government in that country, for, if there was, he was against it. Men of narrow minds often gave a limited interpretation to a word, and can see no meaning in it but that which they themselves give to it. The word “competent” had different meanings. In that House the only gentleman “competent” to occupy the Speaker’s chair was the Speaker; the only member “competent” to preside over the proceedings of the House in committee was the Chairman of Committees. It meant a person authorised, and not a person skilled, to make these dies and plates; and, to the ordinary mind, no other meaning would have suggested itself. But the mind of the hon. and learned member for Greenough was not an ordinary mind. The hon. member was an extraordinary man altogether.

MR. HENSMAN said he should have preferred the words “lawfully authorised” to the word “competent,” if that was the meaning of the word. He had merely suggested that the expression was exceedingly vague. With regard to the punishment, he thought the term of imprisonment should be not exceeding “two” years, and not “four” years. In England, at present, the greatest punishment by way of imprisonment was two years; beyond that term it was penal servitude.

THE ATTORNEY GENERAL (Hon. C. N. Warton): If the hon. member will move to reduce it, I will then give him the reason why the clause is worded as it is. Unless the hon. member is prepared to submit an amendment, there is nothing to answer.

MR. HENSMAN said it was merely a friendly suggestion; he had no intention of moving any amendment.

The clause was then put and passed.

The remaining clauses were agreed to *sub silentio*.

BUTTERINE BILL.

MR. HARPER, in accordance with notice, moved the second reading of a bill to regulate the sale of butterine and like substances. The hon. member said although the manufacture of butterine did not date back many years, it was already

becoming an important article of commerce, and was largely consumed. Its principal component part, he believed, consisted of animal fat, and the manufacturers of it claimed that it was a pure and wholesome article of food. But he found, on reference to the patent laws of America, where butterine was extensively manufactured—laws which rendered it necessary to register the component parts of a manufactured article—that some fifty or sixty substances entered into the composition of butterine. The dairy people, who opposed the manufacture of the rival article in America, had found their industry seriously handicapped and undermined by it, and had found it necessary to have recourse to protective legislation. They first began by introducing laws regulating the sale of it in separate States, and from the official reports to hand recently it appeared that the consumption this year had fallen 10 per cent.; but it was still largely consumed. The price of butterine was something about half that at which butter could be produced, therefore its introduction into the market had a very injurious effect upon the dairy interest. The use, and he might say the abuse of it, had extended over some portions of Europe, and in all these countries he believed that measures had been introduced regulating its sale. The Act in force in France was an extremely stringent one, and afforded strong protection to the dairy industry. He might be allowed to read some of the clauses of the bill which the French Senate had recently passed:

“Clause 1.—It is forbidden to expose “for sale, to sell, to import or export “under the name of butter, margarine, “oleomargarine, or any substance intended as a substitute for butter, as well “as any mixture of margarine, fat, oil, “or other substances with butter, no “matter how small the proportion of the “mixture may be.”

“Clause 2.—Any person intentionally “infringing this regulation will be liable “to a term of imprisonment ranging from “six days to six months, and to a fine of “from 50f. to 3,000f. Any person selling “such substances shall be held to have “done so intentionally, unless he can “give the name of the person from whom “he obtained them.”

“Clause 3.—The substances or mixtures fraudulently offered for sale, sold, “imported, or exported, which have “remained in the possession of the delinquent shall be confiscated.”

“Clause 4.—The tribunals will be empowered to order that the convictions “obtained shall be published in full or “in part, in the local papers, and also be “placarded in the market of the town “where the fraud was committed, as well “as upon the doors of the house and “shop of the delinquent—the whole at “his expense.”

“Clause 5.—Should a second conviction “be obtained within twelve months, the “maximum fine shall be inflicted.”

Hon. members would see from the stringency of these clauses how necessary it had been found in other countries to legislate to control the sale of these bogus mixtures. In England, last year, a bill was introduced in the House of Lords dealing with the same thing, but it failed to become law. This year two other bills had been introduced, in the House of Commons; but so great was the influence of those who had a vested interest in the butterine trade that a strong opposition was shown to the bills, and the subject had to be referred to a select committee. Those who were interested in the trade had gone so far as to establish a Butterine Defence Fund, and several of them had put their names down for £1,000 each towards the fund—showing the extent which the industry grew to, if allowed to go unchecked. A small trade in butterine was done in this colony, but, as yet, the interests of our dairymen were not much affected by the sale of any of these bogus compositions. It was better, however, he thought, that we should be prepared to cope with the evil rather than wait until it had taken root in the land. Everyone must feel that there at present was a great lack of dairy produce in this colony, owing, to some extent, to climatic causes. Fortunately modern experience and discoveries had proved that, by a process known as ensilage, the difficulty of providing fodder for cattle all the year round had been almost entirely overcome. He found that, in portions of America, ensilage was altering the whole character of the dairy business, and giving the industry an enormous impetus. It had been proved there that, with ensilage,

dairying could be carried on, irrespective of climate; and he hoped the time might come when our own farmers would be able to make their dairy produce all the year round. Therefore, he thought it would be better to take time by the forelock, and endeavor to protect our dairies from being harassed by the parasitical influence of such ingredients as butterine. The bill itself was a short one, but he trusted it would be found quite sufficient to meet the case, where the manufacture of these substances had not taken root. The only butterine that came to this market now was that manufactured in the other colonies, but he thought it was only fair that our farmers should be protected. The bill did not prohibit the importation of butterine, nor its sale; but it proposed to inflict a penalty upon any person who knowingly offered it for sale as genuine butter. He hoped the bill would commend itself to the House.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought that one of the most important—perhaps the most important—industry of the country was the agricultural interest, and that it was their duty to do all they could to foster and develop it. People wanted good honest butter, and, if they did not get it, they wanted to know what they were buying and what they were paying for, which appeared to be the object of the little bill now before the House. He almost wished the bill had gone to the extent which legislation on the same subject had gone to in France. He thought the French plan, referred to by the hon. member in charge of the bill, an excellent plan—that the convictions of fraudulent tradesmen should be placarded on their shop doors. With regard to the component parts of butterine, he had heard Dr. Lyon Playfair defending both butterine and oleo-margarine on the ground that he could not, as a chemist, find a chemical difference between pure butter and butter made of good animal fat. It struck him at the time when he heard this statement that, although there was no chemical difference between a bit of coal and a diamond, there was a very great difference in their value. So there was between butter and butterine. The latter being much cheaper than the former drove good genuine butter out of the market, and, as it was not worth more than about

one-third what was charged for it, the public were not only defrauded in their pockets but also in what they consumed. Of course if people liked to have butterine, let them buy it, but let it be sold to them as such; and if they preferred pure butter let them have pure butter. He might be allowed to point out two very small defects in the bill. He noticed that Clause 1 made it an offence to offer for sale, under the name of butter, any substance such as butterine, or any mixture of margarine, fat, oil, "or other substances," no matter how small the proportion of the mixture may be. They all knew that occasionally a small quantity of salt was mixed with butter, and the least admixture of salt would, under the clause as now worded, be fatal. The words "or other substances" would require to be modified. The second clause recited certain substances which might be sold as a substitute for butter, provided the person selling them informed the purchaser that the substance sold to him was not butter. He noticed that the latter portion of the clause in reciting these substances added another substance, "animal fat," which was not mentioned in the first part of the clause. These were very slight defects, which might be remedied in committee, and he had much pleasure in supporting the motion for the second reading. He supported it in the interests of producers as well as in the interests of consumers.

MR. MARMION, while sympathising with the object in view, and agreeing with very much that had fallen from the Attorney General, thought the bill as at present drawn would scarcely attain the desired end, without some material alteration. He did not know whether it was intended to make it refer to Western Australian productions or to foreign importations. If intended to refer to importations, he fancied he observed a blot in the bill. For instance, those who had anything to do with trade in articles of this kind, imported from the other colonies, were aware that the practice was this: storekeepers here sent their orders to merchants or dealers in the other colonies to send them so many kegs of butter. This would come invoiced to them as butter, and they paid for it as butter, and it was sold by them to their customers here

as butter; although at the same time it might be butterine, or any of these other bogus substances. The storekeeper, without knowing it, would be exposing for sale as genuine butter that which might turn out to be something else. He could not inform the purchaser that it was not butter, being innocent of the fraud himself. In this way a man might unwittingly expose himself to a penalty. He took it that the intention of the bill was to punish those who knowingly sold any of these mixtures as butter; but, as the bill now stood, he was afraid they would not be able to reach those who *bona fide* imported the article as butter, and who had paid for it as such. He did not think there was much likelihood in this colony, for many years to come, that local producers would substitute butterine for butter; and he was afraid the Act would fail to meet the object it was intended for, unless it was considerably altered in committee.

Mr. RICHARDSON said there was this remedy for the difficulty pointed out by the hon. member for Fremantle: if the storekeeper who innocently received butterine for butter, and sold it as such, should happen to be detected, he would not, being innocent, be mulcted in any sum more than a nominal amount, but, if cautioned, and he continued to sell the same bogus article as genuine butter, he would render himself liable to a severe punishment. In any case he would not be punished until he was found out, and, if he could prove his innocence, his punishment would be a mere nominal one.

Mr. VENN said it appeared to him that the trouble would be to prove whether the article was butter or butterine. They had heard that evening that one of the greatest chemical authorities in the world, Dr. Lyon Playfair, said he could not detect the difference between butterine and butter; and how were we going to prove that an article sold as butter was not butter? And if it could not be proved, how were they going to put this Act in force?

THE ATTORNEY GENERAL (Hon. C. N. Warton) explained that what Dr. Lyon Playfair had said was that the chemical constituents were the same; but it did not follow that the two articles were not otherwise distinguishable.

Mr. SCOTT said there was no difficulty whatever in chemically distinguishing the difference between butter and butterine. If examined with a microscope, or chemically analysed, it would be perfectly easy to differentiate them. He thought what Dr. Playfair may have meant was that many of the oily matters with which butterine, and even butter was sometimes mixed, were not necessarily inimical to the human constitution. He thought the bill was a step in the right direction so far as it went; but he was not certain they were not putting the cart before the horse. Last year, and in the course of the previous session, he called attention to the desirability of having a Public Analyst appointed; and he thought before a bill of this kind could be made of any material benefit to the community, it would be absolutely necessary that such a functionary should be appointed. He agreed that it was very necessary our dairy farmers should be protected in every possible way. But he would point out that butter was not the only article which they had adulterated. They had spirits, for instance, which were adulterated, and sold with impunity, and which did a great deal more harm than adulterated butter; and he should like to see this bill going a great deal further, and include in its provisions all articles of food or drink containing anything injurious to health. He did not think we could be too severe upon people who defrauded the public by selling them these adulterated articles; and he hoped the time was not far distant when we shall have a Public Analyst to protect the public from such impositions.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he understood the object of the bill was to ensure that the substance known as butterine, and other similar substances, should be sold as such, and not palmed off upon an unsuspecting purchaser as genuine butter. It appeared to him that the bill went far enough to ensure the attainment of that object. As to a Public Analyst, a gentleman had already been appointed to discharge the duties of analyst—Dr. Tratman, of Guildford, who, he believed, was an experienced and qualified gentleman; and all necessary analyses required for public purposes would be submitted to him for his report.

With regard to butterine, he noticed whilst in England recently that all respectable shopkeepers exhibited it for sale as such, and under its proper name; and he took it that was the main object of the present bill. He quite sympathised with the intention of the mover of the bill, and that it was desirable we should encourage and protect in every possible way the dairying industry of the colony; and he trusted that the House, with the view of encouraging honest dairying and honest trading, would support the bill, although perhaps it did not carry out all that some members might desire. It was at any rate a step in the right direction, and as such it was worthy of their favorable consideration.

MR. HENSMAN said one object of the bill, it had been stated, was to prevent customers being imposed upon, and another object was to protect the dairying industry. If the object of the bill was to protect customers from being defrauded, no one could object to it, although he would point out that the bill went only a very small step in that direction. But if the object of the bill was to protect persons engaged in dairying operations, by prohibiting the sale of a cheaper but healthy article of consumption, he should most strenuously oppose it. As to protecting the public from adulterations, he might remind the House that some few years ago, in amending the Wines, Beer, and Spirits Sale Act, the House provided for the appointment of a Public Analyst, who should have power to analyse spirituous liquors, and, if found impure, to fine the person who sold them; and, he believed, everyone would agree that, if this were carried out, it would be a very good thing. He had been surprised to think that no effort had been made by the Government, or any attempt made by that House to induce the Government, to appoint a Public Analyst under that Act, which he believed would prove very beneficial, in many respects, and possibly add considerably to the revenue. He thought if a general Act dealing with all articles of food were passed, and some person were appointed officially to deal with adulterated articles, such an Act would be most useful. As to butterine, he believed himself that, properly made, it was a perfectly healthy thing. It was simply another form of animal fat, mixed

with milk; and if a person preferred to take his milk or his cream in that form, he did not see why he should not have it. For his own part, if honestly made, he should prefer butterine to rancid salt butter; and he was not aware that there was in this colony such an ample supply of fresh butter that they ought to endeavor to keep out a good substitute for it. Many a person—if he might be allowed to refer to the Attorney General's simile—who might not be able to afford to purchase a diamond might be able to purchase a lump of coal. If he thought that the object of the bill was to keep out of the colony, in order to protect persons engaged in dairy farming, any cheaper but healthy article of food, he should most strenuously oppose the bill. He was quite willing to encourage local industries, if it could be done in a proper and legitimate way, but not by keeping out necessary articles of food. But if the object of the bill was to prevent customers being imposed upon—[MR. HARPER: That is the only object of it]. Then there was this difficulty: butterine contained a considerable quantity of other substances, margarine and oleomargarine, and it was almost impossible to separate them. It would also be necessary to provide that those who innocently received butterine in the course of their business should not be punished. On the whole, he was inclined to think that if the bill passed it would lead to very little alteration. He thought it was a pity that the Public Health Act, which dealt with certain adulterated articles, did not extend to such articles as this bill dealt with, and that we had not a skilful analyst, to assist in protecting the public.

MR. PARKER said if the hon. member would only read the bill he would see it was not a bill to protect the farmer. It simply provided that if people imported and sold butterine as butter, they would be liable to a penalty. It did not prohibit them from selling it as butterine, or from selling any of the other substances enumerated in the bill, so long as they informed their purchasers what they were selling them. He did not see how the provisions of the present bill could have been incorporated in the Public Health Act. That Act dealt with unwholesome and adulterated articles, injurious to the public health, whereas he understood

butterine was a perfectly wholesome and innocuous substance. All the bill proposed doing was to prevent tradesmen from imposing upon the public and defrauding them by selling them a cheap article at the price of the genuine article. No doubt it would be wise to have a general Act and to have a Public Analyst; but he thought they ought not to cavil at an hon. member who proposed to deal with one particular subject to which his attention had probably been drawn. If it was only a modicum of that legislation which they desired to see adopted, he thought it was worthy of support, and that the bill was a very good bill in itself.

MR. HARPER, replying to the remarks of the hon. member for Greenough, said as to the difficulty of detecting the difference between butterine and butter, it was one of the simplest things in life. The constituent parts of butterine, if heated, would separate themselves; whereas butter if heated would simply melt and become oil. Another simple test was to place the substance on a hot iron; if it emitted a smell it was butterine; if it did not emit a smell it was butter. As to butterine being wholesome food, and preferable to salt butter, that of course depended on how it was made. With regard to the objections of the hon. member for Fremantle as to the hardship in the case of an innocent dealer, he thought if dealers knew that they were liable to a penalty they would take care to go to the trouble of testing the article before offering it for sale, so that there would be no excuse then for their innocence. He should be happy, however, to accept any suggestions with the view of improving the bill, in committee.

The motion for the second reading was then agreed to.

INQUIRY INTO WRECKS BILL.

This bill passed through committee *sub silentio*.

QUARANTINE BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of a bill to amend the law respecting quarantine, said that in framing the bill he had endeavored as far as possible to steer a middle course between

two difficulties,—and he confessed there were difficulties in this matter. He was quite sure the House would give him their best assistance in solving these two difficulties, when he explained them. It very often happened that people came to the colony, as immigrants or otherwise, and they were sometimes detained in quarantine. It must be obvious that these people would be very differently situated as to their means,—some might be very poor indeed, some might have a little, and some might have more; and when they found themselves unexpectedly detained, perhaps for a considerable time, in quarantine, they found that this unexpected detention entailed a considerable amount of expense, which some of them could ill spare, and which others could not spare at all. Therefore we had to consider what was right to be done in the interests of the colony. These were the two difficulties he had referred to. On the one hand, it would not be fair to the parties detained that they should incur expense more than was absolutely necessary; on the other hand, we had to consider the position of those who could not afford to incur any expense. He did not suppose that anyone would advocate that these poor people should starve. The present bill was introduced to meet these emergencies. In it he had carefully striven that the colony should not be burdened with any unnecessary expense in maintaining and in providing medical attendance for those detained in quarantine; and, on the other hand, he had endeavored to provide that the fair fame of the colony should not be blotted by any undue neglect on our part. It seemed to him that one way to avoid expense to the colony would be to throw as much of the liability as we fairly could upon the shipowner; and the first clause of the bill rendered the owners or agents of any vessel detained in quarantine liable in respect of the medical services provided for any of the passengers or crew. The next clause made the owners or agents liable in respect of all necessary provisions and medicines required by the quarantined persons; and the third clause made them liable for any charges incurred in respect to pilotage, or from towing the vessel from one part of the harbor to another. He now came to the case of

persons detained in quarantine on land, or in any vessel other than that in which they were passengers to the colony. If they had any expectation of being able to repay the expenses incurred they would have to sign a declaration, engaging to pay the amount to the Colonial Treasurer; or, if they were too poor, and had no prospects of being able, within a year, to repay the cost of their support, they would make a declaration accordingly. Those who had ample means to maintain themselves and those dependent on them, and who did not make a declaration to the contrary, these persons would have to pay for their support. He thought it would be acknowledged that the bill sought to provide for all classes of persons.

MR. SHENTON said he took exception to the first three clauses of the bill, dealing with the liability of shipowners. He did not do so as a shipowner, for he was quite sure that shipowners would take care to protect themselves, if the bill came into force. He did so on these grounds: if the bill passed in its present shape the colony would be put to a much larger expense in connection with quarantine than it was put to at present, or that he thought it had a right to be put to. If the bill were to become law as it now stood, no shipowner would tender to convey passengers to this colony with these penal clauses staring them in the face, unless they previously protected themselves under their charter party. He was aware of the reason which had induced the Government to bring in the bill: it was the case of the *Elderslie*. But that was an exceptional case; and he thought if proper precautions had been taken in that instance, this colony would not have been put to such an expense. If the infected passengers had been removed from the vessel immediately, and placed in quarantine ashore, the vessel would have been granted pratique. He was aware that this question of quarantine was a very difficult matter to deal with; but he thought the time had hardly arrived when we should place so stringent an enactment as this upon the statute book; and, so far as he was concerned, he should certainly record his vote against the bill in its present form.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) drew attention to the fact

that, in addition to the large sum voted on the general Estimates, for quarantine expenditure, there was a further sum of £2,500 on the Supplementary Estimates; and he thought perhaps it would have been as well that the House should have been called upon to deal with that heavy item before approaching the consideration of this bill. Hon. members would then have seen how necessary it was that the safeguards afforded by the present bill for the protection of the revenue should be provided. It had been said by the hon. member for Toodyay that the *Elderslie* incident was an unforeseen and exceptional occurrence, and that some of the expense incurred might have been avoided. But he would ask the House to reflect that to maintain a quarantine establishment capable of accommodating the passengers by any of these large steamers that now periodically visited our shores would be a very costly affair. The colony had gone to a certain amount of expense in providing a quarantine station at Albany, with a small staff attached, and also at Fremantle; but they were only intended to meet ordinary cases, and would afford nothing like adequate accommodation for the number of immigrants that came by these large vessels. It had been said more than once in that House recently that immigration and public works must go on if the colony was to go ahead; and, as a shipload of immigrants might at any moment be subjected to quarantine, he thought the revenue of the colony ought to be protected as much as possible. Hon. members, he knew, were anxious that the colony should not be saddled with such charges as they were called upon to meet in connection with the *Elderslie*, and which they were liable to be called upon to meet again at any moment. Although objection might perhaps be taken to the wording of some of the clauses, that could be dealt with in committee. He thought if there was one measure brought before the House this session which more than another had personally his full concurrence and support it was the bill now before them, which had been brought in simply in the interests of the colony, to protect the revenue; and he hoped the principle of the bill would meet with the approbation of the House, generally.

MR. SCOTT said he agreed with the

principle of the bill. Whatever might be said about the details of the bill, its principle was a perfectly right principle. He believed we could not make the provisions too strict with regard to ships coming here with passengers. The captains of these vessels ought to take care that those whom they took on board were free from all infectious disease: if they took that precaution, they were not likely to be affected by the present bill. If they found they were permitted to come here with impunity, and land their passengers whether they had infectious disease on board or not, the colony might be put to a great deal of unnecessary expense. He thought the ship should at all events bear some proportion, and a very serious proportion, if not all, of the expense. He believed that in the other colonies and elsewhere that was the case. Agents of ships were only too ready to do all they could for the comfort of their passengers when sickness broke out; and he thought the present bill was a move in the right direction.

Motion for second reading agreed to.

JOINT STOCK COMPANIES FEES BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of this bill, said no doubt hon. members in looking at the Supplementary Estimates, under the head of "Judicial Department," had noticed an item of £6 13s. 4d. for the Registrar of the Supreme Court, which was one-third of the sum of £20 to be paid to the Registrar in consideration of his relinquishing certain fees in connection with the registration of joint stock companies. These fees had been paid for years to the Colonial Treasurer; but the Registrar, after he had received a certain increment to his salary recently, discovered that the fees were legally payable to him and not to the Treasurer. The question then arose what was a fair thing to do, under the circumstances. Of course the Registrar claimed what he conceived to be due to him; and, the matter being considered of some importance, was referred Home, and it was thought fair by the Home authorities that half should be paid to the Registrar, upon the understanding that he should for the future have £20 a year in lieu of these fees. The new arrangement would begin from the 1st September, this year,

and provision was made on the Supplementary Estimates for the payment of a portion of the £20 for the current year. The object of the bill was to carry out the instructions received from Home, and he trusted the bill would meet with the approbation of the House.

Bill read a second time.

DOCUMENTARY EVIDENCE BILL.

The House went into committee upon this bill.

Clause 1.—Short title:

Agreed to.

Clause 2.—"That the provisions of the "second sub-section of the second section, "and of the first sub-section of the fourth "section of the said Imperial Act shall "apply not only to such proclamations, "orders, or regulations as are printed "under the authority of the Legislature "of this colony, but also to all proclama- "tions, orders, regulations, and notices "made or issued by the Governor under "authority possessed by him, whether "such proclamations, orders, regulations, "and notices be or be not printed and "published in the *Government Gazette*:"

MR. HENSMAH hoped the Attorney General was satisfied that the Imperial Act referred to—the Documentary Evidence Act, 1868—was in force in this colony; he was not so himself. He understood the object of the bill was merely to enable a person, if there was occasion, to give evidence in a court of justice of the mere fact of a proclamation, order, or regulation made by the Governor, having been made, without producing the proclamation or order. He presumed it was not intended to give these documents any validity more than they already possessed under the law of evidence.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the main object of the bill was this: when persons sought to give evidence of certain orders or proclamations having been issued, and there was difficulty in getting such evidence, they should know the right persons to go to, to obtain what they wanted. For instance, the certifying officer for the Legislative Council was the Clerk or the Clerk Assistant; the certifying officer for the Colonial Secretary's office was the Colonial Secretary himself, or the Assistant Colonial Secretary, or the chief clerk,—and so on throughout the various depart-

ments of the public service, all of which were provided for in the schedule attached to the bill. The certifying officer in the case of any board constituted under any Act in force in the colony would be the chairman or the secretary of the board. The bill followed out the spirit of the Imperial Act. When these documents were authenticated they became evidence. That was the whole object of the bill. It in no way affected the validity of these documents under the law of evidence.

The clause was then put and passed.

The remaining clauses were agreed to without comment.

Bill reported.

PROCEDURE IN COMMITTEE.

THE CHAIRMAN OF COMMITTEES said he wished to call the attention of hon. members to a point of procedure. The Attorney General, on more than one occasion during the session, had objected to the hon. member for Greenough making any comments upon a clause in a bill without moving an amendment in the clause. He was aware that was the practice in the House of Commons, where only the number of the clause was read; but, here, the practice hitherto had been to read the clause itself, and to put it to the committee, so that members were at liberty to address themselves to the clause generally, without submitting any amendment. In the House of Commons, where only the number of a clause was read, there was virtually nothing before the committee, and a member could not address himself to the clause without moving an amendment. He thought it would be very desirable that we should adopt the procedure of the House of Commons here; but he had no wish to introduce the practice without giving members an opportunity of realising the change. In future, however, the numbers of the clauses only would be read, so that when a member had any objection to make he should move an amendment.

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

LEGISLATIVE COUNCIL,

Monday, 1st August, 1887.

Construction of Eucla Jetty—Tomb and Railing for Grave of the late Speaker—Water Supply for Carnarvon—Cost of irrigation works at Government Gardens—Lease of Abrolhos Islands—Water Supply for Cossack—Return Tickets on Eastern Railway—Deepening of Taggs Channel at Carnarvon—Tenders for completion new Government Offices at Perth—Claim of John Egan against the Government (Egan v. Phillips)—Message (No. 21): Mrs. Ashton's and Mrs. Smith's Gratuities—Message (No. 22): Life Assurance Companies—Message (No. 23): Blue Book returns of Agricultural Produce—Message (No. 24): Number of natives engaged in Pearl Shell Fisheries—Message (No. 25): Harbor Works, Fremantle, and Sir John Cooke's report—Mr. Charles Hall's claim to £5,000 reward for discovery of Kimberley goldfield—Cost of Imperial Convicts—Improvements of the Bar at the mouth of Swan River—Reward for discovery of a payable Coalfield: Adjourned debate—Bills of Sale Act, 1879, Amendment Bill: second reading—Prisoners Employment Bill: third reading—Inquiries into Wrecks Bill: third reading—Documentary Evidence Bill: third reading—Adjournment.

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

PRAYERS.

CONSTRUCTION OF EUCLA JETTY.

SIR T. COCKBURN-CAMPBELL asked the Director of Public Works what steps the Government proposed to take for carrying out the work of jetty construction at Eucla, funds for which were provided in the last Loan Schedule?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied: No steps have as yet been taken towards carrying out the work of jetty construction at Eucla, for which funds were provided in the schedule of the Loan Act, 1884. Among the residents of the district there seems to exist an opinion that this jetty would be of little or no value, and a petition was sent to His Excellency the Governor, praying that the money appropriated in the Loan Schedule, 1884, for this purpose might be diverted to more useful purposes in the district. The petitioners were, however, informed that this could not be done without the assent of the Legislative Council.

TOMB AND RAILING FOR GRAVE OF THE LATE SPEAKER.

Mr. SHENTON asked the Director of Public Works what steps had been taken to provide the tomb and railing for the grave of the late Speaker of the House (Sir L. S. Leake)?