

visions of the Bill itself. He also thought that provision should be made for the removal of persons misconducting themselves at the polling place, as in the English Act, and likewise for the punishment of persons defacing nomination papers. He failed to see why this latter provision had been omitted in the 18th clause, which defined the offences punishable under the Bill. Another most important omission was that no penal provision was made to ensure secrecy on the part of the returning officers, the scrutineers, or the police who were allowed to be inside the polling place when the votes were being recorded. The English Act provided for the summary conviction and imprisonment of any person disclosing any information connected with the voting, and the same provision should be made here. Some provision should also be made in the event of a candidate wishing to withdraw from a contest at the eleventh hour, and for intimating the fact of his having withdrawn to the various presiding officers throughout the district, which in some instances might render an election unnecessary. He did not think the country should be put to the expense of polling when there was no necessity for it. No doubt there were difficulties in the way of providing for such a contingency, but the question was one which should receive consideration. Another omission he noticed in the Bill, was that no provision was made for illiterate voters, who could neither read nor write, recording their votes in secrecy. It might be a matter of opinion whether such a man should be allowed to vote at all, but so long as these persons were not excluded from the exercise of the franchise, some means ought to be provided for them to record their votes. Regard being had to the necessity for making the provisions which he had alluded to, and for otherwise modifying the details of the Bill, he thought the best course to adopt would be to refer it to a select committee.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): I would ask hon. members to consider whether there really exists any necessity for referring the Bill to a select committee. I know the House is very fond of these select committees, but really I do not see why we are not as able to deliberate upon this question in

committee of the whole, as a select committee would be. All the hon. member has assigned for moving that we should adopt the course which he recommends is that there are various points with regard to which the Bill requires amending. I have listened with great pleasure to the hon. member's speech, and I am perfectly willing to admit that several of his suggestions are very important, and I shall be happy to fall in with them. His criticism is very just, and the points he has raised are well worthy of being considered. But why, I should like to know, is a select committee regarded as more competent to deal with such questions than a committee of the whole House? I think it would be far more expedient to adopt the latter course, and I shall therefore move that the Bill be considered in committee of the whole on Monday next, or, if the House wishes it, I shall be perfectly ready to appoint a more distant date.

MR. PADBURY thought the House was quite as competent to deal with the Bill as a select committee, and he would oppose the amendment.

The amendment was negatived, and the Bill ordered to be considered in committee of the whole Council on Monday, July 23.

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

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## LEGISLATIVE COUNCIL,

*Wednesday, 18th July, 1877.*

Prevention of spread of Rabbits: select committee—  
Inquest relative to the death of John Burns—Police  
Force, Perth district: return asked for—Eucla  
Telegraph Line—Floating Dock at Fremantle.

THE SPEAKER took the chair at 7 o'clock p.m.

PRAYERS.

PREVENTION OF SPREAD OF RABBITS.

SIR T. COCKBURN-CAMPBELL moved for a select committee to consider the advisability of presenting an address to His Excellency the Governor, request-

ing him to bring in a Bill for the prevention of the spread of rabbits. The hon. baronet said he meant wild rabbits, and it might be considered rather premature at present to move for such a committee, for, so far as he knew, there were no rabbits in a wild state on the mainland, and very few in a domesticated state. But his object was, by timely interference, to prevent the spread of these animals and avoid the distress and ruin caused by them in the other Colonies. The extent of the devastation created by wild rabbits in those provinces might be gathered from the fact that on one of their stations at Colac (in Victoria), the Messrs. Robertson had paid as much as £10,000 for the destruction of rabbits which infested the property. In New Zealand, he read of 20,000 of these rodents being destroyed in one year, and, in one district in Tasmania, over 100,000. Hon. members would therefore see the necessity of preventing the spread of such a plague in this Colony. He had no wish to legislate, or to interfere in any way, against keeping rabbits in a domesticated state, but simply to prevent their becoming a nuisance in a wild condition. A Bill having this object in view had been introduced by the Legislature in Queensland this year, and it was thrown out on account of there being no wild rabbits at the present time in the Colony. But he had noticed that the *Brisbane Courier* strongly animadverted on the action of the House in postponing legislation until the nuisance had gained ground, arguing very properly that timely prevention would be better than waiting until the cure became necessary. He did not propose that the provisions of the contemplated measure should extend to the islands adjacent to the mainland, where rabbits might, without creating any serious devastation or distress, be a source of amusement and sport; the Bill would only apply to the mainland, and he hoped the House would agree to the motion for a select committee.

MR. BROWN seconded the motion, which was adopted, without discussion.

#### THE CASE OF BURNS AND THE POLICE.

MR. RANDELL, in accordance with notice, asked the Attorney General, as

public prosecutor, whether any steps had been taken to further inquire into the cause of death of the man Burns, upon whom a coroner's inquest was lately held, and a verdict returned that the man "died from injuries received while in the custody of the police." The mover said the case alluded to would be fresh in the memory of most hon. members,—at any rate those who had read the report of the proceedings in the local newspapers; and it occurred to him that as member for the city in which the death took place it was incumbent upon him to ask the question which stood in his name. A very general feeling seemed to prevail in Perth,—amongst all classes of people, he might say,—that further inquiry should be made into the circumstances which had led to the death of the man referred to; and although a section of the press had strongly animadverted upon the case, no response had been elicited from the Government. There seemed to be a good deal of mystery about the affair. The report which had appeared of the case in one newspaper had been challenged as unreliable, and certainly no one could gather any consistent statement of facts from the report alluded to. Personally, he had formed no conclusion with respect to the matter, but, as he had already said, there existed a general feeling abroad that an act of injustice had been done, and no attempt—no real, earnest attempt—to remove that impression, by any further steps being taken in the matter, had been made by the Government. It appeared that a coroner's inquiry was held into the circumstances attendant upon Burns' death, and certain evidence bearing upon the issue was taken before a jury, who, after due consideration, returned a verdict that the man died from injuries received while in the custody of the police, which verdict, as had been pointed out by the press, amounted in plain English to a charge of manslaughter. He believed the usual course adopted in such cases was to forward the depositions to the Attorney General, the public prosecutor, in order that a warrant should issue for the apprehension of the person incriminated. That course, for some reason or other, seemed to have been departed from in the present instance, and, so far as the public were concerned, they were in

ignorance as to the result of the verdict given by the coroner's jury, and as to whether any further steps had been taken by the Government with a view to exonerate or implicate the police. He did not stand there to say that, if such further inquiry had been instituted, it would have confirmed the imputation of manslaughter, but he did think that, in the interests of justice, and for the satisfaction of the public, some additional steps should be taken in the matter by the authorities. He was not even prepared to say that no further steps had been taken, but the result at any rate had not been made public. Of course it would be very desirable,—indeed it was absolutely essential for the well-being of the community—that there should not be the slightest suspicion that justice had failed consequent upon any lack of energy, or determination on the part of the authorities to do their duty. A very able and temperate article on the case had appeared in the *Fremantle Herald*—an article with which, he thought, every one must be satisfied, conceived as it appeared to have been in the best possible spirit, and making every allowance for the magistrate and coroner before whom the inquiry was held. He was not there to support the verdict given by the jury, or to express any opinion as to the culpability of the police. The medical evidence, as reported in the newspapers, did not throw much light on the question how far Burns' death had been attributed to the conduct of the police, and it was difficult to gather how far the constables concerned were to blame in the matter. His only object in asking the question which stood in his name was, that some explanation should be publicly afforded by the Attorney General, which would at once satisfy and assure the public that there had been no miscarriage of justice. He had no personal feeling whatever in the matter, either towards the police, or towards the gentleman who presided as coroner at the inquest. With respect to the latter, he certainly agreed with the terms in which he was spoken of in the article published in the *Herald*, with regard to his sense of honor and justice, and the high opinion in which he was held in public estimation as a man of probity and integrity. But a death had occurred

under somewhat mysterious circumstances, and it was absolutely necessary, in the interests of justice that, so far as possible, the mystery which surrounded the affair should be dispelled. To that end, he now asked the Attorney General whether any,—and, if so, what—steps had been taken to further inquire into the cause of death.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): I think the question addressed to me is one of a somewhat novel character. The House is aware that under a local statute, 18th Vict., No. 5, there is vested in me every judicial function in regard of criminal prosecutions exercised in other countries by the Grand Jury; and I conceive that the position in which I stand in that respect is one requiring that, in determining the merits of any case submitted for my consideration, no pressure should be brought to bear, either to induce me to prosecute or not to prosecute. And, certainly, to a great extent, I object to answer the question which the hon. gentleman has addressed to me. At the same time, I do not mind saying this much—that a delay took place with regard to the papers connected with the inquiry of a somewhat comical character. The coroner, Mr. Landor, in his anxiety that the depositions should be forwarded to the proper quarter, sent his servant man with them to the Colonial Secretary's office. This happened to be on a day observed as a public holiday, and the office was closed, but the man, observing what he conceived to be a letter box, deposited in it the papers with which he had been entrusted. This box turned out to be the "tender" box, which, I believe, is only opened about once a month; or so. At any rate, there the papers rested quite safely for seven days, until the mistake was discovered, when they were forwarded to me. That accounts for part of the delay which has occurred in connection with this affair. Since then, all I can say is that the papers have been, and are now, under my consideration. With regard to the opinions expressed in the newspapers, and the article in the *Herald*, and the general feeling outside, I have nothing to do. I don't know what the general feeling may be; I don't know what the *Herald* says, for I never read the article

referred to by the hon. gentleman opposite; nor indeed do I care what the general feeling may be, or what is said in the article in the *Herald*. I consider I have a duty to perform, and that is to look calmly and deliberately at the depositions, and to satisfy myself whether or no there is a case which, in the exercise of my discretion, I deem to be a proper one to be submitted to a jury. If, after due consideration of the whole case, and of the result of inquiries which I have instituted, I arrive at that conclusion, I shall prosecute; if not, I shan't.

MR. RANDELL expressed himself satisfied with the answer, the object he had in view having been attained. The hon. member was glad to hear that the Attorney General was not to be influenced by any outside pressure.

#### POLICE RETURN.

MR. SHENTON renewed his application for a return showing the names, duties, and salaries of all officers of the police force stationed in the district of Perth; also the number of officers employed in the Detective Office, with their individual salaries.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said the return asked for was not in his possession, and it would have to be prepared by the Superintendent of Police. He had no power without the Governor's direction to order the Superintendent of Police to prepare it.

MR. SHENTON then moved, That an address be presented to His Excellency, asking him to direct the Superintendent of Police to prepare the return.

Motion agreed to.

#### EUCLA TELEGRAPH LINE.

MR. MARMION asked the Acting Colonial Secretary, Whether it is the intention of the Government, upon the opening of the Eucla Telegraph Line, to assimilate the system of working Western Australian telegraphs with that of the other Colonies, more particularly with

regard to office hours, and tariff of charges upon intercolonial messages.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy): Yes, as far as possible.

#### FLOATING DOCK AT FREMANTLE.

MR. SHENTON, pursuant to notice, moved, That the House resolve itself into a committee of the whole and affirm the following resolution: That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place upon the Estimates the sum of £2,000 to be offered as a bonus for the construction of a floating dock at Fremantle, such floating dock to be completed to the satisfaction of the Government before payment of the bonus, and to be capable of docking safely a vessel of 1000 tons register. The hon. member said it would be in the recollection of the House that, some three or four years ago, a similar resolution was submitted in Council, but, owing to some misunderstanding or the other, the motion fell through. He now considered that in the interests of the Colony at large, and of Fremantle especially, the matter should be brought forward again, more particularly as arrangements could now be made to carry out the scheme. Since the beginning of the present year, three or four ships at Fremantle had stood in need of repair, but owing to the fact of there being no floating dock to enable the necessary repairs to be effected, they had to go elsewhere, the only repair which could be done at Fremantle being of a mere temporary character. This not only caused a great loss of money to the Colony, but also placed the owners and underwriters of vessels to a great deal of inconvenience and unnecessary expense. He believed a floating dock, suitable to our requirements, could be constructed at Careening Bay at a cost of £8,000 or £10,000, which would accommodate a vessel of a thousand tons burthen. Most of the ships trading with this Colony did not exceed 700 tons, but it was deemed advisable to provide a dock capable of taking in a vessel of a thousand tons, which was the average tonnage of vessels trading this way. Looking at the fact that in a very short time the Eucla telegraph line would place us in tele-

graphic communication with the neighboring Colonies and the world, he felt quite sure that if we had a floating dock at Fremantle, where vessels could undergo repairs, many ships which sustained damages at sea, and which now went to the Mauritius for repairs, would sooner call at Fremantle, where they would be within telegraphic communication with the owners and the underwriters. Hon. members would observe from the terms of the resolution which he asked the House to affirm, that he did not propose that the bonus should be paid to the constructors of the dock until it was completed to the satisfaction of the Government.

MR. STEERE seconded the motion. He thought the proposal a very desirable one. Only last winter, no less than five or six ships had to undergo temporary repair at Garden Island, whereas, had there been a floating dock at Fremantle they would have been permanently repaired, and a considerable sum of money would have been expended in the Colony. Moreover, apart from any monetary consideration, if we had a slip or dock capable of receiving vessels for repair, the Colony would not have such a bad name among shipowners as it now had. He hoped the House would agree to the resolution, for he believed that if, with a bonus of a couple of thousand pounds, we could secure a floating dock suitable to our requirements, the money would be well expended.

THE SURVEYOR GENERAL (Hon. M. Fraser) said he was very glad indeed that hon. members had moved in this matter. A similar motion had fallen through at a previous session, in consequence of a divergence of opinion among the members of a select committee to which the question had been referred. When recently in the other Colonies, negotiating for a coasting steamer, one of the greatest difficulties he had to encounter with shipping firms with whom he communicated was the fact that we had no accommodation for repairing vessels. No one hailed the project with greater satisfaction than himself, for he was fully convinced of its necessity. With regard to the former proposition, it was then suggested that the dimensions of the dock should be 200ft. by 60ft., but that it should be so constructed that, in

the event of its being found necessary to enlarge it, additional accommodation could be provided. He hoped the House would agree to the motion, and that the bonus offered would be found sufficient to ensure the work being carried out.

MR. MARMION had much pleasure in supporting the resolution. It dealt with a matter in which, as one of the representatives of the Port, he must be expected to take a lively interest. He felt sure that the proposed dock would not only benefit Fremantle but the Colony at large. There had been a good deal of talk about the matter for some years past, and persons interested in shipping affairs had been most anxious that some steps should be taken to provide docking accommodation, but they had not seen their way clear to take the whole burden of the undertaking on their own shoulders. He entertained very little doubt that the bonus asked for in the resolution would induce persons resident in the Colony to construct the dock, which in course of time would doubtless prove a good investment, but which without some little assistance by way of a bonus would probably never be undertaken. With regard to the size of the dock, he was not in a position to offer any opinion, but it had been suggested to him that the dimensions should be about 210ft. and 45ft. wide, which he believed would afford accommodation for a vessel of a thousand tons burthen, or even a little larger. He hoped the motion would meet with the unanimous approval of the House, and that Fremantle would not much longer be without so necessary an adjunct to a shipping port as a floating dock.

Motion agreed to.

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

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