

Estimates, the House should have the written opinions of the Committee of Advice before it. He therefore rose for the purpose of proposing an amendment. He believed it was one of the privileges of members, when a motion was made for going into Committee of Supply, to propose any amendment, without notice, and he now wished to exercise this privilege by moving, "That in the opinion of this House it is desirable that the opinions expressed by the Committee of Advice, acting under the provisions of the Audit Act, with reference to many of the items included in the Supplementary Estimates now before the House, be laid on the Table, before the House resolves itself into a Committee of the Whole to consider these Estimates." If, as he understood, the Colonial Secretary was prepared to place these opinions on the Table, he did not know that there was any necessity for him to proceed any further with his amendment; but he did think that, before going into Committee of Supply, hon. members should not only have these opinions placed before them, but that they should also be printed, so that, when the various items of expenditure came to be confirmed, hon. members may have the printed opinions of the Committee of Advice before them.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he was in the hands of the House in the matter entirely; at the same time, looking at the delay that might occur in obtaining and printing these written opinions, he did not know whether the House would care to wait for their production before proceeding with the Estimates. He had all the papers relating to the various items of expenditure before him, and was prepared to furnish the House with every information; nevertheless, if it was the wish of hon. members to have these papers printed, he was quite willing to consent to an adjournment, until hon. members had an opportunity of perusing them.

The motion for going into Committee was then put and negatived.

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

LEGISLATIVE COUNCIL,

Monday, 30th July, 1883.

Report of Select Committee on Excess Bill, 1882—Sandalwood areas, Victoria District—Repair of Flagstaff, Geraldton—Money spent on Medical Officer's quarters, Geraldton—Conveyance of Mails between Geraldton and Roebourne—Aboriginal Native Offenders Bill: first reading—Payment of Native Witnesses—Terminus of Northern Railway at Northampton—The Auditor General and the Audit Act: As to carrying out provisions of the Act—Boat Licensing Bill: second reading—Message (No. 6) referred to Select Committee—Grand Jury Abolition Bill: third reading—Reply to Message (No. 7): Calcutta Exhibition—Reprint of Statutes—Adjournment.

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

PRAYERS.

REPORT OF SELECT COMMITTEE ON EXCESS BILL, 1882.

MR. SHENTON brought up the report of the Select Committee to whom the Excess Bill, 1882, had been referred.

SANDALWOOD AREAS: VICTORIA DISTRICT.

MR. WITTENOOM, in accordance with notice, asked the Colonial Secretary, "Why no steps were taken to carry out the suggestions of the Government Resident of Geraldton, with regard to shutting up land to prevent the cutting of immature sandalwood; which suggestions were embodied in a letter dated the 21st December, 1882, and gathered by him at great trouble from the leading persons in the Victoria District connected with the sandalwood business?" The hon. member said that since these suggestions were made, at least a hundred tons of very poor wood had been cut down, which was so much waste and loss to the district.

THE COLONIAL SECRETARY (Hon. M. Fraser) replied that by a letter dated 21st November last, the Government Resident at Geraldton (in reply to a circular of a previous date) recommended that a block of country, the boundaries of which were shown on a map which accompanied the letter, should be closed against sandalwood cutters. This letter and map had now been referred to the Surveyor General for his opinion.

FLAGSTAFF AT GERALDTON.

MR. WITTENOOM asked the Director of Public Works, "Why no steps had been taken for repairing the Flagstaff at Geraldton, which is now in a useless and unserviceable condition, and which circumstance was reported to the Government by the Government Resident in a letter dated the 30th August, last year?"

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas) said the vote under the head of "Minor Works" having been entirely appropriated, the question of expenditure on the Geraldton flagstaff was submitted for the approval of the Finance Committee. That committee, however, refused to sanction it. So much for their Finance Committee. A sum of £40 was, however, included on the Supplementary Estimates now before the House, for the purpose of providing a new flagstaff.

MONEY SPENT ON MEDICAL OFFICER'S QUARTERS, GERALDTON.

MR. STEERE, in accordance with notice, asked the Colonial Secretary, "By whose authority the sum of £300 out of a vote of £2,000 appropriated to the construction of a hospital at Geraldton, was spent in enlarging the Medical Officer's quarters at Geraldton, no expenditure for such work having been asked for, or voted by the Legislature?" The hon. member said, that when he expressed his astonishment the other day at something which the Government had done, the hon. member for Gascoyne remarked that he was not astonished at anything which the Government might do, under the present constitution. Really, he thought there must be some ground for this remark, in view of this glaring infraction of the provisions of the Audit Act, in connection with the expenditure of this money, voted for a hospital, but spent on the doctor's quarters.

THE COLONIAL SECRETARY (Hon. M. Fraser) said it appeared that the erection of some necessary additions to the quarters of the Resident Medical Officer attached to the Geraldton Hospital, to cost £300, were authorised by His Excellency the late Governor (Sir William Robinson).

MAIL SERVICE BETWEEN GERALDTON AND ROEBOURNE.

IN COMMITTEE.

MR. WITTENOOM, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place the sum of £2,500 on the Estimates for 1884, for the purpose of conveyance of mails and passengers between Geraldton and Roebourne; and that such a sum be placed on the Supplementary Estimates, to be introduced during the present Session, as may be necessary to carry on such a mail service during the remainder of the current year." The hon. member said that in speaking to this motion he considered he should be speaking to one of the most important questions that would come before the Council this session. He only asked hon. members to give it fair consideration, and to look at the question from an unprejudiced point of view. A good many people might probably be inclined to look at it in the light of a project or a hobby of his own, and one which was too expensive for the country to indulge in. But he assured the House there was nothing at all in the shape of a hobby about it, and he would not have asked the Council to take it into consideration had he not been assured by a gentleman who was thoroughly well qualified to form an opinion on the subject that he (the gentleman in question) would be prepared to tender for the service and to carry it out for the sum named, £2,500. As to the difficulties of performing such a service, they were not so great as might at first sight appear. The principal objection to it was the distance, but he found, on reference to the maps at the Survey Office, that the actual distance to be traversed was something like 800 miles, which, at the rate of 26 miles a day, could be accomplished within a month. This was not a very great rate of speed for a mail coach, seeing that the greater part of the road was equal to any of the macadamised roads of the Colony. As to the expense, it appeared that at present there were two mails running, or about to run, part of the way—one from Roebourne to Ashburton at a cost of £300 a year, and the other from Ger-

aldton to the Murchison, at the same cost. This would still leave a considerable extent of country to be bridged over, which, however, was only a question of time, and the cost would probably be about equal to the expense of the two services already mentioned—£300, making a total expenditure of £900 for these three services. This would be included in the through service, the establishment of which he now advocated, so that the extra cost to the country would not be more than about £1,500. In looking at this expenditure they must bear in mind the number of settlers to whom such a service would be of advantage. He found, on reference to the survey maps, that there were 77 distinct firms holding land in the districts which this mail would pass through, and, as some of these firms comprised two or three individuals, he did not think he would be out in saying that at least a hundred settlers, representing an immense area of country and a large number of sheep, would be directly benefited by this service. He had no personal knowledge of the country beyond the Gascoyne—which he would leave other hon. members to deal with—but as to the country between Geraldton and the Gascoyne he was in a position to speak from his own knowledge of the progress which it had made of late years in the way of settlement. Ten years ago there was not a solitary settler on it, but he had no hesitation in saying that between this and next December there would be no less than a thousand bales of wool produced and exported from this part of the Colony, representing, in value, a sum of £20,000. And as each team which brought in wool would take back a considerable quantity of goods and produce in the shape of dutiable articles, he need hardly point out that the revenue of the Colony benefited to an appreciable extent from the trade which had already sprung up. Against this return they had to put the amount of Government expenditure now going on in the district, and he was sure, when he informed hon. members that the whole of this expenditure did not amount to more than £300 a year, they would not begrudge the settlers this proposed mail service. That £300 was represented by a vote of £200 for a mail, and a grant of £100 to

the District Roads Board. [AN HON. MEMBER: What about the police expenditure?] He was coming to that. The police expenditure was purely Governmental expenditure. None of the settlers wanted it. They could have dealt with the native question in their own way, and at a much less expense. He noticed hon. members smile. Perhaps they thought he meant the shooting process? That was not the case at all. When he told hon. members that nearly the whole of the sheep in the district were shepherded by blackfellows, at a saving to the settlers employing them of about £40 a year—putting aside all views of humanity, it must be evident it would not be in the interest of the settlers to have more natives shot than they could possibly avoid. So much for the native question. Hon. members would thus see that the police expenditure was expenditure for which the settlers of the district could not be fairly held responsible. As he said before, the whole of the Government expenditure in these districts was not more than £300 a year, whereas the wool produce alone represented a sum of £20,000 a year, apart from the large amount of duty-paying articles used and consumed on the settlers' stations, and the land revenue derived from the occupation of this territory. This revenue, in a short time, would be doubled, and the value of the wool exported, and of the dutiable articles consumed, would be correspondingly increased. Surely, looking at the matter in this light, hon. members would not object to the expenditure of a paltry additional sum of £1,500 in providing the settlers with regular mail communication, and with some regular means of conveyance. There was another consideration to be urged in support of this motion. Strangers often came to the Colony, wishing to see the country, with a view to speculating in land, but at present these people were in a great measure deterred from doing so, owing to the difficulty of conveyance, there being no regular means of transport, and the consequence was land which otherwise would probably be taken up and made to yield something to the revenue now remained an idle wilderness. Several gentlemen with whom he had had some conversation on the subject of establish-

ing this mail service, said they did not think it could be carried out: they said there was no feed and no water, and that the service could not be performed. That was quite beside the present question. All he now asked was that the House should agree to this address, and that the Government should place the amount asked for on the Estimates, and that tenders be called for. If there were obstacles and difficulties, it was not for that House to raise them at this stage of affairs. That was a matter for the consideration of the contractor. In acceding to this address the Council and the Government would have the satisfaction of knowing that they were assisting a deserving class of settlers—men who had struggled with many difficulties and hardships in reclaiming a large extent of territory from a savage wilderness, and who in going out to do so had taken their lives in their hands. Nor had they solicited any assistance from the Government—not even in the way of surveys. They had seen other districts surveyed; they had seen the Ashburton and the Kimberley country surveyed, and the old rule “first come first served” subverted. But they had uttered no complaint, because they knew it was for the good of the Colony that those districts should be surveyed. Surely these men were entitled to some little encouragement. They did not ask for much, and what they did ask for would not benefit them alone, but would also benefit the Colony.

THE COLONIAL SECRETARY (Hon. M. Fraser) asked the Committee to remember that although we have at the present moment a revenue from which it might be said we could well spare the amount asked for, still we must also remember that the Treasury chest is not like the purse of Fortunatus. It might be pretty full now, but it had a bottom to it, and it behoved them to be careful. He did not rise to oppose the motion, and he only hoped if the address should be agreed to, His Excellency might feel in a position to comply with it. At the same time, he could not at the present moment give the hon. member or the House any guaranty on the subject; but, if it was the wish of the Committee that the motion should be adopted, he did not anticipate any opposition on the part of the Government.

MR. SHENTON said that when the Select Committee on the Excess Bill last year were inquiring into the various items of expenditure, their attention was particularly drawn to the cost incurred in the conveyance of our mails. A sum of £7,200 was voted in 1882 for the local mails, independent of the subsidy to the steamers for the conveyance of mails along the coast, and the mails outside the Colony. Notwithstanding this large vote, the Supplementary Estimates contained a further sum of £600 for the conveyance of local mails, making this item alone £7,800. In addition to this £600, they found that at the end of the year there was an overdraft of £1,261 3s. 4d., so that the total cost of conveying our inland mails during 1882 amounted to no less than £9,061 3s. 4d. On looking at the Estimates for 1883, he found that the House had voted £8,080 for the conveyance of inland mails, which though a large figure, had not proved sufficient, for on the Supplementary Estimates a further sum of £1,700 was asked for, to carry them to the end of the year, so that our inland mails this year would cost us no less than £9,780 at least; the probability was, judging from past experience, that this sum would not prove sufficient, and he did not suppose he would be much above the mark if he put down the cost of our inland mail service this year at about £11,000. And now it was proposed to increase this expenditure by starting another service, estimated to cost £2,500 a year. He thought that, instead of asking for so large a sum as this for the proposed service, it was worthy of their serious consideration, if the means were available, whether the money should not be expended in giving increased postal facilities to the more settled parts of the Colony. It must be borne in mind that we were about to give telegraphic facilities to these Northern settlements, so that the necessity for a mail service would not be so great.

MR. McRAE considered that, looking at the large extent of country which this mail service would benefit, and the isolated position of the settlers, the money asked for would be money well spent. There was not the slightest doubt it would benefit a larger extent of territory than any other line in the Colony, and it would go a great way to

further encourage the opening up of that territory, by the facilities it would afford to strangers and others to have a look at it. He knew it would be a great boon to the settlers beyond the Gascoyne.

MR. CROWTHER, who was very indistinctly heard, was understood to support the motion.

MR. STEERE said he also felt very much inclined to support it, on the grounds already stated. As to the telegraph line doing away with the necessity for this mail service, it must be borne in mind that the telegraph line would be constructed contiguous to the coast, whereas the proposed mail service would go considerably inland. He could not, however, agree to the latter part of the motion, which contemplated the placing upon the Supplementary Estimates, this Session, a sum sufficient to carry on the proposed service during the remainder of the current year. He did not think it was possible that arrangements could be concluded for the performance of this service until next year, and he saw no necessity to make any provision for it on the Supplementary Estimates this Session.

THE COLONIAL SECRETARY (Hon. M. Fraser) said it would be quite impracticable to get such a service into working order this year, and perhaps the hon. member for Geraldton would consent to amend the motion as suggested.

MR. WITTENOOM said he would accept the proposed amendment rather than risk the whole motion.

MR. STEERE then moved that all the words after "Roebourne," in the seventh line, be struck out.

This was agreed to, and the resolution as amended was put and passed.

ABORIGINAL NATIVE OFFENDERS BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the first reading of a Bill to consolidate and amend the Laws providing for the Summary Trial and Punishment of Aboriginal Native Offenders in certain cases.

Motion agreed to.

Bill read a first time.

PAYMENT OF NATIVE WITNESSES: TRIAL OF "SIMON."

SIR T. COCKBURN-CAMPBELL, in accordance with notice, called the atten-

tion of the House to certain circumstances connected with the trial, last year, at Champion Bay, of a native named Simon, charged with a murderous assault, and to the refusal of the Government to pay the expenses of a native witness named Pat, upon whose evidence the accused was convicted. The hon. baronet said the question at first sight might appear to be in the nature of a private grievance, but he thought when he mentioned the circumstances it would be seen that a question of some public importance, as affecting the administration of justice, was involved. The nature of the grievance complained of was this: eighteen months ago a shepherd on the Lyons was speared by a native called Simon, because—so it was alleged—the shepherd refused to give him some mutton. It appeared that Simon and four other blacks went to a flock of sheep in charge of the native Pat, who was in Mr. Walter Howard's employ, and was a perfectly civilised native, receiving wages at the rate of £3 a month. Pat refused to let Simon have any of his master's sheep, whereupon he was transfixed by no less than five spears. Some time afterwards Simon was arrested and Pat of course was required as a witness for the prosecution, but, instead of putting the police to the trouble of travelling about a hundred miles with a summons, Mr. Howard, his master, arranged with Constable Troy to send Pat to port Gascoyne to meet the steamer for conveyance to Geraldton to attend the trial. The native went down for that purpose, some time in October last, and was detained by the police at Geraldton until December, the native Simon having meanwhile been convicted of the outrage and sentenced to three years, Pat being the principal witness for the Crown. When the police no longer wanted him, he was permitted to go back, and was given a couple of pounds for his trouble, but he did not turn up at the Gascoyne until the following May, his employer meanwhile being deprived of his services. When attending the sessions at Geraldton, an application was made on his behalf by Mr. du Boulay, at Mr. Howard's request, that he should be allowed his expenses, like any other witness, but the court refused to entertain the application, whereupon Mr. du Boulay placed the

matter in the hands of Messrs. Stone and Burt, who communicated with the Administrator of the Government, with a view to recover the witness's expenses. He understood that His Excellency the Administrator was in favor of the claim being paid, but the then Acting Attorney General advised the Government not to recognise it. This advice, it appeared, was not based upon any legal ground, but merely upon the question of custom, and from that day to this neither the witness nor his master had been able to obtain any redress. He thought it was very desirable that this question of the payment of native witnesses should be placed on some satisfactory footing, both in the interests of the natives themselves and of their employers. With regard to the particular case referred to, having thus called the attention of the House to the circumstances connected with it, he would now, in accordance with notice, move, "That an Humble Address be presented to His Excellency the Governor, respectfully requesting that His Excellency would be pleased to reconsider the decision in this matter which the late Administrator felt himself bound to arrive at in consequence of the advice tendered to him by the Acting Attorney General."

THE COLONIAL SECRETARY (Hon. M. Fraser) believed the hon. member for Plantagenet had stated the facts of the case exactly as they had been represented to him, but the hon. baronet had not mentioned all the circumstances. He had led the House to infer that this native witness had not been paid for his services in any way beyond the £2 which was given him when he was returning to the Gascoyne. That was not the case. He did not mean to say that this native was paid at the same rate as witnesses of our own race are paid, but he received what in the opinion of the Chairman of Quarter Sessions was a fair amount. He was treated in accordance with the usual custom of dealing with these native witnesses, and, from the returns furnished, it appeared that a sum of £7 7s. was expended in connection with his attendance at the sessions. His passage from his own district to Geraldton by steamer was provided for, and his board and lodging whilst at Geraldton were also provided for him. In addition to this,

when he went away, he was presented, as already said, with a sum of £2. With regard to paying native witnesses,—as the Government Resident said, referring to this very matter, it would be simply throwing money away to give it to these so-called "civilised" natives, who spent every sixpence they got in drink and debauchery, whilst as to "bush" natives they had little or no idea of the value of money. Pat himself, it appeared, a few hours after he was paid, had not a blessed sixpence left. The question opened up by the hon. member for Plantagenet,—that there should be a fixed scale for the payment of native witnesses, in the same way as there is a fixed scale for the payment of whites or Europeans,—was a question which no doubt was open to argument. But his present object in rising was to explain away the impression which he thought the hon. baronet had left on the minds of hon. members that this native Pat had been unfairly treated,—that he had been brought down from the Gascoyne to Geraldton and kept there a long time, and that he received nothing for it. This, as he had already said, was not the case. With regard to the employers of these natives, and their claims to consideration consequent upon their native servants being called away to give evidence, he would remind the hon. member that the settlers who employed natives were in no way singular as regards any inconvenience or loss they were put to in connection with the administration of justice. All classes of the community were occasionally called upon to make some sacrifice in this respect, and it was the duty of every citizen to submit to such sacrifice, in the interests of law and order. The country could not be taxed in order to pay these natives large sums of money, which, after all, would be of no use or benefit to them,—though probably something might be done in the way of regulating the scale of payment which they ought to be allowed, and the mode of payment.

MR. STEERE thought that, after the explanation furnished by the leader of the Government, the hon. member for Albany might withdraw his motion. He agreed with the Colonial Secretary that it would lead to enormous expense if these native witnesses were to be paid on

the same scale as whites, and, as to the particular case referred to, it appeared that not only were the witness's expenses paid, but that he also received a present of a couple of pounds in addition, so that there was no hardship at all in his case.

MR. BROWN thought the hon. member for the Swan was mistaken when he said that all the expenses of this native were paid, or that a sufficient sum had been paid to him. Everyone must know that £2 was not enough to take him back to the Gascoyne. While agreeing as to the undesirability of giving these natives any large sums of money—for he was perfectly sure that, whether "civilised" or uncivilised, they would only squander it away—still whatever was due to them might be handed over for their use and benefit to somebody who would presumably take care that it was expended on them. The question was no doubt rather a difficult one to deal with, but he thought it would be satisfactory if the Government were to make some provisions for paying native witnesses on some reasonable scale.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) hoped the hon. member for Plantagenet would accept the suggestion already made and withdraw his motion. On the whole, it did not appear to him—he had not the facts of the case quite so "pat" as the hon. baronet—but, it did not appear to him that this native witness after all had any solid grievance. On the contrary, the noble savage, in this particular instance, seemed to have been remarkably well treated. Not only were all his personal wants supplied, and his hotel expenses paid for him, but, when the time came for him to retrace his steps to his own native Gascoyne, a paternal Government sent him on his way rejoicing with the sum of £2 in his pockets, which Pat incontinently proceeded to spend among his friends and acquaintances. He thought the hon. baronet had done all that was required to be done in the matter. He had drawn attention to the scale of payment, and the mode in which these natives ought to be paid, and he (the Attorney General) ventured to suggest it was rather beneath the dignity of that House to have its time taken up in discussing the case of this particular native, who, in all probability, was now enjoying himself in

all the freedom of his native wilds, oblivious of all grievances in connection with his late visit to Geraldton.

SIR T. COCKBURN-CAMPBELL said it was all very well to try and make fun of this matter, but his object in bringing it under the attention of the House was not so much for the purpose of airing the grievances of this particular native, as to point out that, in treating native witnesses as they were now treated, the Government was acting entirely outside the law, and that it was desirable there should be some steps taken to meet such cases. The settlers did not want, as the Colonial Secretary seemed to imagine, to be compensated for the loss of their natives' services in such cases, but they thought the least that could be expected was that these natives should be sent back by the Government to their districts when no longer wanted as witnesses for the Crown. As for the Colonial Secretary's statement that Pat's passage from the Gascoyne to Geraldton had been paid by the Crown, he could only say that he had in his hand the bill for that passage which Mr. Howard had settled, and which he distinctly stated had never been refunded to him.

MR. MARMION concurred as to the desirability of there being some fixed scale of payment for native witnesses, and that the Government should not make fish of one and flesh of another. No doubt there would be a difficulty in some cases as to whom the expenses should be paid, but probably the difficulty might be got over.

The motion was then withdrawn, upon the Colonial Secretary undertaking to represent to His Excellency the Governor what appeared to be the feeling of the House in the matter, as regards the payment of native witnesses.

TERMINUS OF NORTHERN RAILWAY AT NORTHAMPTON.

MR. WITTENOOM said that on account of the very vague and unsatisfactory answer he had received the other day when he put a question to the Commissioner of Railways, as to what the Government proposed to do with reference to the land upon which the railway terminus at Northampton had been built, he had now, in accordance with

notice, to move, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to inform the Council what arrangements were made with the Executors of the Estate of the late George Shenton for acquiring the land on which the buildings of the Northampton Terminus of the Northern Railway are erected, and if no arrangements were made, what steps the Government contemplate taking to secure the land required for the said terminus."

THE COLONIAL SECRETARY (Hon. M. Fraser) said the position of affairs with regard to this matter was as follows: a communication in the first instance was made by the legal advisers of the executors of the estate in question, and upon receipt of this communication a correspondence ensued, and the whole matter was eventually referred by the Government to the Crown Law Officers, where it now rested. As the matter was still *sub judice*, he hoped the hon. member would see the inexpediency of proceeding any further with the presentation of this address.

The motion upon being put was negatived.

THE AUDITOR GENERAL AND THE AUDIT ACT.

MR. S. H. PARKER, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to direct the Auditor General to furnish the House with a statement containing full particulars of every case in which default has been made in delivering or sending accounts, or accounting for public moneys, and of all sums allowed by the Auditor General without any vouchers, or with imperfect vouchers—as he is required to do by 'The Audit Act, 1881.'" The hon. member said that when this Act came into force it was fully imagined it would prove a wholesome check upon the Government as regards illegal expenditure. Considerable opposition was shown to it at first, both in the House and outside. They were told there was no necessity for it. They were told that in Sir William Robinson we had a Governor who would not spend a penny without

legal authority—a Governor who would never dream of expending public funds without the sanction of the Legislature. But it now appeared that this model Governor, of whom it was said that he would not think of spending a shilling of public money illegally,—this exemplary Governor who himself never lost an opportunity of informing the House and the country, by message and by speech, of his desire to keep within the votes of the Legislature—it now appeared that, during the short time this Audit Act was in force while this model Administrator was here, the Act was almost a nullity. They found from the report of the Select Committee on the Excess Bill—which report they had just heard read—that Sir William Robinson and his Government—and it was the Governor himself who was responsible—had spent various sums of money without reference whatever to the Committee of Advice appointed under the Act, whereas, by law, His Excellency had no right to spend a penny beyond what had been voted by the House, without consulting this Committee of Advice. They were told that evening that it was Sir William Robinson—the model Governor who would not spend a farthing illegally—who had actually authorised the expenditure upon a medical officer's quarters of a sum of £300 out of a vote of £2000 passed by that House for building a hospital. When they found this exemplary Governor spending the public money in this unconstitutional manner, and setting the Audit Act at defiance, was it to be surprised at that his officers, the Auditor General and the Colonial Treasurer, should have evaded the duties imposed upon them by that Act? What did the 13th section of the Act provide for? It provided, in the first place, that the Treasurer shall prepare a yearly statement of revenue and expenditure, showing whether such expenditure is under or in excess of the amounts authorised by the Legislative Council. That had been done. It also provided that if the expenditure should be in excess of the amount appropriated, the Treasurer shall state the authority under which such excess was disbursed. This had not been done. The Colonial Treasurer, in the statement furnished to that House, had carefully omitted it. He had refrained from stat-

ing, as he ought to have stated, under whose authority over expenditure was incurred. The clause further provided that this statement, when prepared by the Treasurer, shall be transmitted to the Auditor General, who, upon receiving it, was called upon to make a report explaining such statements in full, and showing in what particulars it agreed with or differed from his own accounts, and, in case of any disagreement, reconciling and explaining such difference, and to furnish full particulars of every case in which default had been made in accounting for public moneys, and of all sums allowed by him (the Auditor General) without any vouchers, or with imperfect vouchers. He had carefully read the Auditor General's annual report, but he found no mention whatever in it of anything of the kind; in fact, that officer had omitted to do almost everything he was required by law to do under the Audit Act. The clause further provided that, within two months after receiving the Treasurer's statement, the Auditor General shall return it, with his own report, to the Treasurer, and that the Governor shall cause a copy of the same to be laid before the Legislative Council within three days after the commencement of the Session. Was that done? No. If it had been done there would have been no necessity for him to have moved this address. There would have been no necessity for him to ask how much money had been illegally spent, without reference to the Committee of Advice appointed under the Act. It was his intention to follow this motion with a similar one, calling upon the Colonial Treasurer to furnish the statement which the Act required him to furnish, in order that the House might, if possible, see that the Act was carried out as it ought to be carried out, and as it was intended by that House it should be carried out. If they could not by means of this Audit Act prevent the Governor for the time being from spending money illegally, they could at any rate, if they got these returns, find out by whose authority the illegal expenditure was incurred, after the money was gone. He thought that this Act, in its operation, had clearly proved that, unless we had a Government responsible to the country, a Ministry elected by the people and re-

sponsible to the people, we could never expect to put an end to illegal expenditure. He did not think any Audit Act would deter the Government from indulging in unauthorised expenditure until we took the Government of the country into our own hands.

The motion was then put and carried.

BOAT LICENSING BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser), in moving the second reading of this Bill, said its object was to remedy an omission in the Act by empowering the board appointed to license boats and other vessels to have an inspection of any licensed vessels during the currency of the license, and to recover the expenses of such inspection from the owner. The Bill was a very short one, and was self-explanatory, so that he need do no more than formally move its second reading.

MR. RANDELL said it had been his intention to have brought forward a measure consolidating the existing laws on this subject, and introducing some new provisions which he thought were necessary, but he had been forestalled by the Government, and he was debarred by the rules of the House from introducing another measure dealing with the same subject this Session. He had been misled in this matter by the clause in His Excellency's Speech, in which they were told that a Bill dealing with the survey of boats would be among the measures to be introduced this Session. From the prominent place given to the subject, he was led to suppose that the Bill, when introduced, would have dealt with a more important matter than the present Bill did. His mind went back to the wreck of the ill-fated *Macedon*, and the reports which were current at the time as to the condition of the boats which the steamer carried for the safety of passengers, and he thought probably the Government intended to deal with that very important matter—the inspection of boats which coasting steamers carry. In this, however, he had been disappointed, and he was informed that such a provision would not be within the scope of the present Bill. But he hoped to be able, next year, all being well, to take the steps which he had intended

taking this Session had he not been forestalled, and to introduce a measure of a more comprehensive character than the Bill now before the House.

Motion agreed to.

Bill read a second time.

CONSIDERATION OF MESSAGE (No. 6) RE TRANSFER LUNATIC ASYLUM.

THE COLONIAL SECRETARY (Hon. M. Fraser) said hon. members had no doubt perused the despatch accompanying His Excellency's Message relating to the proposed transfer of the Lunatic Asylum at Fremantle from the Imperial to the Local Government, and it had been suggested to him that it would be as well that the Message and its enclosure should, in the first place, be referred to a Select Committee. It would be seen that the Imperial Government proposed to contribute at the rate of £42 a year for the maintenance of each lunatic chargeable to Imperial funds, and His Excellency was advised that this sum would be adequate to cover all expenses. As a matter of fact, it would leave a considerable margin between the actual cost per head, and the amount which the Home Government offered to pay; at the same time, a conclusion should not be too hastily arrived at on such a subject. Consideration must be given to all the attendant expenses, connected with the taking over of the staff belonging to the institution. It would be necessary before doing so to see that the present staff had their past claims satisfied, and their prospective claims adjusted, for they were all entitled to pensions, and also compensation for abolition of office. All these things must be taken into consideration. From the information, however, in possession of the Government, he was inclined to think that the terms offered by the Imperial authorities would be advantageous to the Colony, for no doubt that greater economy could be practised if the institution were under one supervision and control, and some retrenchments might be made.

MR. STEERE said the consideration of this subject opened up a much larger question than might be at first contemplated. It would appear from the Colonial Secretary's statement that some provision would have to be made for

coming to terms with the Imperial officers at present employed at the Asylum. He thought that was a matter with which this Legislature had nothing to do; the Imperial Government should make terms with their own officers. If the Colonial Government took over this establishment it must be independent of any claim which these officers may have under their present engagements with the Imperial Government. He was inclined to agree with the Colonial Secretary that it would be an advantageous arrangement to this Colony if the Asylum were transferred to the Local Government—apart from any claims which the Imperial staff may have upon the Imperial Government. He thought it would be very desirable that a Committee of the House be appointed to inquire into the whole matter, and to report to the House, before any reply was made to His Excellency's Message.

MR. MARMION concurred as to the desirability of referring the matter to a Select Committee. There were several points to be considered in connection with the proposed transfer, besides the mere cost of maintaining the inmates, and it would be as well that all these points should be discussed before we accepted the offer made by the Imperial Government.

THE COLONIAL SECRETARY (Hon. M. Fraser) then moved that the Order of the Day for the consideration of His Excellency's Message be discharged, and that the Message be referred to a Select Committee, to consist of Mr. Marmion, Mr. Higham, Mr. Steere, Mr. Shenton, and the mover, and, by leave, Mr. Crowther.

Agreed to.

GRAND JURY ABOLITION BILL.

Read a third time and passed.

CONSIDERATION OF MESSAGE (No. 7): CALCUTTA EXHIBITION.

THE COLONIAL SECRETARY (Hon. M. Fraser) said no doubt hon. members had read the letter which Mr. Joubert, the Executive Commissioner of the Exhibition proposed to be held at Calcutta, had addressed to this Government, with reference to Western Australia being represented at the Exhibition. Immediately

upon the receipt of this letter, the Administrator of the Government caused a notice to be inserted in the *Gazette*, intimating that such a communication had been received and stating that all particulars could be obtained at the Colonial Secretary's Office. No response, however, resulted from this notification, and there did not appear to be any desire on the part of the colonists to send exhibits to the proposed Exhibition. The Governor, however, being desirous of giving every publicity to the fact that the Colony had been invited to take part in the show, had thought proper to communicate Mr. Joubert's letter, by message, to the House; and it would be for hon. members to say what they thought ought to be done in the matter. If they thought it would be desirable for the Colony to be represented at the Exhibition, the House would then determine what expenditure ought to be incurred in connection with the affair, which expenditure would have to be provided for in the Supplementary Estimates. The Exhibition did not take place until the end of the year, so that there would be ample time to forward the exhibits. Hon. members were probably aware of the feeling of their constituents in the matter, and of the probability or otherwise of any exhibits being forthcoming.

MR. STEERE said he did not think there could be much doubt as to the feeling of the public as to this Exhibition, and he did not think it was necessary for the House to waste any time in discussing Mr. Joubert's letter. He would therefore move, "That an Humble Address be presented to His Excellency the Governor, informing His Excellency (in reply to Message No. 7) that the Council is of opinion that it is not expedient that the Colony should at so late a period accept Mr. Joubert's proposal to take part in the Calcutta Exhibition."

The motion was agreed to, *nem. con.*

REPRINT OF STATUTES.

MR. S. H. PARKER, with leave, without notice, asked the Colonial Secretary, when the statutes, for which a sum of £1,000 was voted last year, would be reprinted? It was stated that they

would be completed within three months. When were they likely to be done?

THE COLONIAL SECRETARY (Hon. M. Fraser) said that, in addition to the printing, there was something extra for indexing, and also a large sum for binding. The Government had received the first instalment, A to H, and, by the last mail, they were informed that as soon as the binding of the remainder was done, the other volumes would be forwarded, and immediately upon their receipt the Government would be in a position to issue them in complete sets.

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

LEGISLATIVE COUNCIL,

Tuesday, 31st July, 1883.

Trial of Police-Constable Wall—Albany Road via Jayes
—Destruction of Rabbits—Fremantle Grammar
School Bill: first reading—Cattle Trespass Act
Amendment Bill: first reading—Geraldton Hos-
pital—Bridge over Tone River—Boat Licensing
Bill: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

TRIAL OF POLICE-CONSTABLE WALL.

MR. SHENTON, in accordance with notice, asked the Attorney General, "On what grounds the trial of Thomas Wall was transferred from the Geraldton Quarter Sessions to the Supreme Court at Perth?" He asked the question because it was a well-known fact that this trial entailed a very large expenditure of public money, and he was led to believe that the venue was changed by instructions from the Acting Attorney General. Of course, if there were any good reasons why the question should not be replied to, on legal grounds, he would withdraw it; but if there was no objection he thought it would be satisfactory