

## LEGISLATIVE COUNCIL,

*Tuesday, 16th September, 1879.*

Coal seam on the Upper Irwin—Election of a Governor of the High School—Drains on the main road to York—Arrest of John Bishop—Absconding Debtors Act, Amendment Bill: first reading—Masters of Vessels Act, Repeal Bill, 1879: first reading—Message (No. 11): Timber concessions to Mr. M. C. Davies—Adjournment.

THE SPEAKER took the Chair at noon.

## PRAYERS.

## COAL SEAM ON THE UPPER IRWIN.

MR. CROWTHER, in accordance with notice, asked the Colonial Secretary whether or not it is the intention of the Government to carry out the wishes of the House, with reference to opening and proving the coal seam on the Upper Irwin, for which purpose funds had been voted and not expended?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he would reply to the question on a future day.

## GOVERNOR OF THE HIGH SCHOOL.

On the motion of MR. CROWTHER, the House proceeded to the election of a governor of the High School, at Perth, to fill the vacancy occasioned by the absence of Mr. Randell.

MR. S. H. PARKER nominated Mr. Shenton, M.L.C., and MR. CROWTHER seconded the nomination.

MR. BROCKMAN proposed Sir Thomas Campbell, Bart., and Mr. HARPER seconded the proposition.

MR. BROWN nominated Mr. Steere, but as no one seconded the nomination it fell through. A ballot was called for resulting as follows:

Mr. Shenton ...	11
Sir Thomas Campbell ...	7
Majority for Mr. Shenton	4

## DRAINS ON THE YORK ROAD.

MR. MONGER, pursuant to notice, asked the Colonial Secretary by whose authority the drains alongside the main line of road leading to York were made, and the object of such drains when completed?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the work had been undertaken by Mr. Higman, the Superintendent of Roads, acting under the direction of the Director of Public Works. The object of the drains, he presumed, was to serve as reservoirs for the purpose of carrying off superfluous water.

MR. CROWTHER formally moved the adjournment of the House in order to afford him an opportunity of saying a few words on the subject. He had recently travelled along the York road, and inspected the drains referred to, and unless the Superintendent of Roads, or the Director of Public Works, or the Government, or all combined, could subvert the laws of gravitation, and cause water to run up hill, these drains would, for the most part, be utterly useless. He failed to see what right the Superintendent of Roads, "or any other man," had to interfere with the duties and powers of the district board within whose jurisdiction the road in question was, unless the board had been guilty of some grave dereliction of duty. The money expended on the works referred to, without the sanction, or connivance, or authority of the board, was certainly the most reckless, outrageous, and sinful waste of public money ever perpetrated in the Colony. If a commission of lunacy were sitting to enquire into the state of mind of the person who planned the drains referred to, and—doubtful of the weight of evidence submitted to them—they required further proof of insanity, an inspection of these drains would remove all doubt on the point, and instantly consign the perpetrator to "Ramsay's."

## JOHN BISHOP'S CASE.

MR. CAREY drew the attention of the Council to the correspondence laid upon the Table of the House relative to the arrest of Mr. John Bishop, of Bunbury, the action of the police, and the Resident Magistrate's refusal to take Bishop's information. He said the matter might appear trivial to some hon. members, and of too trifling a nature to be brought before the House; but he considered that nothing affecting the liberty of the subject could be regarded

as of trivial importance, and that when the police went beyond their duty in maltreating any person as this man had been maltreated, it was no light subject. Before sitting down, he would move an address to His Excellency, praying that he will be pleased to direct an enquiry to be made into the circumstances connected with the case; but, before moving the resolution he would briefly inform the House what had taken place. Bishop, it appeared, was going out of the town of Bunbury towards home, on the 28th of June last, on horseback, accompanied by his son who was perfectly sober, Bishop himself being under the influence of drink, but not to such an extent as to incapacitate him from proceeding on his way home without assistance. He was seen in the street by a policeman named Gee, who, anxious to distinguish himself, went up to Bishop, and led his horse to the police station, when another constable named Wansborough, quite uncalled for, rushed out and treated him in a most brutal manner, as described by several highly respectable witnesses. This was on Saturday, and Bishop was locked up, and—though well known in the town—kept in the cells until Monday, although it is customary to let persons charged with drunkenness out on bail on Sunday morning. When he was brought before the Resident Magistrate, that functionary reprimanded the police for their conduct in keeping the man locked up from Saturday until Monday, and dismissed the case with a fine. Subsequently Bishop went to the magistrate to lay an information against the policeman Wansborough for assaulting him, but the magistrate refused to receive the information.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said it was a question for the House to decide whether the matter referred to was one of such public importance as to justify members in wasting their time in discussing it. He would put it to the common sense of the House whether the hon. member for Vasse—who, no doubt, considered himself perfectly justified in the adoption of the course he had followed—would not have done wiser had he told the highly interesting story he had just told the House to the Superintendent of Police rather than to the Speaker of the Legis-

lative Council. No complaint whatever had been made by Bishop himself, and he (the Attorney General) deprecated very earnestly indeed what might perhaps grow into a practice, of an hon. member finding a grievance and coming to that House to ventilate it, in order to have an opportunity of "walking into" the police. Certain documents connected with this case had already been laid on the Table of the House, from which it appeared that Bishop, some two months ago, laid a complaint before the Resident Magistrate, at Bunbury, as to the treatment he had received at the hands of the constable Wansborough, but the magistrate was weak enough to refuse to take the man's information and referred him to the inspector of police. The matter subsequently was brought under the attention of the Government, and Bishop was informed that the proper course for him to adopt was to bring a charge of common assault against the constable, and the case would then be investigated by the Bench to which his letter had been forwarded by the Government, with instructions to receive his information and to hear the complaint. Bishop, however, who was the best judge of the injury he had received, thought it better to abstain from any further action in the matter, in the belief, possibly, that discretion was the better part of valour, and in the expectation probably that some other person—that the hon. member himself possibly was broad enough in his humanitarian tendencies to take up the cudgels on behalf of an injured man—would take up the matter. This expectation was realised, and although Bishop, the injured individual himself, refrained from taking any further steps in the matter, some local Quixotes took up the cudgels on his behalf. If Bishop conceived himself so terribly aggrieved he could have applied to the Supreme Court for a mandamus to compel the magistrate to receive his information, and this wretched pot-house row—for such it was—would not have occupied the time and attention of the House. He (the Attorney General) was now addressing some hon. gentlemen holding the commission of the peace—he himself once did—who probably were aware that the Police Act placed a very wholesome check upon local Quixotes,

who might possibly degenerate into common informers, against the laying of groundless informations before a magistrate, by mulcting them, if guilty of frivolous and needlessly vexatious action, in the sum of £5; and, doubtless that very wholesome restriction was in the mind of Bishop, or of those local Quixotes who, otherwise, would have taken up the cudgels in his behalf. He thought there was something really beneath the dignity of a deliberative assembly like the Legislative Council that it should be made the dust-heap upon which all the rubbish of police complaints should be shot. If Bishop had sustained any real injury he would have persisted in his demand for a summons; but had he done so, and the case come to be investigated, the chances were he would have been sent away with a flea in his ear, and fined £5 for giving the magistrate needless trouble. He thought the House would be opening the door to a very wide system of abuse, if any individual, no matter who he was, whether a very humble member of society or a very conspicuous member, should be (so to speak) invited to lay his complaint before that House instead of before the head of a department. And he really thought the hon. member, having now brought the matter before the House, might safely leave it where it was.

MR. CAREY said, his object having been attained—the ventilation of the subject—he did not intend to press the resolution which he had proposed to bring forward; but he did hope the Government would take some further action in the matter, and that the result would be that the police, knowing that their conduct would be made the subject of comment in that House, would control their temper and regulate their behaviour.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he must not allow the hon. member to sit down under the impression that the Government felt it incumbent to take any further action in the matter. Everything had been done, on the part of the Government, that was necessary.

MR. CAREY said the remarks that had just fallen from the leader of the Government induced him to re-consider his decision as to refraining from moving

a resolution. He had been content with expressing a hope that the Government would, without any further action on the part of the House, have caused an enquiry to be made, but he was now plainly told that they would do no such thing. That being the case, he was sorry to find himself impelled to move a resolution on the subject, which he would not have done but for the observations that had fallen from the hon. gentleman opposite, the mouthpiece of the Government in the House.

MR. S. H. PARKER interposed, and asked the hon. member to re-consider his determination to move a resolution. The Government, it appeared to him, had acted quite fairly in the matter, and pointed out to the aggrieved person his remedy, which, however, he did not deem proper to adopt.

MR. CAREY said that when he spoke before he had done so on the impulse of the moment, nettled by the reply of the Colonial Secretary. He had no wish to press his resolution, being content with what he had already done in causing the subject to be publicly ventilated.

The matter then dropped.

#### FIRST READINGS.

The Absconding Debtors Act, Amendment Bill, 1879, and the Masters of Vessels Act, Repeal Bill, 1879, were read a first time.

#### MESSAGE (NO. 11): CONCESSION TO

MR. M. C. DAVIES.

The House then went into Committee to further consider the question of timber concession to Mr. M. C. Davies, referred to in a message from His Excellency the Governor, when

MR. CAREY moved for leave to amend the second paragraph of the resolution he had submitted on Friday evening, as follows: "This House, however, considers that if a concession is granted to Mr. Davies, and that this will involve such an increased traffic upon the road between Bunbury and Dardanup as to necessitate the expenditure of a considerable sum over and above the money already appropriated out of loan to place this road in good repair, such extra sum should be paid by Mr. Davies. The House fails to see

"any reason why the Colony should afford Mr. Davies those facilities for transport which every other timber company provides for itself." The hon. member said his object in bringing forward the resolution was—as he had already said on a former occasion—to prevent a monopoly of the timber trade in the district where Mr. Davies proposed to extend his operations. No other company had ever had such concessions as were sought by this gentleman in the matter of road-making, and he failed to see that the House would be justified in voting a large sum of money to improve a road simply for the benefit of a private individual.

The resolution was agreed to.

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

## LEGISLATIVE COUNCIL,

*Wednesday, 17th September, 1879.*

Vote of £200 for Recreation Ground, Perth—Courts of General Sessions Amendment Bill: first reading—Pastoral Lands held by the Messrs. Forrest, and by Forrest and Co.—Celebration of Marriage Bill: third reading—Absconding Debtors Act, Amendment Bill, 1879: second reading; in committee—Masters of Vessels Act, Repeal Bill, 1879: second reading; in committee—Adjournment.

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

PRAYERS.

### VOTE OF £200 FOR RECREATION GROUND, PERTH.

IN COMMITTEE.

MR. S. H. PARKER moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to cause the sum of £200 to be placed upon the Estimates for the year 1880, to be expended by the Perth City Council in

"the improvement of the lands which His Excellency has agreed to grant to the Council for the purposes of recreation and amusement." The mover said, if hon. members had read the correspondence (laid on the Table) which had passed between the Government and the City Council on this subject, they would have seen that the Governor had given directions so that the municipal authorities should have the fee simple to various parcels of land already arranged to be granted them, and that among those parcels of land was the whole of the space on the river side from Government House Jetty to Mill Street Jetty. A portion of this space it was proposed to convert into a Recreation Ground, and he believed the Government were prepared to assist the City Council in this matter. Last Session a sum of £200 was voted by the House for the improvement of Victoria Park; but that piece of land was situated at such a distance from the city that very few people would resort to it. It was, in fact, of very little use for the purposes of recreation at present, though no doubt, as population increased and the city extended, it would be very useful at some future day. In the meantime he thought that the expenditure of £200 on the piece of ground between the two jetties would be far more beneficial than expending it on Victoria Park; but the Government did not feel justified in diverting a sum of money voted for a particular purpose, to another purpose, without the assent of the House. He therefore hoped the House would support the resolution. It might be said that the citizens themselves should provide the means for converting this piece of land into a recreation ground; but he thought the citizens were already sufficiently heavily taxed, and unless the Government and the House were prepared to vote a sum out of the public funds for the purpose in view, he was afraid it would be out of the power of the City Council to convert this land into a suitable recreation ground. In the other colonies public parks were kept up out of public funds, and he thought he was fully justified in asking the House and the Government to affirm the resolution which he had submitted for the consideration of the Committee.