

MR. MARMION hoped that hon. members would not devote any considerable time to the discussion of this amendment, for he thought it was quite unnecessary, and that as soon as possible they should proceed to consider the regulations in detail. After all, what were they doing but endeavoring to improve the old regulations by trying to put them into better shape and liberalising them? That was his opinion, and he thought it was the opinion of the majority; and it seemed to him simply waste of time to discuss this side issue. Let them join together and see if they could not turn out regulations that would be a credit to the House and find an echo in the hearts of the people of the colony generally, and find acceptance at the hands of the public at large, and not of the Wellington district alone. Possibly, when the hon. member who had just sat down obtained Responsible Government for Western Australia and held a seat on the Treasury bench opposite, the hon. member might be actuated by the same conscientious motives as he was now, and that the country might feel as safe as it did now in the hands of those who occupied seats on that bench at present.

SIR T. COCKBURN-CAMPBELL said that when he spoke on the subject on a late occasion he only said two or three words, and in those few words he said that it was his opinion that the existing land regulations, with certain slight amendments, would answer the purpose we required for the present; but, having said that, he felt bound to say that he could not vote with the hon. member upon this amendment. The hon. member might possibly have calculated upon his vote in consequence of what he said when he spoke on a late occasion; but he did not think that the hon. member's amendment was in the nature of what he might call practical politics. He looked upon the draft regulations before the House as a sort of bill introduced by His Excellency the Governor, and that it was their duty to consider it as such; and he thought they could not shape the bill to suit their own particular views.

The amendment submitted by Capt. FAWCETT was then put and negatived,

and Mr. SHENTON's motion agreed to, without a division.

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

LEGISLATIVE COUNCIL,

Friday, 23rd July, 1886.

Destructive Insects and Substances Act: Order of the Governor in Council—Beverley-Albany Railway: Contract for construction—Eucla Jetty: Construction of—Regulations affecting Pastoral Leases, North District—Wines, Beer, and Spirits Sale Act: as to bond fide travellers—Masters and Servants Act Amendment Bill: first reading—Colonial Hospital: appointment of Select Committee—Despatches respecting Responsible Government—Inquiry into Arrest of Mr. A. J. Edwards, at Roebourne—Perth Gas Company Bill: first reading—Extension of Fremantle Jetty (Message No. 11)—Supplementary Estimates, 1886: report of committee—Appropriation Bill (Supplementary), 1886—Public Health Bill: further considered in committee—Adjournment.

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

PRAYERS.

DESTRUCTIVE INSECTS AND SUBSTANCES ACT: VINE CUTTINGS.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith), in laying on the table of the House an Order of the Governor in Council made under the Destructive Insects and Substances Act, 1880, said he did so for the purpose of drawing attention to the fact that such an Order had been issued, prohibiting the importation of vines, as it might possibly be the wish of some hon. member that an additional Order should be issued dealing with some other matter. The present Order was confined to the prohibition of the importation of grape vines from the other colonies.

BEVERLEY-ALBANY RAILWAY: CONTRACT FOR CONSTRUCTION OF LINE.

MR. VENN, in asking the following questions, said he did so in deference to

the wishes of His Honor the Speaker, who, from his position in the House, was unable to ask them himself. It would be seen, however, that although his position precluded him from taking an active part in the work of the House, his heart was in the work, and he was anxious in every way to protect the interests of the colony. He begged to ask the Commissioner of Railways:—

1. Whether he was aware that a contract has been concluded between the Western Australian Land Company and Messrs. Millar & Co., for the construction of the Beverley-Albany Railway, for £1,437 per mile, exclusive of ironwork?

2. Whether it was possible to construct the railway at that rate per mile, so as to be equal in all respects to the Government Railways, more especially as regards gradients, curves, and general conditions, when completed?

3. What steps were proposed to be taken by the Government to ensure that the terms of the contract between the Government and Mr. Hordern be complied with, in accordance with clause 10 of the said contract, which required that the whole of the permanent way, plant, and rolling stock should be of equal quality to that in use by the Government, and be subject to the approval of the Commissioner?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright), replying to the hon. member, said:—"1. I have merely seen by the public prints of such a contract having been concluded, but I am unable to give any particulars, having received no official communication on the subject.

2. For the same reason I am unable to give the information required as to the possibility of constructing the line, equal in all respects to the Government Railways, for the sum named of £1,437 per mile, as I have not seen either plans, sections, or specifications; or to know in consequence what work is included in the contract.

3. The Contractor is obliged to submit, for the approval of the Commissioner, the plans, sections, etc., before the work can be commenced, and all rolling stock must be at least equal in quality to that in use on the Government Railways, and be subject to the Commissioner's approval. This will be rigidly enforced before the

line is commenced in the one case or opened for traffic in the second, in the same manner at least as is done by the Board of Trade in England.

EUCLA JETTY: AS TO CONSTRUCTION OF.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Director of Public Works what steps the Government proposed to take in regard to the construction of a jetty at Eucla, funds for which were dedicated during the session of 1885.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said: Nothing has been done in the matter up to the present, but a surveyor will be sent down to make the necessary surveys for the work. At the same time, I may inform the hon. member for Plantagenet that a petition has been received by the Government, signed by Mr. Henry Bates, of the Eucla Land and Pastoral Company, and others, asking that a portion of the £2,000 placed on the Schedule of the Loan, 1884, for this Jetty, might be devoted to another purpose, which they consider would be of far more advantage to the settlers and the public generally, namely, that of placing tanks on the road between Eucla and Eyre. They state, while fully appreciating the consideration shown to the interests of the district by placing such a sum as the £2,000 on the Schedule, that they consider the construction of a Jetty both premature and uncalled for; that the site is not central, and that it would be of no benefit to the settlers whose lands lie to the Westward, even if it were of any appreciable advantage to those in the immediate vicinity. Whereas water at different places along the road between Eucla and Eyre would be a benefit of a permanent nature, affecting equally the present settlers and those who may come hereafter to open up the country. They were informed that the amount having been placed on the Schedule for a specific object, the Government has no power to alter it, or divert this sum, or any part of it, without the sanction of the Legislature. If, however, the hon. baronet considers the expenditure would be of more practical use to the district if made in the manner proposed by the petitioners, and would

bring forward a motion to that end, the Government would have no objection.

SIR T. COCKBURN - CAMPBELL: Can the hon. gentleman inform me whether this petition has emanated from a sufficient number of persons to lead the Government to suppose that it is representative of the wishes of the settlers of the district generally?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): I am not aware myself of the number of settlers in the district, but the petition contains four names.

REGULATIONS AFFECTING PASTORAL LEASES, NORTH DISTRICT.

MR. VENN, in accordance with notice, asked the Commissioner of Crown Lands to lay upon the table of the House the regulations affecting pastoral leases at the North at the time when those leases were granted to the present lessees, together with the date on which such leases were granted.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I do not understand what the hon. member requires. If he simply requires the dates of the various leases in the North district and the term for which they were taken up, a return containing that information could be prepared. If the hon. member requires the regulations under which the leases were granted, they will be found in the Land Regulations of the colony.

MR. VENN: I should have thought that the notice explained itself. It is simply for a copy of the draft regulations affecting Northern lessees under their present leases, and the date when those leases were granted. I am sorry to find, this is the second time this session, within the past few days, that the Surveyor General has demurred to questions put to him inquiring for information.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I have already told the hon. member that all the information he seems to require will be found in the Land Regulations now in force, copies of which may be found on the table.

WINES, BEER, AND SPIRITS SALE ACT: SUPPLYING DRINK TO *BONA FIDE* TRAVELLERS.

CAPTAIN FAWCETT, in accordance with notice, asked the Acting Attorney

General, whether, in consequence of the decision given by the Supreme Court on 21st July instant, under the Wines, Beer, and Spirit Sale Act of 1880, it was the intention of the Government, during the present session, to bring forward an amending Act, so as to allow *bona fide* travellers to obtain refreshments on Sunday, Good Friday, or Christmas Day. Hon. members were probably aware that a publican named Cornwall was fined £50 by the Resident Magistrate at the Williams for selling liquor to a man on a Sunday, and that Cornwall appealed against the decision of the magistrate, on the ground that the man to whom he had supplied the liquor was a *bona fide* traveller. During the hearing of the appeal the Crown Solicitor submitted that according to the wording of the Act publicans were not allowed to sell liquor to any person on a Sunday, whether he was a *bona fide* traveller or not; and the Full Court upheld that contention. It was a very hard thing that a publican should be fined for doing what the law intended should be done, and what had always been permitted up to the present time. If this new interpretation of the clause was the correct interpretation, the sooner the Act was amended the better, for it certainly was never understood so before. The general impression was that a publican was bound to supply *bona fide* travellers with liquor when they required it, Sunday or any other day: and it was in that belief that Cornwall had supplied his customer with liquor. It seemed a hard thing that the law officers of the Crown should frame an Act and that the Legislature should pass an Act which enabled magistrates to fine people who did what the Act itself intended they should do.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): It has taken a very long time indeed to find out that a *bona fide* traveller could not be supplied with a glass of drink on a Sunday; but it appears from the recent decision of the Supreme Court that he cannot. My answer to the hon. member's question is this: the Government has, as yet, come to no decision on the subject, but the question will be considered in connection with other proposed amendments to "The Wines, Beer, and Spirits Sale Act, 1880."

MASTERS AND SERVANTS ACT AMENDMENT BILL.

MR. PARKER, in accordance with notice, moved for leave to introduce a Bill to amend the Masters and Servants Act (6th Vict., No. 5).

Leave given, and bill read a first time.

MR. PARKER said as he understood from the Governor's speech at the opening of the session that the Government intended bringing in a bill dealing with labor engagements and the relations of masters and servants, he would ask that the second reading of the present bill be delayed, so that it might be seen whether the provisions of it might not be incorporated with the Government measure.

The second reading was fixed for July 30th.

COLONIAL HOSPITAL ACCOMMODATION.

MR. SCOTT, in accordance with notice, moved, "That a select committee be appointed to take into consideration the working of the Colonial Hospital and the rules regulating the same, with a view to a considerable increase in the accommodation, and to report to the House the best means of placing the hospital upon the same liberal footing as similar institutions in the mother country." The hon. member said that in moving this resolution he did so without much diffidence, for he felt sure he had the sympathy of hon. members on his side of the House and also of hon. members on the opposite benches, the resolution having for its object the alleviation of suffering and the introduction of a more effectual system of relief for persons who might require assistance or accommodation in this institution. Ours probably was the only colony on the continent possessing no public hospital partly or wholly and systematically supported by the contributions of the people of the colony themselves, and in the control of which the people had a voice. What he desired, and his object, was that the present Colonial Hospital should be enlarged and improved in such a way that people who might choose to subscribe towards its support, year by year, should have a right to give letters of introduction or recommendations to such persons as they might consider deserving of medical relief within the hospital. He

would also have the hospital put on a different footing, so that other medical men besides the Colonial Surgeon should have the honor and the privilege of attending it, and of giving their professional services to such patients as might desire to have such services. He had now been in practice at Perth some eight years, and, personally, he was in a position to say that there were very many cases that ought to obtain relief at this institution who at present were unable to do so, more particularly because of the restricted accommodation and the rigid rules governing the admission of patients into the hospital. He thought it was very desirable that the public should be encouraged to subscribe towards such institutions, with the view of giving them an interest in them, and at the same time increase the funds available for their support, and thereby add to their efficiency and usefulness. Although he did not anticipate that they would be able to do much this session towards carrying out the desired changes, still he thought it would be very advisable that some preliminary action should be taken, so that the House might be in a position next year to deal with the question, which, to his mind, was a very important one. He begged to move that the select committee should consist of the Colonial Secretary, the Director of Public Works, Mr. Randell, Mr. Marmion, Mr. Parker, and the mover; with power to call for persons and papers.

MR. PARKER said he had very great pleasure in seconding the proposition. He understood that the desire and intention of the hon. member was to popularise this hospital, and to make it a more liberal institution than it was at present. He had no doubt they were all aware that the present accommodation at the Colonial Hospital was very limited indeed; and he imagined, from what he had heard, that many cases that ought to be admitted were, in consequence of this limited accommodation and the strict rules governing the admission of patients, unable to get in. He understood also that the object of the hon. member was not only to make it a more liberal institution and to increase the accommodation, but also to make it a more popular institution, and that it should be placed somewhat on the same basis as

similar institutions in other countries, where medical men were allowed to join the staff by becoming honorary physicians or surgeons, giving their professional services to the patients gratis. It must be evident that if such an institution as the Colonial Hospital was necessary many years ago, when the present hospital was built, the necessity for increasing the accommodation and augmenting the staff was much greater now, with our increased population and increased facilities of communication with our country districts, enabling patients from a distance to come to Perth for medical relief, many of whom were unable to obtain proper accommodation and attendance without going to a hospital. He thought the hon. member was to be commended for having brought this subject to their notice, and he hoped the hon. member would succeed in his endeavor to provide relief for the distress of the poor and the afflicted, with whose distress the hon. member probably was better acquainted than other hon. members of that House were.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): I do not rise with any intention of opposing the appointment of this select committee, if it is the unanimous desire of the House that a committee should be appointed; but I should like to make a few remarks on the subject before the motion is put. The object in view is no doubt a good and desirable one; but we must not lose sight of the fact that the attainment of that object will entail, eventually, a very large increase of public expenditure. Were it not that just at the present moment we are spending large sums of money in all directions, and that it will be further necessary to spend large sums of money, and that this initiatory expenditure will involve a largely additional permanent expenditure,—were it not for these considerations I think we might reasonably expend what would be necessary to carry out the wishes of the hon. member. But again, it hardly seems to me that there is any necessity for such a course as the hon. member suggests. The principal reason given by the hon. member for the adoption of the proposed change is that the present hospital is not sufficiently commodious. Well, surely, the accommodation could be increased easily enough

without the appointment of a select committee. I am not aware that there are any complaints as to the present administration of the hospital under the Colonial Surgeon, in any way whatever; if there were, then perhaps it might be desirable to see what ought to be done. If we adopt the suggestions which the hon. member has put forward, we entirely change the whole system of administration, and the hospital would cease to be a Government institution altogether. It would become, like many institutions of a similar character in the other colonies and in England, an institution subsidised perhaps by the State but depending mainly upon the voluntary contributions of the benevolent. Had we a large population, and numerous wealthy citizens or colonists, we might doubtless expect to receive such contributions here, without which it would be impossible to carry on such an institution. But are we likely, with our limited population and our not very wealthy population to obtain these voluntary contributions? I hardly think so; and it is for that reason that I am unable to see any necessity for instituting an inquiry into the matter, seeing the improbability of our being at present able to carry out that which the hon. member wishes. However, if it is the desire of the House that a select committee should be appointed, the Government have no intention whatever of opposing it.

MR. MARMION said it appeared to him that the time at their disposal this session would hardly suffice to enable a committee to inquire into this matter and to report to the House in such a way as the hon. member wished; and it struck him that the object would be better attained—the hon. member himself admitted that he did not expect they could do much during the present session—it struck him that the object in view would be better attained if a Commission were appointed, to sit during the recess, rather than that they should attempt to deal with the question by means of a select committee this session. It seemed to him, after the explanation of the Colonial Secretary, that it was a work that would require very careful consideration and a great deal of investigation; and he thought the committee should have someone upon it more capable of dealing with the subject even

than the hon. members whose names had been proposed—someone outside that House altogether—a medical man, for instance, acquainted with the working of such institutions in more populous countries. He himself did not pretend to know anything about it, and he felt some diffidence in attempting to grapple with it, certainly within the short time they were likely to have at their disposal during the sitting of the present Council. He would therefore suggest whether it would not be better to ask the Governor to appoint a Commission to deal with the question during the recess.

MR. RANDELL said he had himself intended to have suggested the very course recommended by the hon. member who had just sat down. He thought they had a right to consider the Government in a matter of this kind, inasmuch as this hospital was at present supported entirely out of public funds, and was under the sole control of the Government. But he took it that there would be no reason why this select committee should not sit during the recess. He presumed there would be a large amount of evidence to be collected, and it appeared to him it would be impossible for the committee to report during the present session. He was quite with the hon. member in thinking that it was desirable and possible to popularise this hospital, but he was inclined to agree with the Colonial Secretary that they must not, under the present circumstances of the colony, expect a very large voluntary amount, in the shape of contributions. At the same time he thought, without in any way reflecting upon the present management of the hospital, that it would induce greater confidence being placed in it by the general public, and also tend to popularise it, if there were associated with the management of it somebody outside the Government staff of the hospital. He thought it was very desirable that medical men outside the Government service should visit the hospital from time to time; and if the rules were altered to admit of this being done, it would be to the benefit of the public, and of patients, and of the medical men themselves, giving them as it would a larger experience in the discharge of their professional vocations. Looking at the matter from every point of view

he thought it would be a move in the right direction to institute this inquiry, and the only question was whether it would be better to proceed by Commission, or by a select committee of the House sitting during the recess, and reporting to the House next session.

THE SPEAKER: I am of opinion that a select committee of the House could not sit after the Council is prorogued. A select committee can sit, by leave, on days when the House itself is not sitting; but that is only during the session.

MR. SCOTT said that all he wished was that the select committee should simply investigate the matter broadly, and elicit from the medical faculty some expression of opinion on the subject, and report to the House as to whether they thought it would be advisable to go into the whole matter thoroughly and in detail. He did not propose that this select committee should undertake any vast amount of work itself. As to what had fallen from hon. members opposite, he could not but think from what he knew of Western Australia that the people would subscribe and subscribe liberally towards such an institution when they found that it was popularised and that they could have some voice in its management and have the privilege of recommending patients for admission. He anticipated that they would get more than half the necessary funds required for carrying on the hospital subscribed by the public, and that the other portion of the funds should be furnished by the Government. He thought if those hon. members whom he had named would kindly act with him upon this committee, merely with the view of making a preliminary inquiry, they would be able to report to the House this session, and, if considered desirable, ask the Government to appoint a Commission to inquire into the whole question during the recess. He was in the hands of the House in the matter.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he should like to point out that in his opinion the hon. member who had brought forward this motion was taking a very sanguine view of the case, and had a very high appreciation of the generosity of the people of Perth and Fremantle if he thought they

were going to open their purses and let their voluntary contributions flow in to the extent of relieving the Government of one half the expenditure of this hospital, if it were enlarged as the hon. member desired. He rather thought the hon. member was forming too high an estimate of people's liberality, knowing what they did of the efforts that were made for similar objects, through the limited means of the community. He thought with the hon. member Mr. Randell and the hon. member for Fremantle that there would be scarcely time this session of Council for a select committee to take in hand such a large and important subject as this, although it had his sympathy in every way. He thought it would be far better to ask the Governor to appoint a Commission; and he thought the Colonial Surgeon should necessarily be on that Commission or upon any other body appointed to consider this matter. The Colonial Surgeon had had a long and extensive experience of this hospital, and possibly would be able to tell the Commission or the committee a great deal they would like to know about the present working of the institution.

The motion was then put, and adopted.

DESPATCHES RE RESPONSIBLE GOVERNMENT.

MR. GRANT asked the Acting Colonial Secretary to lay on the table of the House any further information on the question of the introduction of Responsible Government that this Government may have received from the Imperial Government subsequent to the Secretary of State's despatch, dated July 14th, 1884.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) informed the hon. member that the Government had not received any further information on the subject since the despatch referred to.

ARREST OF MR. A. J. EDWARDS AT ROEBOURNE.

MR. GRANT moved "An humble address to the Governor, asking His Excellency to cause inquiries to be

"instituted into the origin of the arrest of Mr. A. J. Edwards, squatter, of the North-West, near Roebourne, and the reason of the refusal of the Government Resident to liberate him on bail, and whether the charge was sufficient to warrant such extreme measures, and that the result of such inquiries be communicated to the House, with a copy of the depositions taken in the case."

It appeared that Mr. Edwards had been arrested upon an information laid by a neighbor, Mr. Hall, charging him with cattle stealing, and that the Resident Magistrate at Roebourne (Colonel Angelo) had refused to admit the accused to bail, pending the investigation, which resulted in his discharge from custody. The information had been laid simply upon hearsay evidence, and the accused, a respectable settler who had resided at the North-West for years, was brought in by the police from his station and detained in custody, in the Roebourne lock-up, for eight or nine days, bail being refused. The hon. member said the case turned out to be a most trumpery one, and why the magistrate refused to admit the accused to bail it was hard to conceive, seeing that he was largely interested in the district, occupying a good position, and enjoying the respect and confidence of all who knew him. The facts of the case were these—and he thought in making an accusation like this against a Government official there would be no objection to his reading the notes he had made of the case, as they were all such as could be substantiated: About the middle of April last, Arthur J. Edwards was arrested for cattle stealing at the North-West, on the information of W. S. Hall, and was lodged in gaol, and then remanded for eight days, bail being refused by the presiding magistrate. The circumstances of the case were these: Mr. Edwards had given some milking cows to Mr. Withnell in exchange for younger cows to send to Kimberley. Amongst them was one branded E Y very distinctly—this being Mr. Edwards's brand; there was also a brand representing a crooked "one" (as it was called) faintly branded on the off side. A few days afterwards one of the prosecutor's sons saw the cow at Mr. Withnell's, and claimed it as having his father's brand upon it—a crooked "one." Mr. Withnell told him he had better take

it, rather than have any bother about it, as he knew he could get another from Mr. Edwards in place of it. The cow was therefore taken in to Roebourne by young Hall. The next step of the Government Resident was the sending of the police with a guide, at £1 per day, after the mob of cattle which Mr. Edwards had sent to Kimberley, to examine and inquire if there were any stolen cattle amongst them; and, upon the return of the police, reporting that there were no stolen cattle in the mob, Mr. Edwards was then admitted to bail,—showing that there was no serious case against him necessitating the refusal of bail. When the case came into Court, Hall's claim to the cow rested upon someone having told him twelve months previously that this cow—then having Edwards's distinct brand upon it—was his, whereupon he had the cow branded by putting what he called his own private mark upon it—a crooked “one.” Subsequently the cow was turned loose, and it returned to Mr. Edwards's station. During the trial of the case Hall described the cow he claimed as being 2 years and 4 months old. Several witnesses proved that this cow was branded in Mr. Edwards's yard when a calf, and that it was four years old; and they also proved that the mother of the cow was one of Mr. Edwards's cows. These were the simple facts of the case, and he thought it behoved the Government to make inquiries into the matter, for it appeared to him that the treatment which Mr. Edwards had received was altogether owing to the inexperience or ignorance of the Resident Magistrate of the district. It was a monstrous thing that a respectable and well-known settler should have his character blasted and damned owing to the stupidity or inexperience of the Government magistrate. This was a matter that might affect the whole community at the North-West, and it showed that in the present Resident Magistrate they had an officer there who was not fit for his position. Every settler in the district was liable to have the same accusation brought against him, and be treated like Mr. Edwards had been treated, upon the most trumpety charge, concocted by anyone who might have a little spite against him, because he would not allow his cattle to run on his

land. He thought that, in Mr. Edwards's case, should the Government, upon inquiry, find that the magistrate who issued the warrant and refused to admit the accused to bail was really to blame, they ought to make some recompense to Mr. Edwards, whose case was a very hard one, calling for the strictest investigation.

MR. BURGESS said that to his knowledge Mr. Edwards had suffered considerable inconvenience and loss through this prosecution. He was a well known settler in the district, colonial-born, and coming from a very respectable family, and looked upon by all who knew him as an honest, straightforward, hardworking young man. He (Mr. Burgess) should not have been so anxious about the case, perhaps, had it not been that Mr. Edwards had been previously handled in this rough way. Some twelve months ago a similar information was laid against him, and the charge upon investigation turned out to be without any foundation whatever; and it appeared that the present case was of a similar character. The first charge, he believed, was laid by the police, without any valid grounds whatever; and there had lately been three or four cases of that kind, disclosing the same stupidity or rashness on the part of the police. He thought that before any very stringent measures should be taken against people in such cases as these, every care and precaution should be taken to ascertain what foundation, if any, there was for such a charge. In this case the information was laid by a neighbor, and it was alleged that in consequence of the Resident Magistrate before whom the information was made being inexperienced he had been too ready to accept the information, without making any inquiries. He thought that in such cases, when well known and respectable settlers were charged with such a serious offence as cattle stealing, it was the duty of magistrates to be very careful and cautious in issuing their warrants, especially if they were strangers to the district. This man, Edwards, had undoubtedly been very cruelly and harshly dealt with, and he hoped a strict inquiry would be made by the Government into the circumstances of the case. He knew for a fact that this second apprehension of this young man had injured him very

much indeed, and almost disheartened him from residing in the district. He was now almost ready to sacrifice all his property and prospects at the North-West, where he had lived for years, as he felt that he was not safe, being evidently surrounded by some enemies, who might at any day trump up similar charges against him, without any foundation whatever.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he assumed of course that the hon. member who had brought forward this motion had good grounds, from the information he had in his possession, for supposing that this case was one of considerable hardship to Mr. Edwards—the circumstances of his arrest and imprisonment, and his subsequent discharge. The hon. member asked the Government to make certain inquiries; but he thought the hon. member would see, when he pointed it out to him, that with regard to some of these inquiries it was rather beyond the province of the Government to make them, or, if they were made, that they would be unable to arrive at any result, and that an inquiry as regards some of the points raised was unnecessary. For instance, the hon. member asked that an inquiry should be made into the "origin of the arrest." Now the origin of the arrest was undoubtedly traceable to the fact that a criminal information had been laid,—at any rate he presumed so. That, however, could be ascertained from a perusal of the information, and of the depositions in the case. But when the hon. member asked them to inquire the reason of the refusal of the magistrate to liberate the accused, on bail, the hon. member asked the Government to inquire from a magistrate his reasons for exercising a discretion which the law vested in him. It was rather a difficult thing for the Crown anywhere to too closely interrogate magistrates or justices as to their reasons for arriving at their conclusions. Of course it was quite within the province of the House to express any opinion as to the steps taken by any magistrate when they saw the grounds upon which he had proceeded, and the Government might do the same; but he thought they could hardly demand from a magistrate his reasons for refusing to admit a man to bail. As

to whether the charge laid against the accused in this case was sufficient to warrant such extreme measures, that would appear when they saw the charge and the information; and if the House should think fit to pass this address asking for a copy of the depositions in the case, he did not suppose the Government would have any objection, when they received the depositions, to lay them on the table of the House; and when hon. members had these depositions before them, it would be quite competent for them to express an opinion upon the subject. But it was another thing altogether to ask the Government to inquire into the reasons which had guided a magistrate in coming to a decision upon a point with respect to which the statute gave him right to exercise his own discretion.

MR. PARKER said that personally he had no objection to this address being presented: but he would point out to hon. members that he thought it was establishing rather a bad precedent, because Mr. Edwards was not the only man who had been, or was likely to be, arrested on a frivolous charge, and not the only man who having been so arrested had been refused bail. In fact, he might inform the hon. member that in a case where a man was charged with felony and arrested on a warrant, as was the case here—the information, he believed, disclosing a gross charge of stealing a cow—magistrates never did grant bail until the charge was heard. He thought, from the case put by the hon. member for the North, that the cause of complaint which Edwards had was that, because of the inexperience of the magistrate, that functionary did not make those inquiries which he ought to have made before issuing his warrant for the arrest of the accused. He understood that the person who laid the information did not do so from facts within his own personal knowledge; he had only heard something which induced him to believe that Edwards stole his cow. If that was the case—if, when the magistrate took Hall's information he ascertained from him that it was merely hearsay—he ought never to have granted that warrant. He thought no one who had been in the habit of administering the law, or who was acquainted with the elementary rules

of evidence, would ever have dreamt of issuing a warrant upon such a statement. So that the great cause of complaint which Edwards had was not that he was arrested but that the warrant for his arrest was issued without the magistrate making due inquiry. As regards any other cause of complaint, he could point to many other cases in which people of poorer degree had suffered quite as much as Mr. Edwards had suffered. He was glad, for Mr. Edwards's sake, that this discussion had taken place, because the eulogiums which had been passed upon his character were such as, he trusted, would do away with any ill effects the prosecution had produced. He had himself known Mr. Edwards for years, and he was glad to bear out the eulogistic statements which had been made in his favor; at the same time they must not make any distinction between Mr. Edwards the squatter and Jones the laborer. Supposing Jones the laborer had been arrested for putting his hand into another man's pocket, and been brought up before the magistrate say at the Williams, and the Williams magistrate had refused to admit Jones to bail, and that eventually the charge against poor Jones turned out to be a trumpery one, and Jones was eventually dismissed, would any hon. member of that House have dreamt of asking the Governor to institute inquiries as to why Jones was arrested, or why the magistrate refused to admit Jones to bail? He did not think anyone would dream of bringing poor Jones's case before the House; and, in the present case, they must really not consider the position in life of the accused, and say that because Mr. Edwards was a respectable squatter and belonged to a highly respectable family he should be looked upon as deserving of the sympathy of that House any more than if he had been Jones the laborer, or Smith the shoemaker. They must look upon the case as they would upon any ordinary case. If the House passed this resolution it would open the gate to a flood of resolutions of a very similar kind, for, to his own knowledge, there had been quite as gross and grosser injustice and hardship inflicted upon people among the lower classes of society.

The motion upon being put was adopted.

PERTH GAS COMPANY BILL.

MR. PARKER moved the first reading of a Bill to extend the powers and privileges of the Perth Gas Company, Limited, and to give to the said company other powers and privileges.

Motion agreed to.

Bill read a first time.

MR. PARKER said that, according to the standing orders, when a private bill had been read a first time it had to be referred to a select committee, "who shall require proof of the allegations contained in the preamble." He therefore now moved that this bill be referred to a select committee, to consist of the Engineer-in-Chief, Mr. Randell, Mr. Crowther, Mr. Harper, and the mover.

Agreed to.

EXTENSION OF FREMANTLE JETTY (MESSAGE No. 11).

On the order of the day for the consideration of His Excellency's message relating to the proposed extension of the sea jetty at Fremantle,

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said it would be seen from the message that His Excellency invited the House to consider whether, in view of the increasing requirements of trade at Fremantle, it would not be advisable at once to undertake a considerable extension and improvement of the new jetty, and that, should the House be of this opinion, His Excellency suggested that a sum not exceeding £10,000 should be appropriated to this work, from the sum of £105,000 included in the last loan, for harbor improvements at Fremantle. He felt perfectly certain that the House would be of His Excellency's opinion in this matter. Several complaints had been made by hon. members during this session as to the present state of the jetties at Fremantle, and the necessity for some increased and improved accommodation. Unfortunately he had not been able to get any exact return showing the increase of traffic over this new jetty since it was built some years ago, as it was only lately that the Government had taken over the management of the jetty. But he had just received a return showing that the amount of tonnage that passed over the

jetty in 1884 was about 22,000, whereas, according to a return laid on the table the other day, over 27,000 tons had passed over it during the first half of the present year. So that the amount of traffic had considerably more than doubled within the last two years; and, so far as they could see, it was likely to increase much more. Yet they were expected to be able to cope with all this increase in business with the same machinery as they had some years ago. No one now going on the jetties could fail to be struck with the utter confusion which prevailed, and the inconvenience caused through the want of increased accommodation, and not only the inconvenience, but also the loss of time, which, to business people, was money. The real fact was, there was not sufficient room on the present jetty for the present traffic, and what he proposed doing was to have four lines of rails, connected by traversers or a turntable, and that the whole of the goods traffic should be worked by locomotive. To enable them to do that, they would require a considerable extension of the jetty seaward, and also to widen the present structure; and what he proposed to do now was to extend the head of the jetty, in a line with its present direction, about three hundred feet out to sea, and also to widen the jetty fifty feet as far as where the present widening commenced, and to have traversers or a turntable to connect the four lines of rails with the goods yard, and also with 'A' store, and with the new bonded store in course of erection. He considered this would be quite sufficient to give every accommodation that would be required. Further than that, he would put at the back of the 'A' store all such merchandise as timber and sandalwood, and on the other side provide accommodation for sheep and cattle. To accomplish all this would cost about £12,000 or £12,500, and it was proposed that the necessary sum be appropriated out of the loan money (£105,000) set apart for harbor works. He considered that, although this money was voted for harbor improvements in connection with Sir John Coode's scheme, it would be a perfectly legitimate diversion to appropriate a portion of it for the purpose now contemplated. The money was now lying idle—and no one

imagined that £105,000 would carry out, in its entirety, Sir John Coode's scheme, when it arrived; therefore, another loan would be necessary to complete that scheme, and he considered it would be an appropriate thing now to divert this sum out of the money now lying idle, and to devote it to jetty extension in connection with the harbor. He believed that, some few years ago, a select committee of that House recommended an expenditure of £10,000 for extending the present jetty accommodation, and, if increased accommodation was required then, surely it was doubly necessary now. He therefore moved, "That an humble address be presented to His Excellency the Governor, in reply to his Message (No. 11), praying that he may be pleased to cause the sum of £12,500 to be taken from the Schedule of the Loan Act, 1884, under the heading 'Improved Harbor Accommodation, Fremantle,' for the purpose of improving and extending the present new jetty at that place."

MR. MARMION had much pleasure in seconding the motion of the Director of Public Works, and he thanked the hon. gentleman, in the name of the commercial community and of the inhabitants of Fremantle, for the interest he had taken in the matter, and for the ready way he had responded to a generally expressed wish on the part of the mercantile and shipping community for increased jetty accommodation. There was no doubt that the present state of affairs as regards jetty conveniences at Fremantle was a standing reproach, and a serious drawback to the trade of the principal port of the colony. To anyone who had resided there for some years, as he had, the increase of trade at Fremantle was certainly such as was calculated at times to stun one, and it seemed to him that the project now before them was the only means that presented itself for removing the present difficulty. As the Director of Public Works had said, a select committee of the House some years ago recommended that the sum of £10,000 should be devoted to the enlargement of this jetty; but the House then in its wisdom preferred that Sir John Coode should visit the colony and report upon some comprehensive scheme of harbor improvements. Sir John Coode had

been, and Sir John Coode would no doubt in time report; but, meanwhile, it was absolutely necessary that something should be done, at once, to improve the present jetty accommodation, and the only thing that could be done, with so small an amount of money, was to adopt the plan suggested by the Director of Public Works, namely, to extend the present jetty some 300 feet, so as to enable vessels of slightly increased draught to come alongside, and also to give increased accommodation for a larger number of vessels. It might be said it would be wise, in view of Sir John Coode's expected report, to wait until we saw what Sir John Coode recommended, and whether the proposed works should be inside or outside the river bar. But it appeared to him that no matter what form of improvements Sir John Coode might recommend, this increased jetty accommodation was an absolute necessity at the present time. It would be some years before Sir John Coode's scheme, whatever it might be, could be carried out *in toto*; and, whether the locality should be inside the river or outside, this work would still be a most useful and necessary work, so that the money could not in any sense be considered as thrown away. He thought that from any point of view it would be a wise and prudent expenditure. Besides, the increasing trade of the place actually demanded it, and possibly no expenditure of public money would so well recoup the outlay. With regard to the details of the Director of Public Works' scheme, he did not think it necessary at the present moment to dilate upon them, for he felt sure that when the hon. gentleman perfected his scheme it would afford general satisfaction. All they had to do with now was the policy and the absolute necessity of expending the money as proposed; and he went entirely with the hon. gentleman as to the expediency and the necessity of such expenditure. As to the question of diverting the money from the object to which it was originally dedicated, he hardly looked upon it in the light of a diversion. The money was voted for harbor improvements at Fremantle, and this was essentially part and parcel of such improvements.

MR. SHENTON said he had more than once during the present session

drawn attention to the immediate necessity of improved jetty accommodation at Fremantle; and, it seemed to him, no matter what scheme of harbor improvements might be hereafter adopted on the recommendation of Sir John Coode, it would be at least three or four years before the work would be of any practical use to the port of Fremantle. He thought that the plan proposed by the Director of Public Works would meet the case in every way, for there was no doubt that a great deal of the present inconvenience was caused by reason of there being no more tramway accommodation on the jetty. He thought, however, it would be very necessary, even with the proposed extra conveniences, to appoint some board, to make rules and regulations for the management of the jetty traffic. He thought the time had arrived, now that the trade of the colony was assuming such increased dimensions, when there should be a Board of Trade and Customs appointed here, the same as in other colonies, with power to make rules for regulating the working of our jetties. The present system was a most defective one, and a reproach to the colony.

MR. PEARSE said he supported the motion with great pleasure. Everybody acquainted with the present state of affairs in connection with the jetty accommodation at Fremantle must be convinced of the absolute necessity of something being done, as speedily as possible, in that direction. He thought if the Director of Public Works' scheme were carried out as suggested, it would meet all their traffic requirements for some time to come.

MR. CROWTHER said he supposed he must join in the general chorus of congratulation which had greeted the introduction of this great work, and which of course, being for Fremantle, was a work of absolute necessity. He was very much inclined to think, however, that the "absolute necessity" of this work was to be found not so much in the want of any increased jetty accommodation at Fremantle as in the cessation of public expenditure in that town. The hon. member opposite (Mr. Marmion) knew as well as he did that the conveniences and the accommodation already afforded on that jetty were not made

use of as they might be. They all knew that one line of rails was completely blocked by a steam crane used for discharging cargo; and, as to there being any absolute necessity for extending the present accommodation because of the increase of traffic, they all knew, and there was no denying the fact, that this increase of traffic was caused by the increase of trade to the North, pure and simple, and nothing else. He did not know whether it had ever dawned upon the minds of hon. members who looked upon this jetty scheme as a work of absolute necessity that the Northern ports were in the same fix as Fremantle as regards jetty accommodation. They were told that the expenditure of this money at Fremantle would in no way interfere with Sir John Coode's scheme whatever that scheme might be; but, when any expenditure was proposed in the same direction at Champion Bay, of course it could not be thought of, because Sir John Coode's report was not yet forthcoming. If it was an absolute necessity that £12,000 should be dropped into the harbor at Fremantle, it was an equal necessity that £4,000 or £5,000 should be dropped into the sea somewhere else, where all this increased traffic went to. They were told the other day that when the new receiving warehouse at the shore end of the Fremantle jetty was completed it would do away with the present cause of complaint as to the block of traffic. If so, he could not see where the absolute necessity came in for spending this £12,000 on jetty extension, before we got that report for which we had paid so much.

MR. MARMION said he would remind the hon. member that the expenditure of this money was required as much as anything to afford increased facilities for loading and discharging steamers and other vessels plying between Fremantle and the North, so that the advantages that would accrue would be mutual.

MR. LOTON said he was not going so far as to oppose the motion, but it seemed to him that when money was borrowed for a specific object, it was very desirable it should be expended on that object, and that there should be no diversion. No one could say that the amount set apart for harbor works at Fremantle out of the last loan was ever intended to be

devoted to lengthening the present jetty. At the same time there could be no doubt whatever that there was something radically wrong in connection with the present arrangements for landing and loading cargo at the principal port of the colony. Whether there was a sufficient amount of accommodation but not proper use made of it, he was not prepared to say, but he would say this, that the delays and inconveniences to which commercial people were now subjected was irritating in the extreme. If, however, it was considered necessary to extend the present jetty at all, he thought it would be well that they should have some further particulars and details before coming to any definite conclusion on the subject. It might or it might not be desirable—if we were going to expend anything at all—to expend even a larger sum than this. He should like to know himself, before he gave his vote, whether any material increase of accommodation would be afforded to vessels of larger tonnage than could now come alongside the jetty, because, if not, and it would be possible to provide that increased accommodation by spending £4,000 or £5,000 more—if they spent any at all—he should be inclined to be in favor of doing so. He hoped, also, that some improved accommodation would be provided for the passenger traffic as well as the goods traffic. He should not oppose the motion, but he should like to have some further details.

MR. MARMION suggested that the matter might be referred to a select committee.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said that when the jetty was extended as proposed there would be sufficient water for steamers considerably larger than those at present on the line to come alongside; and that, he thought, was about all that we required at present. At any rate we would be extending the jetty in the right direction—seaward, into deeper water. As to the present block being caused by the increase of trade with the North, he should have thought that was rather a cause for congratulation than for complaint, and a strong reason why we should increase the present facilities. With regard to proceeding with this work before re-

ceiving Sir John Coode's report, and not proceeding with the same work at Geraldton, he would point out that the proposed extension of the jetty at Fremantle could have nothing to do with Sir John Coode's report, nor could Sir John Coode's report have anything to do with the absolute necessity for improving the present state of affairs in connection with this jetty. It was different altogether as regards the Geraldton jetty, as Sir John Coode's report must necessarily affect that jetty one way or the other.

MR. RANDELL thought it was quite unnecessary to refer this question to a select committee. He thought the responsibility should rest upon the right shoulders, the Public Works Department. Admitting the desirability of the work—which, he thought, notwithstanding what had fallen from the hon. member for Greenough, was generally admitted—it appeared to him that the proposal made by the Director of Public Works would meet their present requirements. He could only express a hope that all our jetties might need extension from the same cause—the increasing traffic upon them. He hoped something might be done to carry out the suggestion of the hon. member Mr. Loton, as to providing improved facilities for passengers on this jetty at Fremantle, as it was frequently very dangerous for passengers now to pass along it.

The motion was then put and carried.

SUPPLEMENTARY ESTIMATES, 1886.

On the order of the day for the Supplementary Estimates to be reported to the House,

THE CHAIRMAN OF COMMITTEES reported that the committee had passed resolutions granting the sum of £74,935 3s. 11d. for the services of the current year.

The report was adopted.

APPROPRIATION BILL (SUPPLEMENTARY), 1886.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) moved the first reading of a Bill to provide for the payment of certain additional and unforeseen expenses in the year 1886, over and above the Estimates for that year.

Motion agreed to.

Bill read a first time.

PUBLIC HEALTH BILL.

The House went into committee for the further consideration of this bill.

Clause 4—Appointment of Central Board of Health:

This clause, which was discussed when in committee previously, was now put and passed.

Clause 5—Appointment of president of the Central Board; and chairman's casting vote:

MR. RANDELL did not know what might be the opinion of the committee, but personally he was opposed to the chairman or president having a casting vote, or in other words having two votes. It was not usual, he believed. At any rate they denied that privilege to the Speaker of their own House and to the Chairman of Committees. He thought it was wrong in principle. No man whether he be chairman or president could be supposed, from the mere fact of his holding that position, to be possessed of greater ability or greater intelligence than any other member of the board, and he thought that the exercise of this privilege of a dual vote might sometimes prove objectionable. Possibly in this particular case it might not be so objectionable, and he merely wished an expression of opinion on the subject. It would enable the chairman to over-ride the views of the board when there was an equality of votes.

MR. SCOTT suggested that, instead of the Governor appointing the president of the Central Board, the board should appoint their own president. He thought that would be found to work better than for the Governor to make the appointment. The members of the board would be likely to work more harmoniously together if they had a chairman of their own choice.

MR. RANDELL thought as the Governor had the right of nominating the members of the board he should also have the right of nominating their president.

MR. MARMION said that in the case of most other boards the president was appointed by statute or nominated by the Governor, and he did not see why it should not be so here. As to the chairman having a casting vote, it might be inconvenient if he did not

have a casting vote when the members of the board were equally divided in opinion.

The clause was then agreed to.

Clause 6.—“The Governor may from time to time appoint and remove a secretary, inspectors, and such other officers of the Central Board of Health as may be deemed necessary for the purposes of this Act.”

MR. SCOTT thought this power should only be exercised on the recommendation of the Central Board; and he would move, as an amendment, that after the word “may,” in the first line, the words “on the recommendation of the Central Board” be inserted.

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

Clauses 7 to 11: Powers and functions of Central Board:

Agreed to, *sub silentio*.

Clause 12.—“The Governor may from time to time appoint a Local Board of Health for the city of Perth, and a Local Board of Health for the town of Fremantle, and, on the recommendation of the Central Board, for any Municipality to which the provisions of this Act may be extended; and every such board shall consist of the Mayor or Chairman (as the case may be) of the Municipality for the time being, who shall be *ex officio* a member of such board, and of such and so many persons, not less than two, as the Governor may think fit; and any Local Board so appointed shall have and execute all the powers and duties vested in or imposed upon Local Boards under this Act. The Governor may from time to time remove all or any of the persons so appointed; and on the removal, death, or resignation of any member of a Local Board, may from time to time appoint some other person in his place. The Governor shall appoint one of the members of the Local Board to be the chairman thereof. In the event of the absence of the chairman from any meeting, the members present shall elect one of their number to be chairman of such meeting, and at all meetings of the Local Board the chairman shall have a vote, and in case of an equality of votes shall have a casting vote; and during any vacancy in the

Local Board, whether of the office of chairman or not, the continuing members may act as if no vacancy had occurred; and at all meetings of the Local Board all questions shall be decided by a majority of the votes of the members present. The Local Board may make, alter, and rescind rules for regulating their own proceedings.”

MR. RANDELL moved to strike out all the words between “The,” in the first line, down to and including the word “thereof,” in the 28th line, and insert the following:—“Municipal Council of the City of Perth, and the Municipal Council of the Town of Fremantle, and the Council of any Municipality hereafter coming under the operation of this Act, shall be and are hereby appointed respectively the Local Board of Health for such Municipality, and shall have and execute all the powers and duties vested in or imposed upon Local Boards under this Act. The Mayor or Chairman of such Council shall be *ex officio* Chairman of such Local Board.” The hon. member said it struck him that it would be highly improper for the Legislature to adopt the clause as it stood. It took away from Municipalities the power that was vested in them in almost every other country where free institutions had been established. He found on reference to the Health Acts in England that the Local Boards of Health were in almost every case, with few exceptions, the municipal authorities; and in the other colonies they also recognised that principle, not only in Sydney, Melbourne, and Adelaide, but also in the smaller towns. He thought, to say the least of it, that it would be highly undesirable for the Legislature here to depart from that principle, which appeared to him a wholesome principle. This bill provided that the funds for the carrying out of the work of the Local Board of Health should be provided by the Municipal Council; and he maintained that if the Municipalities were to be charged with the duty of providing the funds they ought to have the right and privilege of controlling the expenditure of those funds. In the next place, if they took away this power from the Municipalities and appointed these Local Boards to act, not in conjunction with the municipal authorities but independent of them, they would have different

bodies discharging duties that properly should belong to one. They would be creating an *imperium in imperio*. There was another thing to be considered: these Local Boards of Health were to be appointed by the same authority as the Central Board, which was a grave objection. They would stand on an equal footing as regards their appointment, both being nominated by the Governor, and, as they would not be entrusted with co-ordinate powers, it was only natural to expect that there would be some friction between the two bodies, created by the same authority but responsible to no one. Moreover, the proposal to divest the Municipalities of the powers now vested in them as regards sanitary matters, and to place that power in the hands of an independent board was in direct opposition to the principle of those free institutions which he might say were the life of a community. Municipal Councils were the representatives, the purest and highest representatives, of public opinion that could be created, not even excepting the Legislative Council itself. For instance, the Mayor of Perth was elected by a larger number of the citizens than any hon. member of that House could count as his constituents. He thought it was due to the principle of local self-government that England had been able to make such progress and to bring about such reforms as she had done without blurring the pages of her history with the stain of revolution. Municipal self-government was a powerful instrument in promoting the comfort and welfare of the people, and an important factor in the political education of a people. It appeared to him that to take away from the Municipalities, the governing powers of our towns, such power as the law had vested in them as regards looking after their own sanitary affairs, would be to cast an invidious slur upon these bodies, which he should imagine they would be inclined to resent. If there had been any lack of energy manifested by these bodies in the discharge of the powers vested in them, and if it was apprehended that the same apathy would characterise their proceedings in the future, he would point out that the Central Board of Health, which it was now proposed to establish, would be a body entrusted with very large

powers, and if the municipal authorities should be in any way negligent of their duties they could be compelled to perform those duties by this Central Board, which would be the supreme authority in matters of sanitation. He was afraid that this clause had been inserted in the bill from a prejudice which existed in the minds of some persons of influence against municipal institutions. These municipal bodies had been charged with neglecting their duties as regards enforcing the clauses of the Municipal Institutions Act dealing with the public health. But he would point out that those clauses contained some very vague provisions, and also some novel provisions, and that it had been found necessary before attempting to enforce them to educate popular opinion in that direction; so that if there had been any cause for blame or dissatisfaction with the manner in which the Municipalities had exercised their power, the blame was attributable in a great measure to the Act itself, with its elaborate machinery and ambiguity of language. As regards there having been any wilful or culpable neglect he did not believe that the charge was well-founded, but that these Municipal Councils had discharged their duty on the whole faithfully, honestly, and intelligently. They were the creation of the Legislature itself, and he thought that without good ground they should not cast any slur upon them or curtail their privileges or limit their powers as the chosen representatives of the citizens. He might add that in the event of his amendment being adopted, he intended hereafter moving another clause to enable the Municipal Councils to select from among their own number a select committee to deal with sanitary matters.

MR. SCOTT pointed out that these sanitary matters had been under the control of the Municipalities for the last twelve years, and, although they were invested with ample powers they had done nothing. He thought the hon. member, Mr. Randell, was rather at sea when he said that in England the control of sanitary affairs was almost entirely left in the hands of municipal authorities. The fact of the matter was that in England and also in other countries it had been found absolutely necessary to separate sanitary matters from purely municipal

matters, and to give the control of the sanitation of towns to other bodies, independent of the ratepayers, and not subject to popular influence, like the municipal authorities were bound to be. Both Perth and Fremantle urgently required some such strong and independent body to deal with this question of sanitation.

MR. RANDELL said he had the Public Health Act of 1875 before him, and it provided that in urban districts and in the boroughs the local health authorities were to be elected by the ratepayers.

MR. SCOTT said there was a later Act than that,—the 1881 Act.

MR. SHENTON thought that if the amendment were adopted it would entirely do away with the efficacy and usefulness of the bill. The same difficulties occurred everywhere, when sanitary measures were left to the municipal authorities, simply because they were an elective body, and they did not care to run counter to the feelings of those who elected them. He felt certain that if this Act was going to do any good at all it must be administered and carried out by independent boards.

MR. MARMION said he was rather in a dilemma. He recognised the force and the application of the remarks of the hon. member who had submitted the amendment, that those who provided the funds for carrying out the Act should have some control over the expenditure of those funds. He had always been in favor of Local Boards being appointed by the Governor rather than being elected by the public, but there was no getting over the fact that representation should accompany taxation. He felt sure there would be a very great deal of dissatisfaction if a local health rate had to be levied and the ratepayers had no control over those entrusted with the expenditure of the rate. On the other hand, he could quite see the force of the argument that those charged with the duty of enforcing the provisions of this Act should be independent bodies, and should not be subject to any pressure, or dominated by popular feeling. In this dilemma he felt somewhat at a loss which side to vote. It seemed to him that the Municipal Councils would, with their experience and the machinery at their command,

carry out the provisions of the Act more efficiently and more economically than Local Boards would; and, altogether, he was inclined to support the amendment. He was afraid that, although these Local Boards might at first display a good deal of energy, they would soon relax their efforts, and do no more than the Municipalities were said to have done in the past. Moreover, he was afraid that these Local Boards would come to be regarded with some disfavor simply because the members were not elected by the public, but nominees of the Governor. He was afraid there was rather a strong feeling of hostility in this colony towards nominees of any kind—he hoped he would be pardoned by hon. members opposite for saying so. The feeling was gradually dying away in these days, but still it existed, and he was afraid it would militate against the harmonious and successful working of these Local Boards, especially when the ratepayers had to provide the boards with the funds to carry out their duties. He did not, however, carry his opposition to the clause so far as the hon. member Mr. Randell did; and, having now expressed his own views on the subject, he was not inclined to carry his opposition any further.

MR. RANDELL pointed out that the members of other Local Boards, such as the District Boards of Education and Roads Boards were elected by the ratepayers of their respective districts, and why should not the same elective principle be followed in the case of these Local Boards of Health. He noticed that in a subsequent clause it was actually proposed to take the cleansing and watering of the streets out of the hands of the Municipalities. He hoped the committee would pause before casting this slight upon municipal institutions. He could not but think that if such a slur were passed upon Municipal Councils the members would resign their offices rather than tamely submit to such an insult being passed upon their intelligence and public spirit. He knew that would be the course which he himself would have adopted.

MR. SCOTT pointed out that the Mayor or Chairman of the Municipality would *ex officio* be a member of the Local Board of Health. That fact alone seemed to him to take out the sting of the hon. member's objection.

MR. RANDELL: I think that is the most objectional feature of all.

MR. SCOTT said as to the funds to be contributed for carrying out the Act they would be very small indeed—so small that he should imagine that the rate would not be felt at all.

MR. RANDELL: Has the hon. member also considered that these Local Boards will have to do their work without remuneration of any kind?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): Supposing these Local Boards do not perform their duties, the Governor is empowered to remove the members of the board from office; but it would be a very difficult thing to remove town councillors from office if they did not carry out their duties, so that there would be no controlling power over them, and the Act might become a dead letter. I think the objection to the appointment of these Local Boards is one of sentiment rather than anything else.

MR. RANDELL: The Governor is empowered to remove the members of the Central Board if they fail in their duty, and the Central Board would have the power to compel the Municipalities to do the work, by mandamus if necessary; so that there would be a strong controlling power in existence. Any ratepayer, also, may obtain a mandamus compelling the Municipal Council to perform its duty under the Act.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): This same power to compel Municipal Councils to do this, that, and the other, has existed since the year 1871, but, although the Councils have virtually done nothing to carry out the sanitary provisions of the Act, I have never yet heard of anyone seeking to compel them to do so. Everybody complains of the foul smells and other offensive nuisances—we see butcher's shops converted into slaughter houses, and the Act defied in every way, but no one stirs a finger to abate these nuisances. As to the Act being ambiguous, what attempt has ever been made to get any light thrown upon it? It is all a myth to say that the Act is so intricate and complex that it cannot be worked. That is simply an excuse to cover municipal apathy and inertia. They are the same provisions that exist everywhere, all over these

colonies. [MR. RANDELL: No.] I say yes; and I say so after having studied nearly all the Public Health Acts of the neighboring colonies. The fact remains that for years past the power placed in the hands of our Municipal Councils has never been exercised, and never will be exercised, unless the power is vested in some independent body. This House last session endorsed that, when it endorsed the recommendation of the committee that an independent body should be appointed to carry out the sanitary provisions of the Act, and that the expense should be defrayed out of local rates; and it is upon that principle that this bill has been framed. It would be impossible to work it if this amendment were adopted. With regard to the question of expenditure, I take it that the expenditure will be very small indeed, for any expenses incurred are recoverable from the owners of the property in respect of which the expense was incurred, and it remains a charge against the property. I hope the committee now, in view of what took place last session and of the address presented to the Governor on the subject, will be prepared to support a measure which the Government have introduced solely with a view to giving effect to the recommendation of this House.

MR. RANDELL: As to the expense of carrying out the provisions of this bill being small, I am afraid the hon. gentleman is simply throwing dust in the eyes of the committee. There is all the machinery necessary to be instituted for carrying out the provisions of the Act, health officers and inspectors of nuisances to pay, and other expenses, which it would be impossible in many instances to recover from the owners of property, and which must be defrayed out of the local rate. It is well known that, although I was a member of the select committee, I opposed this principle, and my views on the subject are on record in the report of the Commission.

The question was then put—that the words proposed to be struck out stand part of the clause; and, a division being called, the numbers were:—

Ayes	12
Noes	7
—			
Majority for	5

AYES.
 Hon. M. S. Smith
 Hon. S. Burt
 Hon. J. Forrest
 Mr. Brockman
 Mr. Burgess
 Capt. Fawcett
 Mr. McEne
 Mr. Scott
 Mr. Shenton
 Mr. Sholl
 Mr. Venn
 Hon. J. A. Wright (Teller).

NOES.
 Mr. Crowther
 Mr. Grant
 Mr. Loton
 Mr. Marmion
 Mr. Parker
 Mr. Pearse
 Mr. Randell (Teller.)

The amendment was therefore negatived.

MR. SCOTT moved that after the word "may," in the first line, the words "on the recommendation of the Central Board" be inserted.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said unless they were very careful how they introduced these verbal amendments on the spur of the moment, the clause would be rendered worthless. If they destroyed the principle upon which the bill had been framed they would simply make the Act inoperative. It would necessitate a revision of the whole bill. It was not likely that the Governor would appoint men on these Local Boards whom he thought would not be likely to coöperate with the members of the Central Board. The House last session recommended to the Governor that these Local Boards should be appointed by him, and the whole bill was framed upon that idea.

MR. SCOTT suggested that the clause be struck out, with a view of introducing another clause embodying the amendments which he wished to introduce, providing that the appointment of the members of the Local Boards should be made upon the recommendation of the Central Board.

This was agreed to, and the clause struck out.

Clauses 13 to 17 :

Agreed to, *sub silentio*.

Clause 18.—"The Councils of the Municipalities of Perth and Fremantle respectively, and the Council of any Municipality to which the provisions of this Act or any portions thereof may hereafter be extended, shall and are hereby respectively required at the time of making and levying the General Rate under the provisions of 'The Municipal Institutions Act, 1876,' also to make and levy such Special Rate not exceeding in the pound

"upon the annual rateable value of every house, store, shop, mill, tenement, or other building, piece of land, allotment, garden, or other premises within the limits of the Municipality, and liable to be rated, as the Local Board may deem necessary and require in writing such Council to make and levy for the purposes of this Act."

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said it would be necessary for the committee now to fill in the blank, and decide what the health rate should be. He should think that a 3d. rate would be sufficient.

MR. MARMION thought the ratepayers of these two towns were already taxed high enough for municipal purposes, and he should certainly oppose a higher rate than a maximum of threepence in the pound upon the annual rateable value of property. That, in Perth, would give about £750 a year, according to the present value of rateable property within the municipality.

MR. RANDELL was afraid they would not be able to do much good out of such a rate, when they came to provide all the necessary machinery for carrying out the Act.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he failed to see himself what great expense there could be, and he thought a 3d. rate would be ample, for the reason that whatever expenditure was incurred would be recoverable from somebody or other.

MR. PEARSE pointed out that there would have to be inspectors appointed and also health officers, and these officials would all have to be paid. The boards would also probably require a secretary, and there would be other incidental expenditure to meet.

MR. MARMION reminded the committee that the 20th clause provided that the expenses might be partly met by moneys voted by the Legislative Council; so that it was not intended that all the expenses should come out of the local rate.

The blank was then filled in by the insertion of the words "three pence," and the clause was then put and passed.

Clause 19—agreed to, without comment.

Clause 20.—"All expenses incurred by the Central Board shall be defrayed out

"of the moneys that may from time to time be appropriated by the Legislative Council for the purposes of such Board, and all expenses incurred by any Local Board shall be defrayed out of the 'Public Health Rate' and such moneys (if any) as may from time to time be appropriated by the Legislative Council in aid of any such Local Board."

MR. MARMION: I notice that this clause provides that all the expenses incurred by the Central Board shall be defrayed out of the money voted by this House for the use of the board. Are the members of the board to receive any salary, or any fees?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): No.

The clause was then agreed to.

Clauses 21, 22, and 23:

Agreed to, without comment.

Clause 24—By-laws of Local Boards for the abatement of nuisances:

MR. SCOTT said he noticed that provision was here made for securing the cleanliness of milk shops, dairies and other places, and he thought that bakeries ought to be included. It was quite as necessary that people should have wholesome bread as pure milk. He would move to insert the word "bakeries" in the second sub-section.

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

Clauses 25 to 31:

Agreed to, *sub silentio*.

Clause 32—Local Board to report appearance of certain diseases to Central Board:

MR. SCOTT thought they ought to make the Local Board take some action itself, as well as report the appearance of any epidemic to the Central Board. It might be necessary to take immediate action.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said this clause did not prevent the Local Board from taking action as well as reporting to the Central Board. The object of the clause was simply to secure the coöperation of the Central Board.

The clause was then passed.

Clauses 33, 34, 35, and 36:

Agreed to, *sub silentio*.

Clause 37.—"The legally qualified "medical practitioner in attendance at "any house in which there is any person

"suffering from any smallpox, cholera, "plague, yellow fever, or other malignant, "infectious, or contagious disease, shall "furnish to the occupier of such house a "certificate that there is in such house a "person suffering from such disease, and "such occupier shall thereupon report "the existence of such disease in such "house to the nearest Local Board of "Health not later than twenty-four hours "after the receipt of such certificate; and "if any person fails to comply with the "provisions of this section, he shall be "deemed to be guilty of an offence under "this Act, and shall on conviction thereof "be liable to a penalty not exceeding "Fifty pounds for every such offence."

MR. SCOTT thought that twenty-four hours was rather a long time before reporting the presence of an infectious disease. A great deal of harm might be done, in the case of a malignant disease, within twenty-four hours. He thought the occupier of the house ought to be compelled to report immediately he received the doctor's certificate.

MR. RANDELL thought it was very desirable that it should be made incumbent upon the doctor to report, as well as the occupier.

MR. SCOTT: Certainly. I see no objection.

MR. RANDELL then moved to insert after the word "shall," in the sixth line, the words "at once report the fact to the nearest Local Board, and shall also."

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

Clauses 38 to 43—agreed to, *sub silentio*.

Clause 44.—"If any person who knows "that he is suffering from any dangerous "infectious or contagious disease inten- "tionally exposes himself in any street "or public place"—etc., he shall be liable to a penalty:

MR. SCOTT thought the words "who knows that he is" might leave a loophole for escape from the penalty imposed. It was the duty of a man suffering from a dangerous infection to know that he was so suffering, and he thought it would be safer to strike out the words he had referred to. He believed it would often happen that men would plead as an excuse for committing a breach of this clause that they did not know they were suffering from an infectious disease.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) presumed that people did not always know whether they were suffering from a disease that was infectious; but he was quite prepared to take the sense of the committee on the subject. If a man proved to the satisfaction of the justices that he was not aware that he was suffering from an infectious disease, he would probably not be fined more than a shilling, or some merely nominal penalty.

The clause was then agreed to.

Clauses 45 to 50:

Agreed to, without discussion.

Clause 51.—“Any costs incurred by a Local Board in maintaining a patient in a hospital or in a temporary place for the reception of the sick (whether or not belonging to such Local Board) shall be deemed to be a debt due from such patient to the Local Board, and may be recovered from him in a summary way before any two justices at any time within twelve months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.”

MR. RANDELL thought twelve months was rather a long time to keep a rod like this hanging over a man's head. He noticed that in the English Act the time fixed was six months, which he should imagine was quite long enough within which to recover a debt like this, after a man was discharged from hospital. He would move that the word “twelve,” in the tenth line, be struck out, and “six” inserted in lieu of it.

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

Clause 52—Restriction on establishment of offensive trades:

MR. RANDELL said he found that, in the Municipalities Act, distilleries and breweries were included within the list of trades coming under the operation of this clause. They knew that in Perth very unpleasant smells occasionally emanated from the neighborhood of the local breweries.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said he was not aware that any offensive odours necessarily emanated from breweries. He remembered that some years ago some very disagreeable effluvia were supposed

to have had their origin in a certain drain leading from a certain brewery into the river; but that had been remedied, and the fault was with the drain and not the brewery. He had no objection, however, if the committee desired, to include breweries within the provisions of the clause.

THE HON. J. G. LEE-STEERE said that the offensiveness of a trade or its non-offensiveness depended in a great measure upon the manner in which the business was conducted. Brewing might not necessarily be an offensive trade, but there was no denying the fact that very offensive odours emanated from these establishments sometimes, and this had been found to be the case in Perth.

The clause, upon being put, was agreed to.

Clause 53.—Premises to be registered as a noxious trade establishment, and a registration fee of £5 to be paid to the Local Board:

MR. RANDELL said that £5 seemed to him rather a heavy fee to be paid annually for registering business premises. Some of these premises were situated out of town, and created no nuisance to anybody. He would move that “£2” be substituted for “£5” as the registration fee.

This was agreed to, and the clause, as amended, adopted.

Clauses 54 to 60:

Agreed to, *sub silentio*.

Clause 61.—Power of individual residents to complain to justices of the existence of a nuisance:

MR. RANDELL asked whether it was necessary to give this power to individuals as well as to the officers of the Local Board.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said there might be instances where the Local Board, from some cause or other, might not take action, and it was desirable that any aggrieved person should be empowered to make complaint.

The clause was then put and passed.

Clause 62.—Power to proceed where cause of nuisance arises without the district of any Local Board:

Agreed to, without comment.

Clause 63.—Premises may be declared unfit for human habitation, and, on recommendation of Local Board, be forbidden from being occupied:

MR. RANDELL suggested the desirability of empowering Local Boards to require a building to be repaired or rendered fit for occupation, rather than forbid it from being occupied at all. There might be cases where it would not be necessary to pull down a building, and that some alteration or repair would answer the purpose.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said that would be within the discretion of the board. He did not suppose any Local Board would vexatiously make a man pull down his house, unless they thought it was absolutely unfit or unsafe for human occupation.

The clause was then put and passed, with a slight verbal alteration.

Clauses 64, 65, and 66:

Agreed to, *sub silentio*.

Clause 67.—“Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this part of the Act.”

MR. RANDELL thought this might be rather hard upon the owner of the cellar; as a man might pass a night there without his knowledge. He would move that after the word “night,” in the second line, the words “with the consent of the occupier or owner” be inserted.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) did not think these words were necessary, in view of the provisions of the 65th clause, which enacted that “it shall not be lawful to let or occupy, or suffer to be occupied, separately, as a dwelling, any cellar,”—etc. He had no objection, however, to the words proposed to be inserted being added to the clause.

The amendment was adopted, and the clause as amended thereby put and passed.

Clauses 68 and 69 were agreed to, without comment.

Clause 70.—Power to close polluted wells:

MR. MARMION said there were a large number of wells at Fremantle upon which people were entirely dependent for their water supply, not for drinking and culinary purposes alone, but for other domestic purposes, and he understood it was intended to close these wells. It would be rather hard upon the occupiers of the premises where these

wells were situated if they were debarred from obtaining any water.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) reminded the hon. member that the Municipal Council of his town had deputed a committee to inquire into the subject of polluted wells, and that the corporation recommended that certain wells should be closed, within a certain ward, as the water was polluted and unwholesome; and he believed a sum of £7,000 would be asked for, to provide Fremantle with a pure water supply. Until that was done, he supposed that these people would have to catch their water in the best way they could, from the heavens.

MR. MARMION was afraid if the hon. gentleman were to suggest that to these people it would not be to the heavens they would send him, but somewhere else.

The clause was then put and passed.

Clauses 71 to 82:

Agreed to, *sub silentio*.

Progress reported.

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

LEGISLATIVE COUNCIL,

Monday, 26th July, 1886.

Criminal Law Procedure Amendment Bill: first reading—Appropriation Bill (Supplementary), 1886: second reading—Public Health Bill: further considered in committee—New Land Regulations: in committee—Adjournment.

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

PRAYERS.

CRIMINAL LAW PROCEDURE AMENDMENT BILL.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) moved the first reading of a Bill to amend the Criminal Law Procedure.

Motion agreed to.

Bill read a first time.