

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

Clause 8—"When a gun is carried in parts by two or more persons in company, each and every one of such persons shall be deemed to carry a gun."

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I must say I cannot see the force of this section.

MR. BURT said one person might carry the stock and another the barrel, and both would swear they were not carrying a gun. The clause was taken word for word from the English Act.

MR. MARMION said he looked upon the whole bill as an unwarrantable interference with the liberty of the subject. There had been no demand for such a bill outside the House, and he ventured to say that if passed this session it would have to be swept off the statute book next year. It was nothing better than a Peace Preservation Act. The hon. member told them it was a transcript of the English Act, but the hon. member did not tell them what was the object and the intention of the English Act. Once more he must protest, and protest most solemnly against the passing of such an uncalled for and vexatious measure in this colony.

MR. BURT said that since he had introduced the bill he had already been thanked for doing so, even by the hon. member for Fremantle's own constituents.

MR. MARMION said there might be a few individuals who favored the bill, but he felt certain that a large majority of the people of the colony would be against it, if polled to-morrow.

The clause was then put and passed.

Clause 9.—"It shall be lawful for any police constable to demand from any person using or carrying a gun (not being a person in the naval, military, or volunteer service of Her Majesty, or in the police force, using or carrying a gun in the performance of his duty, or while engaged in target practice) the production of a license granted to such person under this Act."

MR. BURT moved to insert after the word "carrying" in the third line, the words "for use"—which was agreed to. The hon. member also moved, in order to meet the difficulty suggested the other

evening by the hon. member for Gascoyne, that after the word "practice," in the eighth line, the words "or an honorary member of a Volunteer corps using or carrying a gun for use in target practice," be inserted.

Agreed to, without discussion.

The remaining clauses were adopted *sub silentio*.

MR. BURT moved the following new clause: "This Act shall come into operation on the 1st January, 1886."

Agreed to, without comment.

Schedules, preamble, and title:

Agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Monday, 14th September, 1885.

Purchase of Government Mail Services—Revenue and Expenditure of North and Kimberley Districts—Customs Ordinance, 1860, Amendment Bill: first reading—Land Regulations—Church of England Collegiate School Bill: second reading—Explosives Bill: third reading—Election Petitions Amendment Bill: motion for second reading negatived—Two Bridges over the Swan—Estimates, 1886: further considered in committee—Adjournment.

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

PRAYERS.

OFFER TO PURCHASE GOVERNMENT MAIL SERVICES.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid on the table a proposal made to the Government by Mr. E. Potter to contract for the Perth, Bunbury, and Vasse mail services, and offering to purchase the Government mail services of the colony. The hon. member said he would bring the proposal formally under the consideration of the House in a day or two.

REVENUE AND EXPENDITURE, NORTHERN DISTRICT.

MR. GRANT, in accordance with notice, asked the Colonial Secretary what was the amount of revenue derived, and the expenditure, in the North and Kimberley Districts, for the year 1884; and further, what was the estimated revenue from those districts when the double rental would fall due.

THE COLONIAL SECRETARY (Hon. M. Fraser) said that as far as it was possible to prepare the information asked for, he would endeavor to obtain the return which the hon. member desired.

LAND REGULATIONS: REPORT OF SELECT COMMITTEE.

The order of the day for the consideration of the report of the select committee on the land regulations was, owing to the absence of the Commissioner of Crown Lands, who was unwell, discharged, and made an order of the day for the following Wednesday.

CUSTOMS ORDINANCE, 1860, AMEND- MENT BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved the first reading of a Bill to further amend "The Customs Ordinance, 1860."

Motion agreed to.

Bill read a first time.

CHURCH OF ENGLAND COLLEGIATE SCHOOL BILL.

MR. BURT, in moving the second reading of this bill, said that being a private bill it had, in accordance with the standing orders, been referred to a select committee, who had reported in favor of the bill, and suggested certain alterations in it, which alterations were now before the House. The bill was a very short measure, and simply sought to vest the school property in the Standing Committee of the Synod, for such purposes as the committee shall consider to be most nearly in accordance with the objects for which the school was originally established.

MR. CROWTHER opposed the motion for the second reading of the bill, on the ground that it was proposed to vest it in a Church of England body solely, whereas the original donors included people of

every denomination. [MR. BURT: No.] Some years ago, if he remembered rightly, an attempt was made by the governors of the school to convert it into a purely Church of England school, and they applied to the subscribers to see if they would agree to the proposal. They did not all agree, and a second attempt was made, when a majority agreed; but a minority strongly opposed the conversion of what should have been a national school, supported by all denominations, into a purely sectarian school. He was opposed to it himself, and he thought the property should be handed over to whomsoever chose to give the highest price for it. Whatever change was made, he thought the original subscribers, which included people of every religious denomination, should have a voice in the matter. He objected to the bill because he saw in it the thin end of the wedge to get the school property into the hands of one denomination, to which it did not belong.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he had not had an opportunity of studying the bill, since the select committee had reported upon it, but he understood from the hon. member in charge of the bill that it was simply a bill to divest certain property belonging to certain persons, and to vest it in another body. Inasmuch as, he understood, the purpose for which the property was first vested had failed, it was now proposed to vest it in another governing body, upon similar trusts. He had nothing to object to himself, as regards the bill, if the House was satisfied with it.

MR. S. H. PARKER said that on the last occasion when this bill was before the House, some two or three years ago, he was the means of having the bill thrown out, on the motion for its second reading. He was strongly opposed to the bill at that time for several reasons, one of which was that it did not purport to vest the school in the Synod committee on the same trust upon which it was originally vested in the governing body, but upon a different trust altogether, whereas the present bill simply sought to change the trustees and did not seek to alter the trust upon which the school is now vested and was originally established. The school (formerly known as the Bishop's School) had always been a Church of

England School; and if the hon. member for the Greenough would turn to the Act of 1865, by which the governors were incorporated, he would find the school there recited as a Church of England school, and that the governors were bound to subscribe to the 39 Articles. It was in consequence of the difficulty of finding a sufficient number of gentlemen who were prepared to subscribe to the 39 Articles that it was found impossible to fill up the vacancies on the governing board; and, at the present time, so far as he could gather—and he was on the select committee to whom the bill had been referred—it was absolutely impossible to fill up these vacancies. The council of governors was supposed to number fifteen, but the council had now resolved itself into the three *ex officio* members, the Bishop, the Dean, and the Archdeacon, who virtually had had the sole control of the school for some time past; and, the select committee, finding that the lay element on the governing board had ceased to exist, and that the school was now virtually vested in this clerical body, thought it would be better if the school were to be vested, as the bill proposed, in the Standing Committee of the Synod, which was a statutory body, having the control of all church lands. The select committee, in the course of their inquiries, ascertained that a sum of £1,400 had been expended by the governing body in erecting additional buildings and otherwise improving the school property; and, under the circumstances, it appeared only reasonable to the committee that the new trustees should have power to raise money, by mortgage, upon the school premises, in order to repay the Bishop for the moneys so expended. The committee, however, were not prepared to advise the House to grant the trustees any further borrowing powers, and they therefore recommended that the bill should be altered in that respect, by striking out the 4th clause and introducing other clauses in lieu of it, one of which clauses provided for the gradual extinction of the mortgage debt out of the rents and profits of the premises.

MR. RANDELL said he understood the hon. member to say that the three clerical governors of the school remained masters of the situation. He should like to ask the hon. member whether he con-

sidered that another argument in support of the Darwinian theory of the survival of the fittest.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the hon. member for Perth stated that there was no intention to alter the trust; but he noticed that the preamble of the bill was at variance with that statement. He had no wish, however, to say any more than that it was quite evident from the hon. member's speech that the bill was one that ought to be passed through that House very carefully.

The motion for the second reading being put, a division was called for, the numbers being,—

Ayes 13

Noes 3

Majority for ... 10

AYES.		NOES.	
Mr. Brockman		Mr. Grant	
Mr. Brown		Mr. McRae	
Mr. Burges		Mr. Crowther (Teller.)	
Sir T. C. Campbell			
Mr. Harper			
Mr. Layman			
Mr. Loton			
Mr. Parker			
Mr. Randell			
Mr. Steere			
Mr. Venn			
Mr. Wittenoom			
Mr. Burt (Teller.)			

[The official members did not vote.]

The bill was then read a second time.

EXPLOSIVES BILL.

Read a third time and passed.

ELECTION PETITIONS AMENDMENT BILL.

MR. S. H. PARKER, in moving the second reading of a bill to further amend the law relating to election petitions and the prevention of corrupt practices at the election of members of the Legislative Council, said it would be within the knowledge of the House that the penalties for bribery under the present Act were very severe penalties. Not only did it render the election of the offending candidate void, it also imposed upon him serious disabilities: he was debarred from holding any magisterial office, or any municipal office, and incapacitated from even voting at any election. It would be in the recollection of some hon. members that only a few months since a certain election petition

came on for hearing before the Supreme Court, and that the Judges found that one of the candidates—the candidate who had been returned for the electoral district of Wellington—had been found guilty of bribery. The act of bribery which they found him guilty of was nothing more serious than that he drove, or supplied a conveyance, for two electors in going to the poll. The Judges also found that this candidate acted quite ignorantly of the law.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): Is that in their report?

MR. PARKER said he did not mention their report. It appeared from the judgment of the Court that the Judges considered that the candidate was quite ignorant of the law, when he drove these two electors to the poll. But it did not matter whether he was ignorant of the law or not, he was guilty of bribery, and being found guilty of bribery, his election was declared void, and, not only that, he was subjected to all those penalties which the Act provided, and deprived of every civil right for the term of seven years. That certainly must appear to most people a very harsh measure, especially for such a venial offence and when the candidate acted in mere ignorance. It was in view of the fact that, at present, there was no means of relieving this candidate of these serious penalties, or of relieving anyone who acted in ignorance of the law—for the Act even applied to the agents of candidates—that the present bill had been brought before the House. The bill gave power to the Judges or to a Judge of the Supreme Court to relieve a candidate from these penalties, under certain circumstances. It provided that when a candidate or his agent had been found guilty of bribery under the provisions of the present Act, he may apply to the Supreme Court to be relieved from those incapacities which the Act provides. The bill did not apply to candidates alone, but also to the other persons referred to in the existing Act. It provided that before this motion could be made to the Supreme Court, one month's notice must be given, and published in a newspaper. It had struck him it would not be fair to allow any candidate to apply to the Court with-

out first giving due notice, so that persons who might wish to oppose the application might do so, or that any of the electors might have an opportunity of doing so, if they thought proper, either by counsel or in person. The bill went on to provide that the Supreme Court might, if it thought proper, by an order, direct that these incapacities, or any one or more of them, shall cease to attach to the person who applied to be relieved of them. Power was also given by the bill to the Judges, in case of the application being opposed, to make an order for the payment of costs in such a manner as they might think fit; so that the principle of the bill was simply this,—to enable persons to apply to the Supreme Court to be relieved from the incapacities which they may have incurred, in connection with the election of a member of that House. He thought they might well come to the conclusion that the Supreme Court would not relieve a candidate or any other person, if the Court should be of opinion that the appellant had been wilfully guilty of bribery, or even negligently guilty,—unless, in fact, the Judges were convinced that the person who had been found guilty had erred simply through ignorance. The bill was specially made retrospective in its operation so as to meet the case he had mentioned, and he thought it was only right he should point this out. He admitted it was not as a rule a good principle to make legislation retrospective, but it was done sometimes in order to relieve people of penalties; and he wished to mention that the present bill had been introduced for the special purpose of enabling the candidate referred to, to make this application to the Supreme Court. Were it not for this, the bill would not have been introduced at all. The case of that candidate had brought home very pointedly to those interested in the question the very great hardship of the present law, and the hardship under which the candidate referred to now suffered. A vast amount of sympathy had been expressed on his behalf, and very many persons had urged him (Mr. Parker) to endeavor to do something, by means of legislation, in order to enable him to be relieved of the penalties he had incurred, and incurred, as he had already said, in ignorance of

the provisions of the law. It had appeared to him it would never have done to have brought in a special bill to relieve this particular candidate, but to introduce a general bill, and to make its provisions retrospective. If the Supreme Court, in the case of this candidate, should deem that he was not a person worthy of consideration or entitled to relief, of course the Supreme Court would refuse to entertain his application. The whole matter was left in the hands of the Supreme Court, in the hands of the Judges who tried the case, who would be siezed of all the facts, and who would know exactly whether the person applying for relief was worthy of consideration or not, and, in short, be in a better position to deal with such an application than any other tribunal. He now begged to move the second reading of the bill.

MR. STEERE said he regretted it would be his duty to oppose the second reading. The hon. member who had brought forward the bill had very candidly, he must say, admitted that the bill had been introduced for a particular object, namely, to give relief to a certain candidate, who had been declared to have been guilty of bribery. He thought, that being the case, it would have been better if the title of the bill had been altered to that effect. There appeared to him to be a very strong objection to what he conceived to be the main principle of this bill, and he should have been glad if the hon. member had shown them that there was any precedence for such legislation as giving a Court power to remit the statutory penalties which the Court itself had imposed. He did not think the hon. member would be able to show them a single example of such legislation, either in England or in any British colony, and he thought it would be very unwise to establish such a precedent here, and that they should mix up the Judges in these party questions, which he considered would be highly prejudicial to the dignity of the position which they now occupied, above all parties. Moreover, why should that House be asked to pass a bill to relieve this particular gentleman, or anyone else, found guilty of bribery? Did the hon. member mean to say that our laws against bribery were so very severe and stringent that it was necessary to relax their stringency? He had looked

into the Acts in force in the other colonies, and the English Act passed two years ago, and he found that any candidate found guilty of hiring a vehicle for the conveyance of a voter to the poll was among other penalties, disqualified for seven years,—exactly the same as here. In the other colonies, the Acts were word for word the same as our own, as to the conveyance of voters to the poll, which was declared to be an act of bribery. The penalty in some of the colonies, he admitted, was not quite so heavy as here, but very nearly so. It rendered void the election and disqualified the candidate from sitting or voting in the Legislative Assembly until the next general election. No provision was made for appeals to the Supreme Court, and such a principle was totally opposed to the law of England. The hon. member said he proposed that this relief should be given in the particular case referred to, because it was alleged that the candidate acted in ignorance of the law; and it was stated during the hearing of the petition that he had never read the Act until after the election took place—a statement which filled the Chief Justice with astonishment, and no wonder. He himself could scarcely credit that any candidate would come forward for election without having first made himself acquainted with the provisions of the electoral law; and he thought if a candidate did not take the precaution to do so, and he was found guilty of an act of bribery, it was only right he should suffer for it, and not be able to get his disabilities removed. He begged to move, as an amendment, that the bill be read a second time that day six months.

MR. CROWTHER seconded the amendment. The bill they were told was brought in to relieve a poor simple-minded man who had driven two other simple-minded men to the poll. But those two simple-minded men might have turned the scale at the election, with the result that instead of having the present member occupying a seat in that House, they would have had another person altogether amongst them.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that before the question was put he desired to say a word or two. He fully agreed with what had been said that so long as they

had Acts on the statute book they ought to be carried out; at the same time, one could see that there might be cases in which persons might inadvertently, or through ignorance, commit acts which might bring upon them very serious consequences indeed. He thought there was no case in which it was more important to preserve the strictness of the law than in respect of the election of members of a legislative body. He thought everyone must admit that it was most desirable that the election of members of Parliament should be perfectly free from any improper or undue influences. In the Act referred to by the hon. member who had brought forward this bill there was one provision—that under which the recent case was decided—which might appear to be somewhat strict. In England the conveyance of a voter to the poll was allowed in counties but not in boroughs. But here it was strictly forbidden, if tending to influence voters; and the Judges, as he understood the recent judgment, did what was absolutely necessary the Court should do, under the circumstances. Being unable to fathom the mind of the individual charged with the offence save by the effect of his conduct, they found that having conveyed these voters to the poll he was guilty of the necessary consequences of his act, and of what was technically a corrupt practice within the meaning of the statute. At the same time he thought there might be cases in which it was possible that a hardship might accrue, and in which it was desirable that relief might be given. The hon. member Mr. Steere, although he was very nearly right was not quite right, when he stated that there was no precedent for such legislation, for he found that, in Queensland, where they had recently been amending their election law, they had a bill—he was not quite certain whether it had passed, but he thought it would not have been sent to him if it had not passed—which contained a clause to the effect that if it appeared to the committee on elections that a candidate had been guilty of bribery under circumstances which satisfied them that the act was unintentional and done inadvertently, or from no want of good faith, they could relieve him of his penalties. Therefore it appeared that

at all events there was some precedent for such legislation. This bill, however, came before the House in a different form from that which it presented when the draft of it was shown to him. It had been made retrospective. He fully agreed that bills which were retrospective in their operation were as a rule contrary to all principles of sound legislation. No doubt there had been such bills,—a person of high rank in England had such a bill passed to relieve him from the consequences of an illegal marriage; but they were very rare, and the principle was admittedly bad, and one which he should hardly like to see that House adopting, simply because a case had happened pressing hardly upon an individual. Had it not been for this retrospective action of the bill, he should have suggested that the bill might at all events be sent to committee, in order that it might be seen whether it was desirable or not to provide a means of relief, as the Act was certainly stringent. But the bill having now been made retrospective gave it an entirely different character, and now, instead of being a bill to relieve persons in certain cases of hardship that might occur, it appeared that the bill had been brought forward simply to relieve one individual from the consequences of his acts. This was a very important alteration in the bill, and, coupled with the statement of the hon. member that it was brought forward in the interests of this one individual, it appeared to him that it was a bill that required very great attention. Had the bill remained in the form in which it was when the draft was shown to him, he did not know that the Government would have opposed it, but at present he did not wish to say anything which might affect the action of the Government in relation to the bill.

MR. BROWN said he had listened with great attention and interest to the speeches which had been addressed to the House with reference to the bill, and, for his own part, he must confess he had not been favorably inclined towards it from the very first. Nor was he favorably inclined towards it now; and unless he heard much more cogent reasons for the second reading he should feel bound to vote for the amendment. He could not help feeling that if the gentleman re-

ferred to was found guilty of an act of bribery committed in ignorance of the state of the law—merely giving a seat to two electors going to the poll—he could not help feeling that his punishment had been exceedingly severe; and he for one should like to see a modification of it, if it could be done without committing a public injury. On the other hand came the difficulty of affording relief to this particular person without having to do the same justice in every other case. It appeared to him it was a very difficult thing indeed to ascertain whether a man had acted ignorantly or not, and, if one person was going to be relieved from the penalties attached to his offence because it was alleged he acted in ignorance, then they must alter the whole state of the law, not only as regards driving electors to the poll, but all other acts which constituted an infringement of the law of the land. The hon. member Mr. Steere said there was no precedent for such legislation as this, and the Attorney General referred to a bill,—a bill which the hon. and learned gentleman did not know whether it had passed into law or not—but a bill introduced in Queensland, as affording a precedent for such legislation. But it occurred to him that the two bills were not at all analogous. The present bill purported to give to the tribunal who tried the case in the first instance power to absolve the convicted person from the consequences of his acts, in the event of that tribunal arriving at the conclusion that he was ignorant of the law and that he had acted *bonâ fide*,—which appeared to be a very different thing from the precedent referred to by the Attorney General. The bill in fact sought to set the Supreme Court above the law of the land. It made the Judges of the Supreme Court law makers instead of law administrators. No doubt there was something to be said in favor of affording some relief in the particular case referred to; and he begged to move the adjournment of the debate until Friday next, in the hope perhaps that some other and better way out of the difficulty might be found than throwing out the bill altogether.

SIR T. COCKBURN-CAMPBELL felt inclined to oppose the motion for adjournment. He did not think any

measure of this kind should meet with favor at the hands of that House. There was no doubt that when the case referred to occurred, a certain amount of sympathy was felt with the defeated candidate. It was felt that his punishment was altogether incommensurate with his offence,—in fact it came down upon them as a surprise that such a venial act should carry with it such serious penalties. That was a very good reason for altering the Bribery Act; and if the hon. member had brought in a bill to amend that Act, he should have felt inclined to support it. But this was a most dangerous precedent. It not only affected infringements of the electoral law; there were other laws which people inadvertently infringed, and for which they had to suffer very serious consequences. He had heard of some very hard cases under the Stamp Act, and other instances where persons had infringed the law, in ignorance, and had suffered serious consequences. And if it was understood that all a man who had erred in ignorance had to do, was to run to the Legislature to get a bill passed to indemnify him from the results of his acts, we should have no end to such applications. If, on the other hand, this case showed us that the law was too strict, that might be a good reason for altering the law.

MR. PARKER said he understood from the hon. baronet that while he was in sympathy with the candidate who had incurred these penalties, and was perfectly astonished in fact at the severity of his punishment, the hon. baronet would not have this particular sufferer relieved, but would relieve everybody else. He did not know—that might be a very good doctrine to hold; but it appeared to him, if they were going to relieve in the future, there was no reason why they should not also relieve in the past. If they found an hon. gentleman who had assisted to pass the present law perfectly astonished at the result of its operation, could they be surprised that a man who had never sat in that House or assisted in making the law should have been ignorant of its provisions? The same thing was done at elections in every part of the world, this driving of people to the poll. Even in England it was permitted in certain cases. He was not him-

self concerned in bringing in a bill to amend the Bribery Act, nor had he any intention of doing so. He merely wished, as he had already said, to give this particular candidate who had been adjudged guilty of bribery, and other candidates who might under similar circumstances in the future be adjudged guilty of bribery, an opportunity of being relieved of these penalties, or some of them, if the Judges of the Supreme Court deemed it right and proper to do so. The hon. member Mr. Steere said our Judges ought to be above all party considerations. No doubt they ought. But he failed to see how they would be interfering with party matters by relieving a candidate of the penalties he had incurred any more than by trying him for the offence, and inflicting upon him those penalties. The Attorney General had pointed out that since the bill was shown to him it had been made retrospective. He might say that the idea in his mind all along was to make the bill retrospective, with a special object in view, and he had simply altered the wording of it, so as to make it more clear. They all knew that in the case of other offences against the law, power was given to magistrates and the Judges to vary the severity of the punishment, according to the merits of the case; but here no power on earth could relieve a candidate from the most stringent penalties, no matter how innocently and *bonâ fide* he may have acted. The hon. baronet, the hon. member for Plantagenet, told them that a person convicted under the Stamp Act might as well have an opportunity of applying to be relieved from his penalties, as a person convicted under the Bribery Act. The hon. member, apparently, was not aware that provision was already made for affording relief under the Stamp Act, by an application to the Governor. In the same way, relief could be obtained for penalties incurred under the Publicans' Act, as was quite recently illustrated in the case of a Perth publican. But an infringement of the electoral law carried with it penalties for the relief of which at present no provision whatever was made, and all he asked was that the same principle should apply to offences committed under this law as to offences committed under other enactments. He did not care himself

whom the power of granting relief was vested in—whether it was in the Supreme Court, the Governor-in-Council, or a committee of that House. He should be glad if the House would accept the suggestion of the hon. member for the Gascoyne, and adjourn the debate, so as to afford hon. members further time to consider the bill.

MR. WITTENOOM said he certainly should like further time to consider the bill, and for that reason he would support the amendment that the bill be read a second time that day six months.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I desire to say one more word, and that in explanation. This bill, as I first saw it, was a bill which certainly was not retrospective—I do not know what the intention may have been—but, when it was first shown to me, it was a bill that only referred to the future, and words have been introduced since then to make it retrospective; therefore the bill as it now stands before the House is a bill to protect or to relieve a certain individual. I have merely risen to say this, in order to show that a fresh bill has been introduced here.

MR. PARKER: Not since the bill was brought before the House.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): Since it was shown to me—not since it was brought before the House, for it is only before the House tonight, and it could not very well be changed in the course of the evening.

The motion for the second reading of the bill was then put, and a division being called for, the numbers were—

Ayes	1
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Noes	18
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Majority against	17
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AYES.
Mr. Parker (Teller.)

NOES.
Hon. M. Fraser
Hon. A. P. Hensman
Hon. J. A. Wright
Mr. Brockman
Mr. Brown
Mr. Burges
Sir T. C. Campbell
Mr. Crowther
Mr. Grant
Mr. Harper
Mr. Layman
Mr. Loton
Mr. Marmion
Mr. McRae
Mr. Pearce
Mr. Randell
Mr. Wittenoom
Mr. Steere (Teller.)

The motion was therefore negatived, and the bill thrown out.

BRIDGES OVER THE SWAN.

On the order of the day for the resumption of the discussion upon Mr. BROCKMAN's motion for an humble address to the Governor, praying that a sum of money be placed on the Estimates for two bridges over the Swan,

Mr. BROWN said he thought the hon. member had made out a very good case for these two bridges, when the matter was under discussion before; but at that time the House had not considered His Excellency's message as to increasing the vote for Roads and Bridges. Since then it had been generally agreed that the country was in a position to undertake small works of this kind that may be of importance, and it had been agreed that the vote for Roads and Bridges shall, if the public finances admit of it, be increased by £5,000. He thought a good way to meet this application was, that it should be an understood thing that, out of the £15,000 to be appropriated for Roads and Bridges, a sum of £500 should be devoted to these two bridges over the Swan, in addition to the usual grant to the district Road Board. This had been done before, in many instances, when special appropriations had been made for specific purposes out of the vote for Roads and Bridges; and he hoped the hon. member would be content with that, and that the House also would agree to it.

Mr. LAYMAN said he was sorry he could not agree with the suggestion. Why should the Swan District be privileged in this way, any more than other districts?

Mr. STEERE said he certainly should feel it his duty to oppose the suggestion that this money should come out of the vote for Roads and Bridges.

Mr. RANDELL said he was inclined to support the address. He thought the hon. member had made out a very good case. The Swan was a district that received no benefit from railway communication, and therefore it deserved the sympathy of the House. He would support the motion in order to show that he had no animosity towards country

districts although his motion in favor of subsidising Municipalities had been rejected. Although he had been denied assistance for our towns, he had no wish to deprive the country districts of assistance. He had as sincere a desire as any member had that country districts should have every means of bringing their produce to market, notwithstanding what had been said in the columns of a certain section of the press, where, he took leave to say, he had been entirely misrepresented.

THE COLONIAL SECRETARY (Hon. M. Fraser) was afraid the hon. member who had brought this matter forward would not meet with much success, if the motion went forward in its present shape. He thought it would be better to say that, in the opinion of the House, this money should come out of the vote for Roads and Bridges. The hon. member then might probably attain the object which he had in view.

Mr. WITTENOOM said if the Colonial Secretary would assure them that the money in the public chest would justify them in increasing the vote for Roads and Bridges to £15,000, he should be glad to support it; but he did not see why the amount should be taken out of the vote at present on the Estimates. They had been told there would be no money available for several little matters which had been brought forward, and it seemed to him very strange that the money should be forthcoming for these bridges.

Mr. BURT said he thought it his duty to oppose the adoption of this address. He desired to assist the Government in passing the Estimates as they presented them to the House, based upon their own estimates of ways and means. He knew himself of two bridges that were urgently required in the district which he represented, and he failed to see why a special vote should be taken for two bridges in the Swan any more than for two bridges in the Williams district. Should this resolution meet with any success, he should immediately table a resolution in favor of similar assistance for his own district, which was much further from any railway than the Swan district was.

The question was then put—that an humble address, as moved, be adopted,

and, a division being called for, the numbers were—

Ayes	8
Noes	10

Majority against	...	2
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AYES.	NOES.
Mr. Brown	Mr. Burges
Mr. Harper	Mr. Burt
Mr. Loton	Mr. Crowther
Mr. McRae	Mr. Grant
Mr. Parker	Mr. Layman
Mr. Randall	Mr. Marmion
Mr. Wittenoom	Mr. Steere
Mr. Brockman (Teller.)	Mr. Venn
	Mr. Shenton (Teller.)

The motion was therefore negatived.

ESTIMATES, 1886.

The House then went into committee for the further consideration of the Estimates.

Works and Railways Department, Item £46,272 12s. 10d.:

MR. STEERE said the estimate for this department, last year, was only £28,629,—about £18,000 less than the vote now asked for; and he believed the Estimates of last year included all the officers required for the Eastern Railway as far as York, so that it would only be necessary to provide for an additional twenty miles, as far as Beverley; and he should like to know whether this £18,000 would be required for that small section, or whether the line had not been properly completed as far as York, and this extra sum was required to make good any defects. It seemed a large sum to provide for any additional staff that could possibly be required.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) pointed out that the estimates of last year were only framed to meet the probable expenditure, on the Eastern Railway extension, for six months, over a portion of the line. The average length of railway worked last year was 60 miles, whereas this year it would be 105, so that in reality the average cost per mile was actually rather less for 1886 than it was for 1885.

MR. BURT asked the Commissioner whether he did not consider it somewhat inconsistent that the Perth Station Master should also be the Traffic Manager?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): I think not. At present the arrangement will work very well.

MR. S. H. PARKER, referring to item 11, "Clerk, £150," said this was a new item. Was it intended with a view to give the Accountant more time to attend upon Commissions, and Exhibition work? He noticed that this officer was to receive a month's leave to look after exhibits for the Indian and Colonial Exhibition. He should have thought that any private establishment that could spare its accountant for a month, or even a week, to do other people's work, could dispense with his services altogether. Perhaps the Works and Railways Department could do the same with this officer.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): Most certainly not. The arrangement referred to would have put the department to great inconvenience, had we not been able to make other arrangements for carrying on the Accountant's work. As to the extra clerk, he was wanted in consequence of the great increase of clerical work in the office, owing to the extension of the railway.

MR. SHENTON, referring to item "Wages of Gangers and Platelayers, £7,465 6s.," under the head of "Maintenance of Permanent Way," said he found from the explanatory statement which accompanied the Estimates that provision was made for 84 gangers and laborers, which would almost give a man for every mile of railway opened. Was this caused by so many men being occupied on the 2nd Section, where the line passed through the Range?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said it was owing in a great measure to the railway from Chidlow's Well to York being of recent construction, necessitating more men to keep it in repair. In future years he hoped to be able to reduce the expenditure under this head. Had the maintenance of the line been included in the contract, as it ought to have been, they should not have had these charges at all.

MR. RANDELL asked whether any provision had been made for ballast wagons, for the conveyance of material for street repair at Perth and Fremantle? The municipal authorities of both those towns were very anxious to obtain a supply of superior material for top dress-

ing, if there was any probability of its being brought down by rail at a reasonable cost.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said he had received no communication himself from the local authorities of either of the two towns. He should be glad to make arrangements with them, so far as he could, if they would let him know what they required. As to its being done at a reasonable cost, that depended upon what the hon. member considered a reasonable cost.

MR. BROWN said he noticed that although the permanent railway staff entailed an expenditure of £22,000, still the large amount of £5,500 was put down for overtime and extra labor. He thought this overtime system a great mistake himself. The men were paid nearly double the ordinary rate of wages, although they were seldom as fit for work as if they had regular hours. Did the Commissioner consider it necessary to have all these men for overtime, or would it not be better to increase the permanent staff?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said the amount set down for overtime next year was less than what had been paid last year, which was £5,800, although there was a larger length of line to maintain. They were doing away as fast as they could with overtime. He had a great objection to it himself, and this vote was asked for in view of the necessity of employing extra labor. There was one advantage to be said in favor of extra labor,—it enabled them to dispense with their extra hands whenever their services were not required, whereas if they were on the permanent staff the strength of the staff could not very well be reduced.

MR. SHENTON, referring to the item "Materials for repair of permanent way, locomotives, carriages, etc; fuel, oil, etc., £9,000," asked why it was that the vote under this head was increased from £7,500 to £9,000?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said the estimate generally was framed on the same scale as last year, but of course provision had to be made for the extension of the line. He ought to have asked for £13,000 or £14,000.

MR. MARMION thought a great deal of this ought to be charged to Loan Account instead of current revenue.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said that was because sufficient provision was not made for departmental and working expenses, and they had to make the money go as far as they could. No loan yet raised had sufficed to carry out what it was intended for, simply because no proper estimate had been prepared beforehand; the result was that they were constantly obliged to supplement it out of general revenue. The rolling stock imported from England was charged to Loan Account, but that which was made in the colony came out of general revenue.

MR. S. H. PARKER said he noticed that it was proposed to give the Station Master at Beverley a higher salary than the Station Masters at Spencer's Brook and the Clackline. Surely there would be more work at these stations, especially when the branch lines were opened, than at Beverley.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said the Station Master at Beverley would not get more than he was really worth, or than the work he had to do would entitle him to. This was simply an estimate, and it was thought better to be well within the mark. The explanatory statement attached to the Estimates was not binding in any way, but simply to show the House how the vote was made up.

MR. BURGESS thought the department was in the hands of a gentleman who was well able to take care of it, and that they were wasting a great deal of time. The Commissioner was responsible for the expenditure of this money, and he ought to be the best judge as to how it ought to be expended. They had had some very sad experience of cutting down these and other items of expenditure, prepared by the responsible head of the department.

MR. LOTON thought if, as members of that Legislature, they were to accept the doctrine put forward by the hon. member who last spoke, they might as well pass the Estimates as they were placed before them and be done with them. He was sure it could not be gained for a moment that the work at the Clackline and at Spencer's Brook would

be double what it would be at Beverley, at any rate for some time to come; and if £150 was considered sufficient for the Station Masters at the Clackline and Spencer's Brook, surely that sum ought to be enough for the Station Master at Beverley. As a rule they were in the habit in that House of striving a great deal over comparatively small items; but he felt certain that they would, sooner or later—and he thought the sooner the better—have to give their serious consideration to this department of Works and Railways, and cut it down considerably. As an "amateur engineer," he was quite sure in his own mind that the expenditure connected with this department might be very materially reduced, and the work of the department still very efficiently carried on. He noticed that the Commissioner of Railways, in his report referring to the Eastern line, said: "I am glad to say that I find the permanent way in good order, well and substantially laid throughout, with the exception of a portion of the 3rd section, which requires additional fish-bolts. The works, such as bridges, culverts, etc., appear also in a good state. The earthworks in places will require some attention, but I hope nothing beyond the ordinary maintenance." Yet they found that about £8,000 was asked on these Estimates for labor alone, in connection with the maintenance of the permanent way—without including extra labor. Provision was made for no less than 74 men, as gangers and laborers. Now, 74 men ought to do a large amount of work in a year, and he could not for the life of him see why they were all required.

MR. MARMION said the doctrine propounded by the hon. member, Mr. Burges, was that the representatives of the people, who were elected to keep an eye on the expenditure of public money, were to accept the assurances of heads of departments, and to say nothing in the shape of criticism. If they were to deal in that way with this particular department, why should they not act on the same principle with every other department of the public service. Surely the very object of placing the estimates of expenditure before them was in order to have them scrutinised and criticised for the benefit of the country.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said that the hon. member Mr. Loton's experience of railways must be very limited when he supposed that a newly constructed line could be maintained in order with as little expense and with so few men as an older established line. The hon. member seemed to think that 74 men employed on over 80 miles of railway was something out of the way altogether. In the Mauritius there were 437 men employed over the same length of line, and a line that had been opened for some years. It was much better, in his opinion, to over-estimate a little than to have to go to the Finance Committee and swell the Supplementary Estimates. As to criticism, he was quite prepared to accept any criticism, no matter how severe, if it was fair and intelligent criticism.

MR. LOTON said a new railway, if properly made—and all their railways ought to be properly made—ought surely not to require the same amount of expenditure for maintenance as an old railway.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said it was exactly the reverse. On an old railway, which had become properly consolidated, they could diminish the number of hands almost one half.

The departmental vote was then agreed to.

Survey Department, Item £11,328:

Agreed to, without comment.

Medical Department, Item £10,009:

MR. STEERE asked for some explanation as to the new item "Dispenser, (Colonial Hospital), Perth, £120."

THE COLONIAL SECRETARY (Hon. M. Fraser) said the papers connected with this department were not before him, and he would ask the hon. member to postpone his inquiry until the next sitting of the House.

Progress was then reported, and leave given to sit again.

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