

### FREMANTLE LODGE OF FREEMASONS BILL.

First Reading and Select Committee.

Mr. PEARSE, in accordance with notice, moved for leave to bring in a Bill to enable the trustees of Fremantle Lodge, No. 1033, of Freemasons, to raise money on Fremantle town lot 870.

The Bill was read a first time, and referred to a select committee consisting of Mr. Burt, Mr. Monger, and the Mover (Mr. Pearse).

### BASTARDY LAWS BILL.

Third Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

The Council adjourned at 10 p.m.

### LEGISLATIVE COUNCIL,

Thursday, 16th December, 1875.

Geraldton and Northampton Railway Petition—High School Bill Petition—Geraldton and Northampton Railway: select committee report—Ballot and Secret Voting at Elections—District Roads Act Amendment Bill: first reading—Northern District Special Revenue Returns—Game Act, 1874—Prawn Fishing—Election Petitions Bill: third reading—Wines, Beer, and Spirit Sale Act, 1872. Amendment Bill: recommitment—Crews of Coasting Vessels Discipline Bill: third reading.

The ACTING SPEAKER took the Chair at 12 noon.

PRAYERS.

### GERALDTON AND NORTHAMPTON RAILWAY PETITION.

Mr. CROWTHER presented a petition from Mr. Palmer, the contractor for the construction of the Geraldton and Northampton railway, praying for a remission of duty on material imported for carrying out the works.

The petition was received and read by the Clerk.

### HIGH SCHOOL BILL PETITION.

Mr. MARMION brought up a petition signed by the Roman Catholic Bishop, Clergy, and laity of Western Australia, praying that the Legislative Council would withhold its

sanction from any scheme of higher education opposed to the principle of the Elementary Education Act, or that would deny the petitioners their fair share of any fund voted for such purpose.

The petition was received and read by the Clerk.

### GERALDTON AND NORTHAMPTON RAILWAY.

Select Committee Report.

Mr. STEERE brought up the report of the select committee appointed to take into consideration the condition of the Geraldton and Northampton railway works as contractor for and to recommend for the consideration of the House the best manner in which they should be carried to a completion.

The report was read and ordered to be printed.

### BALLOT AND SECRET VOTING AT ELECTIONS.

Mr. W. BURGESS, in accordance with notice, moved that an humble Address be presented to His Excellency the Governor praying that he would be pleased to bring in a Bill to put an end to proxy voting, and to establish the ballot and secret voting at elections, as at present obtained in England. Freedom of election was the basis of constitutional liberty and he trusted the House would support the motion.

Mr. STEERE regretted that he could not support it.

The SURVEYOR GENERAL (Hon. M. Fraser), looking at the scattered state of the population, and the extensive area of many of the electorates, did not think it would be wise to abolish proxy voting altogether, unless the country was prepared to multiply polling booths *ad infinitum*, and to provide other expensive machinery for ensuring voting by ballot alone. The motion before the House was premature.

Mr. BURT said people were quite ready to attend the races from long distances, so why would they not do the same at an election?

The ATTORNEY GENERAL (Hon. H. H. Hocking) thought some way out ought to be placed on the present system of voting by proxy, and no doubt the Government would be prepared to entertain any reasonable suggestion having that object in view. The existing Act provided for the appointment of deputy returning officers and for declaring district voting places, which obviated the necessity of electors having to travel very long distances to record their

votes. With regard to proxy voting, he failed to see why it should be necessary to have proxy papers attested by a justice of the peace; he could not help thinking that it reduced the great Unpaid into mere electioneering agents. Moreover, it often placed some candidates in a far more advantageous position as regards contesting an election than others; for while one postulant for such honors found no difficulty in obtaining the services of a magistrate to satisfy him on his tour of proxy hunting, another less-favored candidate might fail to secure a justice so to accompany him. He thought that other persons besides magistrates should be empowered to attest proxy forms; the only object in having them attested at all was to satisfy the returning office of the authenticity of the document and of the genuineness of the voter's signature.

Mr. MONGER was in a position to substantiate what had fallen from the Attorney General with reference to the difficulty experienced by some candidates in securing the services of a justice of the peace to accompany him for the purpose of attesting proxy papers. At the last election for the district which he had the honor to represent, the opposition candidate had monopolised the services of all the available magistrates of the district, and if a friendly JP from another locality had not offered him his services he would not have been in the position to obtain a proxy vote at all. No doubt the present system was unfair in many instances towards candidates, and also was liable to abuse.

After some further conversation,

Mr. W. BURGESS pointed out that there was no necessity for the multiplication of polling booths *ad infinitum* for, if the system of proxy voting were retained at all, it might be carried out without having to resort to any great increase of voting places. An elector residing, say, 10 miles from a polling booth, might have a blank proxy paper forwarded to him by post from the returning officer, and, having duly filled it in, he might return it, likewise by post, to that officer, thus obviating the necessity of his travelling any distance from home while, at the same time, it would ensure perfect secrecy.

Mr. MARMION suggested that the Government should bring in a Bill next session dealing with the question, and

Mr. RANDELL moved, as an amendment upon the motion before the House, that an Address be presented to the Governor praying His Excellency to introduce a measure at the next ensuing session of the Legislature to

amend the law as regards proxy voting and to restrict the operation of the system to, say, 15 miles from the nearest voting place.

Amendments agreed to.

Motion, as amended, agreed to.

## DISTRICT ROADS ACT AMENDMENT BILL.

First Reading.

Mr. BROWN, in accordance with notice, moved for leave to bring in a Bill to make further provision for the conservation and improvement of roads in the several districts of the colony.

The Bill was read a first time.

## NORTHERN DISTRICT SPECIAL REVENUE RETURNS.

Mr. T. BURGESS, in accordance with notice, asked the Acting Colonial Secretary to lay on the Table of the House the return of the revenue and expenditure in connection with the Northern District Special Revenue Act, 1873.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said that the returns asked for would be placed on the table when completed.

## GAME ACT, 1874.

Mr. RANDELL, in accordance with notice, asked the Acting Colonial Secretary whether it was the intention of the Government to bring in a Bill this session to amend the Game Act, 1874, to extend the date on which the shooting of wild ducks, &c., shall commence, and to provide a small fee to be charged for a license to shoot wild fowl.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said that it was not the intention of the Government to bring in a Bill this session inasmuch as the breeding season of the game mentioned had now passed, but the matter would receive the consideration of the Government, and a Bill to meet the case would be introduced next session.

## PRAWN FISHING.

Mr. RANDELL, in accordance with notice, moved that the House take into consideration the advisability of defining the time at which prawn fishing should commence, and the size of meshes of the nets employed for that purpose; and, if the sense of the House is favorable, His Excellency the Governor be requested to introduce a Bill to give effect to the wish of the House.

After some debate, the motion was agreed to.

### ELECTION PETITIONS BILL.

#### Third Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

### WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT BILL.

#### Recommittal.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be recommitted for the further consideration of clause 7.

#### In Committee.

#### Clause 7—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that after the word "section," in the first line, the words "of the said recited Act" be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Bill again reported, with a further amendment.

### CREWS OF COASTING VESSELS DISCIPLINE BILL.

#### Third Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

The Council adjourned at 2.15 p.m.

### LEGISLATIVE COUNCIL,

Friday, 17th December, 1875.

Cart Licensing Act: Infringement—Medical Officer and Magistrate, Melbourne District—Fremantle Lodge of Freemasons Bill: select committee report—Supreme Court Expenses—Church Organs: Refund of Duty: in committee—Roman Catholic Orphanages: Message from the Governor, No. 2: in committee—Estimates: in committee—Adjournment—Districts Roads Act Amendment Bill: second reading and committee—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill: third reading.

The ACTING SPEAKER took the Chair at 7 p.m.

PRAYERS.

### CART LICENSING ACT: INFRINGEMENT.

Mr. STEERE, in accordance with notice, moved that this Council does not approve of the instructions given to the police, ordering them not to take proceedings against persons infringing the Cart Licensing Act.

The ATTORNEY GENERAL (Hon. H. H. Hocking) believed that an order something to that effect had been issued to the police, but they were told at the same time that if they noticed any infraction of the law they should acquaint the local Roads Board thereof and offer themselves as witnesses to the board prosecutor.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said it was only that afternoon that he had first heard of such instructions being issued, and he at once ascertained the nature thereof. What gave rise to the whole question was the superintendent of police doubting whether the police were legally empowered to interfere with persons infringing the Cart Licensing Act. The question was referred by him to the law officer of the Crown, whose opinion was that, where there was a local Roads Board, the 52nd section of the Police Ordinance was virtually repealed, at all events so far as laying his information went. But, notwithstanding that opinion, instructions had been issued to the resident magistrates of the various districts that proceedings might be taken by constables under the Police Ordinance against any offender infringing the Act, and he believed that the police had acted generally upon these instructions. The Government would now take further steps in the matter, and if any irregularity existed, it should be remedied.

Mr. STEERE expressed his satisfaction with this assurance, and asked for leave to withdraw his motion.

Motion, by leave, withdrawn.

### MEDICAL OFFICER AND MAGISTRATE, MELBOURNE DISTRICT.

Mr. PADBURY, in accordance with notice, asked the Acting Colonial Secretary whether it was the intention of the Government to make any provision for a doctor and magistrate for the Melbourne district.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) replied that arrangements had been made for periodical visits to the Melbourne district by the resident magistrate of Toodyay which, it was