

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

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

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

REPRINT OF STATUTES.

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

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

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

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

LEGISLATIVE COUNCIL,

Tuesday, 31st July, 1883.

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

THE SPEAKER took the Chair at noon.

PRAYERS.

TRIAL OF POLICE-CONSTABLE WALL.

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

to the House and to the country to know why the trial had been removed from Geraldton to Perth.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): All the steps in this case, except the actual conduct of the case in court, took place before I took office. I have not yet had an opportunity of communicating with the late Acting Attorney General, on the subject of a change of venue, because he is to-day absent from Perth on business; but I have made arrangements to see him as soon as he returns, and then, if I can, consistently with what is right, answer the hon. member's question, I will do so.

ALBANY ROAD VIA JAYES.

MR. VENN, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Supplementary Estimates the sum of one hundred pounds, for the purpose of making passable the Albany Road *via* Jayes, branching off at Davis' on the Blackwood Road; such sum to be vested in the Blackwood Roads Board for expenditure on the said road only." The hon. member said he was not personally acquainted with the road in question, but he was advised that in its present state it was almost impassable, and that the funds at the disposal of the Road Board were altogether inadequate to put it in order. If this vote were granted, and the money expended in putting the road in repair, the Board would afterwards keep it in order, out of their own funds. It was a road that was very much used by the public, and he was advised that it was a very necessary and desirable work.

MR. STEERE said the road was only a minor road, but, like many other minor roads, it had become of more importance almost than a main road; but, in consequence of the small grant at the disposal of the local Board, they were unable to expend any money upon it, and, being impassable, it rendered a *détour* of ten miles necessary.

THE COLONIAL SECRETARY (Hon. M. Fraser) said hon. members were aware that the practice had been annually to devote a lump sum for division among the various Roads Boards

throughout the colony. This address contemplated a departure from that practice, but the Governor of course could be moved to place a sum of money on the Estimates for any specific work, in connection with the roads which were classed as minor roads. The practice was to devote 75 per cent. of the entire vote made to each Road Board, towards the upkeep of the main roads within their jurisdiction, the residue being available for other works. If the House agreed to this address, he hoped it would not be considered as a precedent to be followed in other cases.

MR. STEERE thought the circumstances mentioned by the Colonial Secretary himself showed why this should be made an exception, for, being a minor road, the Board could not expend upon it, out of the Government grant, a sufficient sum to put it in order—which would be considerably more than the residue available after 75 per cent. of the grant had been expended on the main roads of the district.

The address was then adopted.

DESTRUCTION OF RABBITS.

MR. GRANT, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he would be pleased to introduce a Bill for the destruction of Rabbits." Some sessions ago the hon. member for Plantagenet brought the same subject under the attention of the Government, but no steps were taken in the matter at the time. The longer it is delayed the greater would be the danger. He had recently heard that some gentlemen in the southern districts of the Colony had been distributing rabbits about the place—a step which he (Mr. Grant) viewed with great alarm. After what he had seen in the other colonies, of the destruction caused by rabbits, where thousands of pounds had been expended in trying to get rid of them, and where whole districts had been devastated by them, he thought it would be criminal negligence on our part if we neglected to take every precaution against their getting a footing in this colony. He was informed by the hon. member for Plantagenet that rabbits were already running wild in the

neighborhood of Albany; if so, the sooner the better some steps were taken to prevent their spreading all over the country.

The address was agreed to without opposition.

FREMANTLE GRAMMAR SCHOOL BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the first reading of a Bill to incorporate the Governors of the Fremantle Grammar School.

Motion agreed to.

Bill read a first time.

CATTLE TRESPASS ACT, 1882, AMENDMENT BILL.

MR. WITTENOOM, in accordance with notice, moved for leave to introduce a Bill to amend the Cattle Trespass, Fencing, and Impounding Act, 1882.

Motion agreed to.

Bill read a first time.

GERALDTON HOSPITAL.

MR. STEERE, in accordance with notice, called attention to the reply given by the Director of Public Works on Friday last to the question put to him by the hon. member for Geraldton with reference to the Geraldton hospital. It would be in the recollection of the House that the substance of the reply given was, that, as £300 had been taken out of the vote of £2,000 passed by that House for a hospital, and expended in providing quarters for the resident medical officer, the balance available was insufficient to carry out the original design. That being the case, it appeared to him it was necessary for the House to take some further action in this matter, otherwise he was afraid the Geraldton hospital would never be built. A great deal was said the other evening by the hon. member for Perth as to the way in which the provisions of the Audit Act had been evaded. He thought the more one considered the matter the more ready one would be to agree with the caustic remarks made by the hon. member; and probably some further action would have to be taken by the Council in order to draw His Excellency's attention to this fact. He believed the Director of Public Works stated the other evening, and he saw it also stated in the financial state-

ment, that a sum of £1,800 out of the vote had been placed to suspense account. This was entirely contrary to the provisions of the Audit Act. The 14th section enacted that every vote from any specific item which had been appropriated to the public service for any year, and which was not expended, shall lapse. The Director of Public Works stated, when asked the other evening why this hospital had not been proceeded with, that the reason was because the estimated cost of the building was larger than the sum provided for it. But when this subject was under consideration in the House last session, the then Colonial Secretary said that "very elaborate plans" had been prepared—he should think they were "very elaborate plans" when it was estimated they would cost £3,000 or £4,000—but that "after due consideration, the Government proposed not to expend more than originally intended, which he (Lord Gifford) believed would suffice to erect a building suitable for the requirements of the district." It was on the distinct understanding that the amount would be sufficient that the House, somewhat unwillingly he thought, agreed last session to this extra appropriation of £1000 for the completion of the building. He remembered, a few years ago, when the Superintendent of Public Works was under examination by a select committee, the question being asked him: "When you had the superintendence of the expenditure of money for public buildings what was the course pursued by you?" The reply was: "I always prepared the plans so that the buildings could be erected for the amount voted by the Legislature." That seemed to him a proper course to pursue. He noticed only yesterday that the same course was adopted by the Secretary to the Navy in the United States. Congress having voted a certain sum of money for the construction of ironclads, the Naval Secretary stated, in reply to a question as to the class of ironclads to be built, that a specific amount having been voted for the purpose the tenders must be confined within the limit of that amount. He thought that was a course of proceeding which ought to be adopted by the Public Works Department here.

When the Legislature voted a certain sum for a specific work, as in this case, and it was pretty well understood that the House would not vote any more, it was the duty of the department to confine the expenditure within that sum, and to prepare their plans accordingly. And it was in order to bring the matter under the direct notice of the Governor, and that there might be no further delay, that he now moved—"That an Humble Address be presented to His Excellency the Governor, requesting that he will at once cause tenders to be called for the erection of a hospital at Geraldton, the cost of which has already been provided for by the Legislature; and that the plans and specification for the said building shall be so framed as not to exceed the amount already voted." They were told the other evening by the Director of Public Works that he had expended £300 out of this vote, for the medical officer's quarters; but, as that sum was illegally expended, the hon. gentleman would have to refund it to the vote agreed to by that House for a hospital.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas): The hon. member says that I have spent this money illegally. I am bound to obey the orders of the Governor, and I was instructed by the then Governor to spend this £300 upon the residence of the colonial surgeon at Geraldton. Therefore the vote will not prove sufficient to carry out the works in connection with the hospital. I know the amount of the original estimate would have covered all the expense of building a hospital as originally intended; but if the Governor orders that £300 out of it shall be expended upon an officer's quarters, why, I am not responsible,—you cannot expect me to be responsible. As for your Audit Act, it is all humbug.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he must maintain that the additions to the medical officer's quarters were, in reality, part and parcel of the hospital. (Several hon. members: No, no.) It was necessary in connection with every hospital to have a resident medical officer, and it was the practice to afford that officer quarters at the hospital. He therefore maintained that the action of the Governor in authorising the construc-

tion of these quarters at Geraldton out of the hospital vote was in no way illegal, for the reason that he considered such quarters a necessary adjunct to the hospital establishment.

MR. SHENTON said, if he remembered rightly, the first medical officer in the Geraldton district was, like the present one, a Dr. Elliot, and he was provided with no quarters, but had to live in a private residence, and it was only an act of grace on the part of the Government, in later days, that the medical officer was allowed to reside in part of the old Imperial establishment. This was not the first case which had happened, where a simple act of grace on the part of the Government to permit officers to occupy Imperial quarters had resulted in the House being asked to incur expenditure, for additions or repairs to such quarters, which these officers had no legal right to. When the Council voted this £2000 for a hospital at Geraldton it was distinctly understood, by every elected member at any rate, that the whole of it was going to be expended on a *bonâ fide* hospital, and not in any way for the medical officer's quarters. Therefore the argument put forward by the Colonial Secretary that these quarters were part and parcel of the hospital itself would not hold good.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the hon. member stated his arguments would not hold good. The hon. member's own argument had no sense in it at all. At the time the other Dr. Elliot referred to was living at Geraldton there was no hospital there. (Mr. SHENTON: Yes, there was; and I believe the very same building was occupied as a hospital then as is now.) At any rate, it was necessary to extend the doctor's quarters, and he maintained that the quarters were an integral part of the hospital establishment. Consequently he did not view the action of the late Governor as an illegal action in any way.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas): If I am asked to design a hospital that will cost £2,000, and then am instructed to take £300 out of that amount for an officer's quarters, I cannot be expected to build a hospital, as originally designed, out of the balance.

Mr. STEERE: Certainly not.

Mr. CAREY said the reply given by the Director of Public Works was made even more damaging by the remarks of the Colonial Secretary, and it went to show that, notwithstanding all said to the contrary, that House, after all, had very little control over the expenditure of public money. It also showed very clearly the necessity for a change in our constitution. If this money was wanted for the medical officer's quarters, why was it not brought before the House? If these quarters were part and parcel of the hospital, why should Geraldton be an exception in this respect to any other part of the colony, where no quarters whatever were provided for the resident medical officer, and where the necessity for providing such quarters existed much more than at Geraldton, in consequence of the poor practice. He hoped the replies made by the two hon. gentlemen on the Treasury bench would be impressed upon the minds of hon. members when the question of constitutional change came to be considered.

Mr. CROWTHER submitted there was no necessity whatever for the expenditure of this money upon the medical officer's quarters at Geraldton, as there was a contiguous cottage which might have been made to answer every purpose. The fact of the matter was, Governor Robinson a long time ago gave a promise to Dr. Elliott that before he (the Governor) went away the doctor's quarters should be extended, and, some time afterwards, Dr. Elliott, when in Perth, saw the late Colonial Secretary (Lord Gifford) on the subject. Lord Gifford, however, said he could do nothing in the matter, there being no vote for quarters, and referred the doctor to the Governor, with the result that eventually a definite promise was given by Sir William Robinson that the quarters should be enlarged. But that expenditure ought never to have taken place. As to there having been no hospital at Geraldton in the days of Dr. Elliott the first, that was a mistake. The same hospital had been there for the last twenty years to his knowledge, and the only addition which had ever been made to it was a lean-to at the back, where it was currently reported the medical students cut up their cold meat. The motion was then put and carried.

BRIDGE OVER TONE RIVER.

Mr. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Supplementary Estimates for 1883, the sum of £60 as a Grant-in-aid towards rebuilding a bridge, recently destroyed by fire, crossing the Tone (or Warren) River, on the main Blackwood, Warren, and Albany Road." The hon. member said he had been urged to bring this matter forward by some of the leading settlers of the district. The bridge was used by all travellers going from Vasse to Albany, or *vice versa*, and, but for this bridge, the mails in heavy weather would often be left behind. The length of it was about 120ft., which, at a low estimate of £1 per foot, would make the cost of rebuilding the bridge £120. The settlers undertook to provide the balance, if the Council voted the £60 asked for.

The address was agreed to.

BOAT LICENSING BILL.

IN COMMITTEE:

Clause 1.—Short title:

Agreed to.

Clause 2.—Licensing Board to have power to recover the expenses of the inspection of licensed vessels:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that since the Bill was framed a suggestion had been made to him by the hon. member Mr. Randell, that some limit ought to be fixed as to the amount chargeable for inspecting vessels, and he thought the suggestion was a reasonable one. Instead, however, of introducing such a provision into this clause, he thought it would be better to deal with it in a separate clause, which he would presently move to add to the Bill.

The clause was then agreed to.

Clause 3.—Incorporation of Act with the Boat Licensing Act, 1878:

Agreed to.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the following new clause to be added to the Bill, to stand as clause 3:—"The amount recoverable for inspection as aforesaid shall not exceed, in the case of a personal inspection by the board, the amount of

"the costs or expenses actually incurred by the persons so inspecting, and shall not include any remuneration for loss of time or trouble; and in the case of an inspection by a person authorised as aforesaid, the amount recoverable for each inspection shall not exceed the sum of ten shillings and sixpence."

MR. STEERE: Would you ever get a competent person to undertake an inspection for such a sum as that?

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he had not considered that point. The clause had been introduced at the suggestion of an hon. member who was familiar with boat inspection and licensing.

MR. SHENTON considered the amount rather low. The lowest fee allowed by Lloyd's surveyors for an inspection was one guinea, ranging up to five guineas.

MR. RANDELL said a graduated scale of fees was already provided in connection with the licensing of these boats, at the beginning of every year, and the fee here contemplated another inspection altogether, during the currency of a license. This clause did not touch the survey fee, chargeable under the existing Act. The inspection here contemplated would not take longer than half-an-hour at the utmost, and there might be two or three boats for inspection at the same time. While on his feet, he desired to acknowledge the ready manner in which the Attorney General and the Government had met his suggestion in the matter,—although, personally, he should have liked to have seen the amending Act put off for another year, as it was his intention to move for a consolidation of the existing enactments dealing with the licensing and inspection of boats and steamers.

MR. MARMION doubted whether the Bill was sufficiently explicit to prevent any mistakes being made as to the different inspections intended to be performed; but, if the Attorney General thought it was, he would say no more.

The new clause was then agreed to.

Title and preamble agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Wednesday, 1st August, 1883.

Survey Officers provisionally employed—Enforcing provisions of Vaccination Act in the North District—Telegraph Communication on Railways—School-house and Bonded Store at Roebourne—Message (No. 10): Immigration—Telegraphic Communication between Roebourne and Cossack—Breaksea Island Telegraph—Estimates: Re-arrangement of—Eastern Railway Terminus Bill: first reading—Pearl Shell Fishery Regulation Bill: first reading—Exemption of Justices from Juries Bill: first reading—Perth Causeway and Helena Bridges: Covering of—Inspector of Accounts' Report on Railway Accounts—Statement of Over-expenditure disbursed by the Colonial Treasurer—Report of Select Committee on Excess Bill, 1882: Consideration of—Excess Bill, 1882: in committee—Supplementary Estimates, 1883: in committee—Adjournment.

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

PRAYERS.

SURVEY OFFICERS PROVISIONALLY EMPLOYED.

MR. CAREY, in accordance with notice, asked the Colonial Secretary, "If any, and what steps have been taken by the Government to carry out the implied promise given by the then Colonial Secretary (Lord Gifford) in the Session of 1882, to place on the permanent staff of the Survey Department those draftsmen who had for many years past been provisionally employed in that Department?" The hon. member said he regretted that he had put the question in this form, instead of moving a resolution on the subject, for he was sure it would have received the support, by voice and vote, of every member of the House. It would be in the recollection of hon. members that he brought forward the same subject during the winter session last year, and a promise—as he understood it and as other members understood it—was then made by Lord Gifford that steps would be taken before the present session to place these officers on the permanent staff. Whether the Government had taken any steps in the matter of a fulfilment of this promise he was not aware. Everyone would admit that the work in the Survey Department was work which required to be performed with skill, and that it was largely increasing; and he thought it was but fair that officers who had for years past been provisionally employed—some of them