

Clauses 1 and 2—Short title; and power to construct railway:

Agreed to, *sub silentio*.

Schedule (description of line):

MR. PARKER: Before the bill is adopted—I have not had an opportunity of looking at the schedule myself—I would ask the Commissioner of Railways whether he is satisfied with the schedule, and that the line runs through where it is intended—whether the hon. gentleman is satisfied with the description of the lands through which the line passes? For instance, "S.O.L." is popularly understood to represent a Special Occupation Lease; but I do not think it is the correct thing in an Act of Parliament; nor do I think it the correct thing to use the abbreviation "loc.," when it should be "location."

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): In all previous Railway Bills the same abbreviations have been adopted in the schedules. If the hon. and learned member really wishes to have the amendment made, no doubt it could be done by the Government Printer; at the same time, it appears to me an expenditure that may very well be spared.

The schedule was then agreed to.

Preamble and title agreed to.

Bill reported.

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

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## LEGISLATIVE COUNCIL,

Wednesday, 13th July, 1887.

Completion of New Public Buildings, Perth: When tenders to be called for—The vote for Tramway and Harbor Accommodation at Cossack—Prohibition of Sheep imported for Slaughtering purposes—Postage Stamp Ordinance Amendment Bill: first reading—Fire Inquiry Bill: first reading—Quarantine Bill: first reading—Documentary Evidence Bill: first reading—Mail service from Finjarrah to Mouradong—Gold Duty Repeal Bill: further consideration in committee—Point of Order—Prisoners Employment Bill: further consideration in committee—Railway Servants Bill: second reading—Bunbury Railway Bill: third reading—Adjournment.

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

PRAYERS.

## TENDERS FOR COMPLETION OF NEW PUBLIC OFFICES, PERTH.

MR. SHENTON, in accordance with notice, asked the Honorable the Director of Public Works when it was proposed to call tenders for the completion of the new Public Offices, Perth?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied that the detailed drawings would be completed by the end of the month; but that the calling for tenders would have to be delayed until the sum of £12,000, appropriated by a resolution of the House last year, shall be voted.

## EXPENDITURE OF LOAN MONEY ON COSSACK TRAMWAY AND HARBOR.

MR. McRAE, in accordance with notice, asked the Commissioner of Railways:—

1st. What amount has been expended out of the £20,000 appropriated to Tramway and Harbor Accommodation, Cossack and Roebourne, under "The Loan Act, 1884;" and upon what works expended?

2nd. What amount will be required to complete works now in course of construction, the nature of such works, and the estimated available balance after their completion?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) replied:—

1. The total amount expended on the works under "The Loan Act, 1884," for Tramway and Harbor Accommodation, Cossack and Roebourne, up to date, is £15,967 18s. 10d.

2. The amount required to complete the works in construction is £4,000, which will include the new Lighthouse on Jarman Island, the rolling stock, &c.; leaving therefore an estimated available balance of £32 1s. 10d.

## IMPORTATION OF SHEEP FOR SLAUGHTERING PURPOSES.

MR. PARKER asked the Colonial Secretary whether the Government were aware that sheep for slaughtering purposes were being imported into the colony in considerable numbers, and, if so, whether the Government proposed to take any steps to prohibit such importation? He was informed that a considerable number of sheep were being

brought over from another colony to Albany, for purposes of consumption.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the fact had not been before the Government, and he was not aware there was any present intention to prevent such importation.

POSTAGE STAMP ORDINANCE  
AMENDMENT BILL.

Read a first time.

FIRE INQUIRY BILL.

Read a first time.

QUARANTINE BILL.

Read a first time.

DOCUMENTARY EVIDENCE BILL.

Read a first time.

MAIL SERVICE FROM PINJARRAH TO  
MOURADONG.

CAPTAIN FAWCETT, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he would be pleased to place on the Estimates for 1888 a sufficient sum of money to provide a mail, to run once a week, from Pinjarrah to Mouradong, on the Hotham River, and back. Such a service as was asked for would entail a very small expense—probably not exceeding £36 a year, and it would be a great boon to the settlers. He had a petition on the subject from the Williams River settlers and the Murray settlers, who had mutually agreed to the route proposed. The distance was about forty miles, and a considerable number of people would be served by it. It would be a loop line, and, with the present overland mail service, it would give the Williams settlers a weekly instead of a fortnightly service.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) suggested that the matter should be postponed, pending the introduction of the Estimates, and the preparation of the new Postal Map.

Mr. VENN said it was all very well to postpone these motions for money until they had the Estimates before them.

He took it that if the hon. member postponed his motion until the Estimates were produced, he would have very little chance of getting the money put upon them. He did not know hardly of any instance in which these votes had been added to the Estimates, if they were postponed, and no resolution of the House obtained. It appeared to him there was a great and a growing tendency on the part of the House to put on one side proposals for extending mail communication in country districts. He thought the settlers when they asked for these little facilities were asking for a very small concession indeed. He did not mean to say that every settler should have a mail brought to his door, but he did think they ought to afford these country residents as much postal facilities as possible. They were just as much interested in their mails as the people of Perth were. He hoped the hon. member would not postpone his motion. If he did, he would stand a very remote chance indeed of ever getting it placed on the Estimates.

Mr. A. FORREST said he should support the motion. Mouradong was a very important district, and there were a great many settlers there, who were as much entitled to have their mails brought to them as the settlers were in any other part of the colony. He agreed with the hon. member for Wellington: there appeared to be a tendency to shelve all motions brought forward by country members.

Mr. LAYMAN said if the hon. member consented to postpone his motion he would certainly go without his mail service.

Mr. PARKER had no intention to oppose the motion, but thought it would be advisable to adjourn the debate until the House was furnished with the promised Postal Map. The House was already pledged to consider another mail service when that map was produced—the service up the Murchison, and the two services might be considered together. It was just possible that the hon. and gallant member for Murray-cum-Williams might be able to show better grounds for his request than the hon. member for Geraldton could for his request. He moved that the debate be adjourned until July 18.

Mr. MARMION thought that when hon. members brought forward motions like these they ought to be prepared with some statistics, so that the House might be able to arrive at some satisfactory conclusion as to whether the service asked for was really required, and whether the House would be justified in adding to the enormous sums of money already expended in providing mail communications.

The motion for adjourning the debate was agreed to.

#### GOLD DUTY REPEAL BILL.

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

Clause 3 (reverted to)—Quantity and value of gold, crude and manufactured, to be declared at the Customs:

Mr. HENSMAN moved that the words, "Whereas it is desirable for public reasons to ascertain the quantity of gold which is exported from this colony," be struck out. These words constituted another preamble to the bill. It was a very bad style of drafting—in fact it was not drafting at all—to put a preamble in the middle of a bill. The whole of the title of the bill had already been fulfilled; and it was now proposed to tack on another bill, with a different preamble altogether. The bill having fulfilled its duty by repealing the Act of last year was now starting on a fresh career, with a fresh preamble, and he now moved that this fresh preamble be struck out.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the objection made was really twofold. The hon. and learned member spoke of the title of the bill. That could easily be amended, when they came to consider the title. The other objection was that the words which the hon. member proposed to omit were of the nature of a preamble. He would not attempt to deny what was perfectly obvious—that these words might possibly have been introduced into the preamble of the bill, if he had wished to indulge in the luxury of a long preamble to a very short Act. But as for the statement that it was unprecedented to introduce words into a section in the middle of a bill to explain the object of the clause, the hon. member was utterly wrong there. He had known several instances where

reasons, apart from the preamble, were given in a clause for its introduction; and the reason why he had introduced these words here was because he wished as much as possible to give something like a reason for the proposed legislation. They felt that the Gold Duty Bill of last year had proved a failure, an unmitigated failure; at the same time they thought it was in the true interests of the colony that they should in some way or the other—he was willing to consult the committee as to how it should be done—arrive at some statistical knowledge as to the quantity of gold raised and exported. If it was found that gold was leaving the colony in great quantities and they knew nothing about it, or had no record of it, surely that was not in the interests of the colony. It was in the interest of the colony that the truth should be known, rather than that the matter should be hushed up because there happened to be some objection to the mode in which it was proposed to arrive at the truth, and the information which they wanted. If hon. members would assist him to ascertain how it could best be done, he was not at all bigoted in the matter, or wedded to this particular mode of ascertaining what they wished to ascertain.

#### POINT OF ORDER.

Mr. PARKER pointed out that according to their 82nd Standing Order "no clause shall be inserted in any bill which shall be foreign to what the title of such bill imports; and that such matters as have no proper relation to each other shall not be intermixed in one and the same bill." He submitted that the clause now before the committee was altogether foreign to the title of the bill, which was to repeal the duty on exported gold. Now it was proposed to introduce a clause making it compulsory to declare the value of all gold, crude or manufactured, at the Customs, for certain statistical purposes; and it was proposed to create a new offence, by rendering people liable to a penalty of £20 if they did not go to the Customs, on leaving the colony, and there declare the value of every article of jewellery in their possession, made out of Kimberley gold. It was obvious that this was entirely foreign to what the title of the bill imported. The Attorney General said they could amend the title. No

doubt. But the clause was irregular according to the Standing Order—which also stated that “such matters as have no proper relation to each other shall not be intermixed in one and the same bill.” He therefore asked the Chairman to rule whether it was competent for the hon. and learned gentleman to proceed with this clause, and the following clause?

THE CHAIRMAN OF COMMITTEES ruled that the two clauses in question were out of order,—not so much because they were foreign to the title of the bill (which could be amended), but because they had no proper relation to the other clauses of the bill, and therefore ought not to be intermixed with them.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the Chairman having so ruled, of course he had no option but to bow to his ruling. He could not withdraw the clauses, but he bowed to the ruling of the Chair.

MR. MARMION suggested that the two clauses might be introduced into the Goldfields Act.

MR. PARKER thought the best thing the hon. and learned gentleman in charge of the bill could do, if he wanted to legislate in this direction, was to withdraw the remaining clauses of the bill, and bring them in as a separate measure.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he was not at all cavilling at the ruling of the Chair, but it was a very curious thing that you could amend the title of a bill at the end, but you could not introduce anything into a bill that was not consistent with the original title. Perhaps the better course would be to withdraw the bill altogether.

THE CHAIRMAN OF COMMITTEES: If the hon. gentleman wishes to withdraw the bill, the best thing he can do is to move that I leave the Chair.

THE ATTORNEY GENERAL (Hon. C. N. Warton): I move, sir, that you do now leave the Chair.

MR. PARKER said he was sorry he must oppose that motion. They all desired that the Act of last year should be repealed, and they had done so by the first clause of the present bill. If the Government wanted to ascertain the quantity of gold raised and exported, there was no reason why they should not do so in a future bill. He was not prepared to allow them to withdraw this

bill—which had effected its purpose so far as repealing the Act of last session—simply because the remaining clauses of the bill had been ruled out of order. He thought they ought to pass the bill without those clauses, leaving the responsibility of refusing to assent to it to rest in the proper quarter.

MR. HENSMAN said the full intention of the bill as it appeared from the title had been fulfilled; and, because the Government had not got their way in carrying the other clauses of the bill, which had been ruled to be foreign to the bill, and which were also objectionable to the House, they now wanted to withdraw the bill altogether. He should not be a party to it. If they were to allow the bill to be withdrawn, under the circumstances referred to, the moral would be this: if that House did not do what the Government wanted them, they were to be put under the heel of the Government—which he for one was not going to submit to.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he had only moved the Chairman out of the Chair in deference to the Chairman's own suggestion, as the proper course to pursue if he wished to withdraw the bill. He did not know the procedure here; but his impression was that according to Parliamentary procedure no bill could be withdrawn without the leave of the House.

THE CHAIRMAN said he had merely suggested the course which he did to the hon. and learned gentleman as the simplest way out of a difficulty.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought if the Chairman ruled that any clauses were out of order they went by the board.

MR. LOTON said it appeared to him that a very simple way out of the difficulty would be to report progress, and ask leave to sit again, which would give the Government an opportunity of considering the question.

MR. PARKER said there was nothing to consider. They had done all that the title of the bill intended them to do. The Government might consider for a month, and they could not introduce anything further into this bill. It was a bill to repeal the duty on gold, and they had done so.

Upon the question being put, "That the Chairman leave the Chair," it was negatived.

Preamble and title :

Agreed to.

Bill reported to the House.

MR. PARKER moved that the report be adopted.

THE ATTORNEY GENERAL (Hon. C. N. Warton) : On that question I can only say I should have been glad if the House had seen its way to have passed the remaining clauses of the bill in some amended form; but, having been ruled out of order, they are now gone. I trust that the hon. member for Greenough, or the hon. member for Perth, will introduce a bill to replace them. It will afford me much pleasure to support it. I still think legislation in the direction indicated is required.

The report of the committee was adopted.

#### PRISONERS EMPLOYMENT BILL.

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

Clause 3.—Certain prisoners may be set to work outside prison, and in chains :

This clause was reverted to, and the debate resumed upon the amendment submitted by Mr. Parker (p. 77, *ante*) modifying the severity of the clause.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that having had an opportunity of considering the amendment, he accepted it heartily.

MR. HENSMAN said by the section of the old Act which this bill repealed it was enacted that the provisions of the clause should apply to "male" prisoners, who, if convicted of felony, and they attempted to escape when at work outside the gaol walls, could be put in chains, by order of the Governor. It appeared from the answer given to the question he put the other evening to the Colonial Secretary that during the last ten years no European prisoner had been put to work in chains outside the precincts of a gaol. That was a sight which they had been spared for some years past, and he for one should be sorry to see it revived. The author of "Greater Britain," he was sorry to say, had made Western Australia notorious by his description of its chain gangs in days gone by; and he for

one was glad to hear that such a sight had not been seen in the colony for the last ten years. The old Act, as he had already said, limited the operation of the clause to "male" prisoners. The clause was cautiously worded in that respect. It was also limited to those who had been convicted of felony and who attempted to escape. The present bill was not limited to "male" prisoners, nor yet to prisoners convicted of felony. Let him here ask, was the present bill intended for white men? If it was, he for one should vote against it. If it was not intended for white men, but for aboriginal natives, what was the use of it? If they turned to the Aborigines Protection Act, passed last session, they would find that the 32nd clause enacted that any aboriginal native under sentence of imprisonment might "by order of the Governor"—not of the gaoler—be employed outside the limits of the gaol; and the 34th clause empowered the Governor to make rules and regulations for the safe custody of all native prisoners. So that last session the House went into the whole question of native protection, and of the punishment of natives when convicted. Therefore the present bill was apparently not required for native prisoners. If it was, why should it not appear so on the face of it? If it was intended to apply indiscriminately to white prisoners and native prisoners, he for one would object to the mixing up of the treatment of whites and blacks. They might require to be treated in quite different ways, and the old Act dealt solely with European prisoners; and, for his part, as he had said more than once, he preferred the old Act in every respect. If the clause passed as it stood, it would apply to white and black prisoners alike, and the effect of it would be this: whereas by the Act of last session the Governor had to make orders as to the mode of employment of native prisoners outside the limits of a prison, the present bill put that power of making orders in the hands of the gaoler, both as regards native prisoners and European prisoners. Which of the two Acts was to be law? Although he admitted that the amendment of the hon. member for Perth mitigated what he (Mr. Hensman) considered the severity of the clause, yet at the same time he hoped the committee would say that they had done quite

enough by giving it in the power of the keeper of a prison to say that certain prisoners may be worked on the roads, or other public work, outside the precincts of the gaol, without further giving a gaoler the monstrous power of ordering them to be worked in chains.

MR. PARKER asked the Attorney General whether the object of the bill, or rather these provisions as to working prisoners in chains were intended for native prisoners? If so, perhaps it might be advisable to re-enact this old provision as to working in chains. He admitted he had himself overlooked the provisions of the Aborigines Protection Act, referred to by the hon. member for Greenough; but it appeared to him, although under that Act the Governor had power to make rules and regulations for the safe custody of native prisoners, he had no power under those regulations to work them in chains. Before he could do that, it would be necessary for him to have statutory powers. In asking whether the clause now under consideration applied to natives, he might say that he had moved his amendment solely with that view, so that the natives sentenced in our Northern Districts might be put to work on the roads up there, instead of being sent all the way to Rottneest. They knew perfectly well it would be impossible to work a native prisoner outside the gaol unless he was worked in chains, and they also knew that the cruellest thing they could do to a native would be to keep him for years, or even months, confined within the limits of a small gaol. He thought they would be doing a kindness to these natives by allowing them to work in chains, in the open air, outside the prison, rather than keep them confined and cooped up in a cell. It was only putting the colony to quite unnecessary expense to bring the majority of these native prisoners down to Rottneest, hundreds of miles, when their labor might be utilised, and be put to good use in the Northern District, where they were convicted. If the intention of the Government was to apply the provisions of this clause to natives, he thought it would be wise on the part of the committee to pass it—subject to the amendment which he had already moved. He quite agreed with the hon. member for Greenough there could be no

more degrading or odious sight than to see a number of white prisoners working in chains, and, with the hon. member, he deprecated the idea of ever again witnessing such a sight. The same objection did not apply to native prisoners, for unless these men were worked in chains they knew very well it would never be safe to attempt to work them outside the prison wall.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he agreed very nearly with what the hon. member for Perth had said. He thought they might rest pretty well assured, from the experience of the past ten years, that, practically, white men were not likely to be put in chains, and that the terrible picture of the hon. member for the Greenough as to chain gangs would never be seen again. The utmost that could be contemplated was that it might possibly be necessary at some time or other so to work some extremely refractory prisoner; and the very presence of such a provision on the statute book would probably have a deterrent effect upon such men. But the main object of the clause, as the hon. member for Perth had said, was to regulate the employment of native prisoners, by enabling them to be worked in the open air, in their own district, instead of bringing them down to Rottneest.

MR. SHOLL said if the bill was intended to apply to native prisoners at the North, he thought it was a great pity the Government had not said so at first. It was absolutely necessary, if they were going to employ native prisoners, outside the limits of a gaol, that power should be given to work them in chains. He thought—and he had had some experience of these natives at the North—he thought, with the hon. member for Perth, it would be downright cruelty—in fact it would be more than cruelty, it would mean death—to keep these natives shut up in cells, in a tropical climate like the North. Short-sentenced natives would much rather prefer to be employed outside, but it would take a very sharp man indeed to keep them, without a chain. It need not be a heavy chain, but just strong enough to keep them from escaping. As to requiring an order from the Governor to work these men outside, how on earth were they going to get such orders, up at Kimberley for instance?

Mr. MARMION thought he saw a way out of the difficulty with reference to this matter. Why should not the Government confine the application of the bill to native prisoners? He could see very good reasons, in the interests of the colony, in the interests of law and order, and in the interests of the natives themselves why such a power as this should exist, as regards aboriginal prisoners.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he felt that the hon. member for Fremantle had seen a way out of the difficulty; but, accepting the idea suggested by the hon. member, there was a technical difficulty in the way, which, however, he thought they might get over at a future stage. He did not see at present how they could restrict the clause to aboriginal prisoners unless they recommitted the bill, or the amendment of the hon. member for Perth were withdrawn for the present, *pro forma*, with the view of inserting the word "aboriginal" before the word "prisoner," in the first line. The clause would then read—"That any aboriginal prisoner sentenced to penal servitude or to imprisonment," &c.

Mr. PARKER said he had no objection to withdraw his amendment, under the circumstances.

Mr. HENSMAN said if the Attorney General would do this—report progress; and let the matter be put in black and white—he should not offer any objection to the withdrawal of the amendment, with the view of altering the clause as suggested. The old Act related to Europeans, and the bill now under consideration referred to all prisoners, white and black; and now it was proposed to turn it into a bill dealing only with aboriginal prisoners. They proposed to entirely change the scope of the bill, and he should reserve his opinion until he saw in what form this change was to take place.

Mr. PARKER's amendment was, by leave, withdrawn, and, on the motion of the ATTORNEY GENERAL, progress was reported, and leave given to sit again another day.

#### RAILWAY SERVANTS BILL.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright), in moving

the second reading of a bill giving the Commissioner of Railways power to appoint and dismiss certain classes of railway servants, said he did so in order to give the Commissioner, for the time being, the same power that was vested in all railway managers in England, and, he believed, in all parts of the world. This was a very different thing from the bill empowering postmasters to fine messengers and letter carriers. The Commissioner of Railways was obliged—it was a matter of life or death—to preserve discipline in the working of public railways. The lives of passengers and the protection of property depended on that discipline being properly carried out; and he considered that the Commissioner, the head of the department, entrusted with the working of the Government lines here, should have the same power to dismiss or appoint any railway servant, as the managers had elsewhere; the bill, however, gave a right of appeal to the Governor, in the event of any person feeling aggrieved at the action of the Commissioner. He considered the bill, both in the interests of the public and of the Railway Department, one of the utmost necessity, for the due preservation of discipline; and he felt certain it would meet with the support of the House.

Mr. KEANE said the bill would have his most cordial support, because he knew, from a practical acquaintance with the working of railways, such a measure was absolutely necessary—a measure which gave the responsible head of the department the power here sought for. The Commissioner was responsible himself for any accident that took place, and if he had not this power of maintaining discipline, what was the good of placing him in the position which he now held? When they employed a large number of men, as the Railway Department did, he thought it should be absolutely in the power of the head of the department to take on, or to dismiss, anyone. The same power was exercised by the heads of private firms, and he thought it was necessary upon Government railways. The only thing in connection with the bill which he regretted was that it did not apply to every officer in the department, of every grade. He thought the Commissioner should have the power to dismiss or to appoint any *employé*, high

or low, whereas the present bill was limited to a certain class of railway servants.

MR. A. FORREST did not agree with the bill at all. He did not object so much to the present Commissioner of Railways having this power, for they knew pretty well he would not abuse it; but they did not know who their next Commissioner might be, or what manner of man he might be. It was a very great power, indeed, to place in the hands of any man,—the power to dismiss any subordinate, from a station-master downwards—and he thought the House should pause before it entrusted such a power to any head of department, even although the right of appealing to the Governor was provided. They knew very well that it was useless for any public servant to appeal from the head of the department to the Governor—he might as well attempt to fly to the moon. The bill appeared to him almost a similar one to that which they had before them the other day dealing with the Postal Department, and he certainly should oppose it, so far as lay in his power. If the bill passed, the same powers should be placed in the hands of the Colonial Secretary, the Commissioner of Crown Lands, and other heads of departments.

MR. PARKER presumed that the hon. member for Kimberley would admit that someone should have the power to appoint and dismiss these railway servants, and, if so, who had a better right to exercise that power than the head of the department? At present the power was vested in the Governor, and this bill proposed to transfer it to the Commissioner with a right of appeal to the Governor. He would ask the hon. member on whose recommendation did he think appointments and dismissals in the Railway Department were now made? If the head of the department recommended the appointment or dismissal of a railway official did the hon. member not think the Governor would confirm the appointment or the dismissal? And would it not be better to give that power to the Commissioner direct? For his own part, he did not like to see all those powers centralised in the Governor. He thought it was time they placed a little of it in the hands of heads of departments. He would remind the hon. member that

when they had Responsible Government all these powers would be vested in the ministerial heads of departments.

MR. A. FORREST: Who will be responsible to the people.

MR. PARKER, continuing, said the hon. member told them he did not object to this power being placed in the hands of the present Commissioner, because they knew he would not abuse it. He hoped the present Commissioner would live at any rate as long as the existing Constitution; and, under Responsible Government, the Minister of Railways would be a member of the Cabinet. He could not help thinking himself that the head of the department was the right person to exercise this power. The hon. member for Kimberley contended that the bill was a similar bill to the Post Office Discipline Bill. It was a different thing altogether. The House objected to that bill because it considered that legislation, in the direction proposed, was quite unnecessary. They thought the Postmaster General ought to be able to manage his naughty little boys without giving him special statutory powers. But this was a very different thing. This was not to enable the Commissioner to add to the revenue by fining his men, but to give him power to maintain discipline in a department of the public service where discipline was absolutely necessary, in the interests of the public.

MR. HENSMAN said the bill was only the old bill that was kicked out of the House the other night, come up in another form, only much worse. He said much worse because, whereas the other night they would not leave it to the Postmaster General to fine and punish little boys, they were now asked to give the Commissioner of Railways power to fine and punish a lot of full-grown men, including station-masters and persons of that description. It was perfectly true that, in the bill, this power to fine was carefully wrapped up, in the middle of the power to appoint and to dismiss; and the title of the bill made no reference to fining at all. The most obnoxious part of the bill was smuggled in between its less objectionable provisions. He submitted there was no necessity for such a bill. These railway servants had been appointed and dismissed, as occasion demanded, ever since our railway system was com-



menced; and they could be dismissed or appointed still, without this bill. The Governor appointed or dismissed them upon the recommendation of the Commissioner, who, virtually, had this power already. What then did they want an Act of Parliament for? They wanted no Act of Parliament to empower any employer to dismiss his servant, if guilty of negligence, or any other serious dereliction of duty, or misconduct. But the great point of the bill—the sting of the bill—was the power to fine. What right had they, as Englishmen, to give to the Commissioner of Railways—no matter how good a man he might be—he did not care if he was the best man in the world—what right had they to give the Commissioner of Railways the power to fine any person? That was a power which the English law only vested in justices, acting in open court, in the eyes of the public. The bill, it would be seen, included everyone, from the station-master downwards, all of whom were to be handed over to the tender mercies of the Commissioner, who was empowered to fine them, in a summary manner—whatever that may mean. He knew what it meant in courts of justice, where the magistrate sat in public; but he did not know what it meant in the case of a Commissioner of Railways sitting in private. It appeared to him they were getting worse and worse every day. First of all they proposed to give the Postmaster General power to fine little boys, and now they were asked to hand over to the tender mercies of the Commissioner of Railways the whole of the working staff of our railways, to appoint, fine, or dismiss them summarily. The Commissioner had got on very well without such a power hereto, and why couldn't he get on without it hereafter? How did the Colonial Secretary get on without it? How did the Colonial Treasurer get on without it? It was an important department, no doubt—it spent a lot of money; and of course it was necessary that the running of trains should be properly regulated and looked after. But they would not get these things done by placing an arbitrary power like this in the hands of the Commissioner. Let him pay his men well, let him look after them well; and, if he found they did not do their duty, let him dismiss them, as other masters did with

their servants, and as he had a perfect right to do without this bill. He could not have believed that any Government would have brought in such a bill, giving power to one man to fine another in this way. He did not care so much for the power to appoint, or for the power to dismiss—the law already allowed that. But he did object to the power to fine, without the right of appeal to a court of justice. That was the tribunal he would like to appeal to, not to the Governor. He was astonished at the audacity of the Government, after their other bill being kicked out, in bringing in the same bill again, only in a worse form, and in a most meagre form. Fine in a summary way. Was the Commissioner to fine a man £100, or £50, or £5, or 5s.? Where was the answer to that, in the bill? How was he to be fined? Was the Commissioner to hold a court of inquiry, was he to have witnesses examined, or was he to call a man into his private office, and say, "I fine you a pound?" He had spoken somewhat strongly on the bill, because he thought it was a bad bill,—bad in principle. If we were on the eve, as he hoped we were, of Responsible Government, do not, he would say, let us, on the brink of that change, hand over to the Governor a power which it had been said must be taken away again as soon as we had Ministerial Government. Why should we give power to a man to-day, who, under another form of Government, will only be a figure-head, and who will then have to be deprived of that power? He thought it would be an insult to a man to hand over to him this power now, and take it away from him next year. He, for one, should oppose the bill.

THE ATTORNEY GENERAL (Hon. C. N. Warton) hoped they were a practical, if not a conservative assembly. Conservative assemblies always paid most respect to the opinions of those who knew most about a matter, and they all knew there were two gentlemen in that House who knew more about railways—his hon. friend on the right, and the hon. member for Geraldton—than all the rest of them put together; and both of those gentlemen had told them that the bill was necessary. For his own part—he said it with great submission—he had more respect for the opinion of these two

gentlemen on a subject like this than he had for the collective wisdom of all the other members of the House, even including his hon. and learned friend the member for Greenough. His hon. and learned friend never lost a chance of trying to bring grist to his own mill. The hon. and learned gentleman objected to an appeal to the Governor; he would have all his appeals to a court of law. "Let us have an action, let us have litigation, let us bring it to a court of justice"—that was always the cry of his hon. and learned friend. It was essential to his very existence that they should have appeals to the law court, rather than to the Governor. But it was not always in the interests of the public to be always appealing to courts of law, and probably it might be in the interests of these railway servants that they should have the right of appeal to the Governor, instead of through his hon. and learned friend to a court of law. They did not want people coming to law every time an act of negligence was committed by a railway porter.

MR. VENN said, if the matter came to a division, he should be found voting in support of the bill, for it was a bill that commended itself to his judgment as being a right bill, giving the power to the right man to hold it. He was sorry he could not follow the hon. member for the Greenough in what he had said. He thought there was a great deal in it that was misleading. This power was not a despotic power; it was subject to an appeal to a higher authority. Moreover, the department was worked under certain regulations, and he presumed even the Commissioner must be governed by these regulations. The bill did not prevent any man who felt himself aggrieved from appealing to the law, if he considered he had been wrongfully dismissed. He saw nothing objectionable in the bill. The whole responsibility of working our railways rested on the shoulders of the Commissioner. If anything went wrong they immediately blamed the Commissioner; and he thought the Commissioner ought to have this power of dismissing any of his servants.

MR. HENSMAN: So he has.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): He has not.

MR. HENSMAN: He ought to have. THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): That is what I say. That is the object of the bill.

MR. HENSMAN: He has the same power as any other master.

MR. VENN, continuing, said something must have transpired to show that such a bill was necessary, and he thought the House should pass it. If the object of the bill was merely to empower the Commissioner to fine, he should object to it strongly; but it must have some other object in view. There was nothing unusual about the powers proposed to be placed in the Commissioner of Railways. Contractors gave the same powers to their managers, and why should we be afraid to trust the responsible head of the department?

MR. RANDELL thought the bill a very desirable one to have on our statute book, but he intended moving some amendments when they went into committee upon it. He wished to give the Commissioner an additional power,—the power to suspend any of these railway servants. There were *laches* for which a fine might be inadequate, and dismissal too severe a punishment; and he thought it was very desirable that there should be power to suspend for a week or a month, as the case might be. He thought they might safely leave all this to the discretion of the Commissioner, whether it be the present occupant of the office or his successor. He had no doubt that whoever held the position would be guided by a due sense of its responsibilities, and of the interests of the public service. The bill commended itself to him as a practical, common-sense measure, and he thought it very desirable that such powers as were here contemplated should be placed in the hands of the chief of the colony's railways. He did not see any parallel between this and the Post Office Discipline Bill. That went much further than this, placing power as it did in the hands of every postmaster in the colony, whereas here the power was confined to the responsible head of the department. Moreover, the House was of opinion that the Postmaster General already had in his hands sufficient powers for controlling messengers and letter-carriers, and punishing them for negligence or misconduct.

MR. HENSMAN: So has the Commissioner. No difference whatever.

The motion for the second reading was then put, and carried on the voices.

#### BUNBURY RAILWAY BILL.

Read a third time and passed.

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

### LEGISLATIVE COUNCIL,

*Friday, 15th July, 1887.*

Excess Bill, 1886: Progress report of Select Committee—Message (No. 11): Report and Proceedings of the recent Australasian Stock Conference—Message (No. 12): Land Grant Railway Proposals, and Water Works for Perth and Fremantle—Message (No. 13): Mr. Hardman's suggestions re amendments in the Goldfields Regulations—Message (No. 14): Resolutions of the House in favor of Responsible Government—Message (No. 15) Revision of the Customs Tariff—Report of Mr. Spencer on accounts at Wyndham—Gratuities to Government officials during 1886—Freight rates on Stock on Eastern Railway—Amendment of Standing Orders—Motion for adjournment: The case of "Egan v. Phillips"—Gold Duty Repeal Bill: third reading—Copyright Register Bill: in committee—Building Act Amendment Bill: second reading; referred to Select Committee—Fire Inquiry Bill: second reading—Railway Servants Bill: in committee—Adjournment.

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

PRAYERS.

#### EXCESS BILL, 1886: PROGRESS REPORT OF SELECT COMMITTEE.

MR. RANDELL, by leave of the House, brought up a progress report made by the select committee on the Excess Bill, 1886, of which committee the hon. member was chairman. The committee were of opinion that the bill did not disclose the whole of the over-expenditure, and they wished for further instructions from the House. He moved that the report of the committee be received.

Agreed to, and the consideration of the report made an order of the day for a subsequent sitting.

#### MESSAGE (No. 11): REPORT AND PROCEEDINGS OF AUSTRALASIAN STOCK CONFERENCE.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to transmit herewith, for the consideration of the Honorable the Legislative Council, a letter, dated the 29th of March last, from the Government of New South Wales, enclosing a copy of the very important and interesting Report and Proceedings of the recent Australasian Stock Conference.

"2. The Governor will be glad to know what reply should, in the opinion of your Honorable House, be sent to the questions asked by Sir Henry Parkes.

"Government House, Perth, 15th July, 1887."

#### MESSAGE (No. 12): LAND GRANT RAILWAYS, AND WATER WORKS FOR PERTH AND FREMANTLE.

THE SPEAKER notified the receipt of the following Message from His Excellency:

"The Governor has the honor to request that the Honorable the Legislative Council will be so good as to assist him with their knowledge and experience in considering proposals made to the Government on the following important subjects:—

"Land Grant Railway, York to Eucla.  
"Land Grant Railway, Esperance Bay to Hampton Plains.

"Railway connecting Perth with Bunbury and Busselton, *via* the Canning and Pinjarrah.

"Water Works for Perth and Fremantle.

"2. Papers connected with some of these undertakings have already been presented to your Honorable House, and others have been directed to be laid on the Table.

"Government House, Perth, 15th July, 1887."

#### MESSAGE (No. 13): AMENDMENTS IN THE GOLDFIELDS REGULATIONS.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to lay before the Honorable the Legislative