the estimated cost was £35,000. But it was subsequently found that the line was 575 miles long; but, notwithstanding this extra distance, the whole cost of the line, including stations and everything, was only £1,682 7s. 8d. more than the original estimate. The object of this bill was to legalise the necessary re-appropriations, which it was proposed to take from the amount appropriated for the Kimberley Goldfields line. There would still be sufficient money left for the completion of that line.

Clause agreed to.

Bill reported.

MUNICIPAL INSTITUTIONS AMENDMENT BILL.

On the order of the day for the second reading of this bill,

MR. SCOTT (who was in charge of the bill) moved that the order be discharged. The main object of the bill was to enable the Municipality of Perth to take the necessary steps for obtaining a water supply for the city; the Municipal Council having decided upon taking steps in that direction. As, however, the bill had been somewhat hurriedly prepared, and would require to be referred to a select committee, which would possibly occupy considerable time; and as there seemed a disposition to bring the present special session to a close at an early date, he proposed to withdraw the bill for the present, being assured by the Government that another session would be held in the course of a few months' time, and that there would be no opposition to the principle of the bill, but, on the contrary, that they would do all they could to further the object in view.

Bill discharged.

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

LEGISLATIVE COUNCIL,

Friday, 9th August, 1889.

Further telegrams re Constitution Bill—Midland Railway Contract—Railways Act Amendment Bill: third reading—Re-appropriation Bill: third reading—Electoral Bill: in committee—Adjournment.

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

PRAYERS.

TELEGRAMS *RE* CONSTITUTION BILL.

THE SPEAKER said he had received the following telegrams from the Premiers of Victoria and Queensland, in reply to the resolution passed by the House on the subject of the Constitution Bill:—

To the Honorable Sir James Lee Steere, Speaker of the Legislative Council.

I duly communicated to the President of the Legislative Council, and the Speaker of the Legislative Assembly, your telegram of the 27th ult. This Government sympathises heartily with Western Australia in its endeavor to obtain Constitutional Government, and I intend to move in Parliament, on next day of meeting, that an Address to the Queen be passed by both Houses, urging the granting of Constitutional Government to Western Australia.

D. GILLIES, Premier.

Melbourne, 9th August, 1889.

To the Speaker Legislative Council, Perth.

Address urging extension Responsible Government to Western Australia passed both Houses with enthusiasm last night.

BOYD D. MOREHEAD.

Brisbane, 9th August, 1889.

MIDLAND RAILWAY CONTRACT: FORFEITURE CLAUSE.

MR. HARPER asked the Colonial Secretary to inform the House of the earliest date at which the forfeiture clause of the Midland Railway contract could be exercised?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): The date is the 27th February, 1890. If it should be arranged that works are resumed before that date, with an assurance that they will be satisfactorily carried on, the Government would have no objection to allow a moderate extension of time.

RAILWAYS ACT AMENDMENT BILL.

Read a third time and passed.

RE-APPROPRIATION BILL.

Read a third time and passed.

ELECTORAL BILL.

The House went into committee for the consideration of this bill, which had been referred to a select committee and reprinted as amended by the committee.

THE CHAIRMAN OF COMMITTEES said the Speaker and himself had very carefully looked into the procedure in relation to bills of this character which, having been referred to a select committee, had been amended by such committee, and reprinted; and, after consulting all the authorities, they had come to the conclusion that the right way to proceed with a bill in which a large number of alterations had been made, without affecting the principle of the bill in any way, was for him to take the amended bill. He, therefore, proposed to take the bill as reprinted, with the select committee's amendments.

MR. SHOLL thought it would be very desirable that some member of the select committee should explain to the House the effect of the alterations they had made in the original bill.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said there was very little really new in the amended bill, except in Clauses 72 and 76 of the bill. The other alterations were comparatively unimportant.

MR. MARMION said it might, perhaps, be desirable that he should make a few explanatory remarks as to the principal amendments introduced by the select committee. The first alteration was in Clause 3, which limited the application of the bill to an elective Legislature; of course the provisions of a bill of this kind would not apply to the Upper House while it remained a nominated chamber. A new clause had been substituted for the 5th Clause in the original bill, dealing with the appointment of Electoral Registrars. The original clause only provided for Electoral Registrars for each division, without providing for the appointment of a Deputy Registrar; whereas the new clause made provision for both, and it was proposed that the Electoral Registrar for a district should also be the Deputy Electoral Registrar for the division of which such district was a part. There was a slight alteration in Clause 12, providing that a copy of the notice of objection made to any person appearing on the register should be sent to the person who had been objected to, so that he might have an opportunity of answering the objection and substantiating his claim. Some amendments of a technical nature were made in Clause 27, providing that when the District Registrars had arranged the lists for their respective districts they were to forward them to the Electoral Registrar of the division. Clause 40 of the original bill became unnecessary, as provision for the dates of nomination was made in Clause 37. In Clause 41, an amendment had been inserted at the instance of His Honor the Speaker, who was on the select committee. At present it was generally considered that candidates for election had to pay their deposit money in hard cash, or current coin of the realm; but it was now proposed that a deposit receipt from a bank in favor of the returning officer, or a certificate from the Colonial Treasurer that the required sum had been deposited with him, should be sufficient. It was also provided that for the purposes of this clause the receipt certificate might be telegraphed. This it was considered would obviate a good deal of inconvenience, in some cases, especially in remote districts. Some amendments were made in Clause 48 of the original bill, dealing with the method of recording votes at the election of candidates for parliamentary honors. At present the voter placed a cross opposite the name of the candidate he wished to vote for. It was now proposed that instead of this, the voter should simply draw a line or lines through the name of each candidate for whom he wished to vote. This change had been introduced at the instigation of the hon. member, Sir Thomas Campbell. There was a difference of opinion among the members of the select committee as to the desirability of making this change in the present system of recording votes, some members thinking that, as the electors had become accustomed to the existing system, it would be unwise to adopt another system. On the other hand it

was pointed out that the system now in vogue here is not in use elsewhere, and that the new system was more in harmony with the practice of other countries; and a majority of the committee were in favor of the new system. The bill therefore had been accordingly amended so as to carry out this recommendation. A new clause had been introduced into the bill (Clause 72), prohibiting candidates from addressing the electors at any time within twelve hours of the time appointed for the nomination of candidates. This had been introduced at the suggestion of His Honor the Speaker. The object of the clause was to prohibit personal canvass by candidates at election time. Upon this clause a considerable difference of opinion existed among the members of the committee. The Attorney General was entirely opposed to the clause; and he, himself, was somewhat opposed to it. It seemed to him a rather dangerous clause for candidates, and that it might subject them to a penalty for an offence which they really had no intention of committing. It also seemed to him somewhat hard upon a candidate that his mouth should be shut for all this time, no matter how he might be attacked by unscrupulous opponents. A considerable time might elapse between the day of nomination—no particular time was specified in the bill—and election day; and a candidate might be libelled right and left between that date and the date of the election, and he would not be able to defend himself, either on the public platform or (so he took it) in the columns of the press. He did not object so much to personal canvass being prohibited, but he thought it was rather hard that a candidate should be debarred from defending himself before the electors. He was not at all sure that the time had arrived for introducing such a sweeping change in our electoral law. It would be for the House to say whether it approved of the innovation. The next important alteration was in Clause 76, which also was a new clause. It was introduced at the instigation of the Attorney General, who desired that the question of dealing with the trial of election petitions should be included in this bill; and the clause, as it stands, provides that the provisions of the present Election Petitions Act shall apply not only to the subsisting Council but also to any elective legislative body that may hereafter be constituted. There was some discussion in committee as to the desirability of introducing this provision, continuing the present system of dealing with election petitions, some of the members being of opinion that another system should be adopted; but the majority were in favor of the existing system, and the Attorney General drew up this new clause. The only other alterations were to be found in the schedules, and he might say that for these schedules the learned Attorney General was responsible; the hon. gentleman was good enough to take upon himself the responsibility of drawing and arranging the schedules to meet the alterations made in the bill, and the committee left the matter entirely in his hands. The old schedules were completely swept out and new ones introduced in their place, and, no doubt, they would be found applicable to the bill as amended. The select committee took a considerable amount of trouble with the bill, and he thought it would be found that the amended bill was a considerable improvement upon the bill prepared by the Commission. In saying that, he by no means wished to detract from the value of the labors of the Commission, or to exalt the select committee at the expense of the Commission,—far from it; but it was only natural that upon a reconsideration of any question, and upon further light being thrown upon it, some better way might be discovered to meet any difficulties that had presented themselves. He had now glanced at the principal alterations made by the select committee, and the House would be able to see where the amendments came in, and to consider whether they were such as commended themselves to hon. members generally. He should have wished that some other member of the committee—the Attorney General—had made this explanation.

THE CHAIRMAN OF COMMITTEES said he proposed to take the clauses in which no amendments had been made, *en bloc*. Clauses in which the select committee had made amendments would be taken separately.

MR. SHOLL said the general practice had been to take bills clause by clause.

It was very unusual to take clauses in a lump.

THE CHAIRMAN said it was not unusual; it was a recognised parliamentary practice, when there were no amendments, or there was nothing of consequence in the clauses. But if members wished to have every clause put separately, he should do so; though there was no necessity for it. Nor was it the parliamentary practice.

MR. SHOLL said it might not be the parliamentary practice, but hitherto it had been the practice in that House to take a bill clause by clause.

THE CHAIRMAN: Not at all times; long bills have been taken in the way I have said.

MR. PARKER said it did not seem to him to matter much whether they took the clauses of this bill *seriatim* or *en bloc*; for he did not think any member was in a position to propose any amendments—he certainly did not feel that he was qualified to do so. He never had had time to study the bill with the numerous amendments made by the select committee; and he did not intend to take any responsibility, so far as the bill was concerned; he would not dream of proposing any amendments upon the spur of the moment, simply upon a clause being put, or hearing a clause read, without previous study of the bill, and of the effect of the amendment. He had formed certain opinions as to some of the points referred to by the hon. member for Fremantle—fresh points that had been introduced into the bill; and, if there should be a division, he would be prepared to record his vote. But he was certainly not prepared to get up and propose amendments in the bill, simply upon hearing a clause read. If any hon. member thought the bill prepared by the Commission, and amended by the select committee, had not received sufficient attention, the best way would be to move to report progress, to enable members, who had any amendments to suggest, to prepare them and put them on the Notice Paper. He entirely deprecated the practice of suddenly moving amendments as a bill was being passed through committee, without previous notice; he thought it was a very objectionable practice.

THE ATTORNEY GENERAL (Hon. C. N. Warton): Will you allow me, Sir Thomas Campbell, to suggest, in order to quiet the mind of the hon. member for Gascoyne,—

MR. SHOLL: The hon. member for Gascoyne does not want his mind quieted.

THE ATTORNEY GENERAL (Hon. C. N. Warton): Well then, to remove his legitimate apprehension. Will you allow me to allude to what is the practice in the House of Commons? There the numbers of the clauses are rattled off one after the other, until some clause is arrived at in which some member has an amendment to propose, when up will jump that member to move his amendment. But when there is no amendment the numbers of the clauses are called out one after the other without a pause. I have heard as many as 70 or 80 clauses read in that way. No stop is made, unless it is intended to move an amendment. As to giving notices of amendments, although it is far better that notice should be given, and although it is the usual course to give notice, still it is the constitutional right of any member to move an amendment upon the spur of the moment.

THE CHAIRMAN: We all know that. I simply propose to follow the parliamentary practice.

MR. RANDELL: I think this is a new departure so far as this House is concerned, and I would prefer to adhere to the old practice; and if we do not read each clause in full, that we should have the marginal note read. Even after going through select committee there may be some verbal amendments necessary; and I think it would be far better to follow our old practice than to adopt the practice of the House of Commons, in this case.

THE CHAIRMAN: What I propose to do is to read the marginal notes of the clauses in which no amendments have been made, and to pause when we come to a clause in which the select committee has made amendments.

Clauses 1 to 11:

Agreed to.

Clause 12.—"Up to and including the "fifteenth day of May in each year the "Electoral Registrar shall receive written "notice of objection to any person ap-"pearing on the aforesaid list of claim-"ants, or upon the Electoral Register of "the District or of the Division. Such

"notice may be given by any person, and "shall be in the form contained in "Schedule B. to this Act. A copy of "the notice of objection shall be de- "livered to the person objected to or "posted to his usual address within one "week after the receipt of such notice:"

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved to insert the word "qualified" between "any" and "person," in the 8th line. As the clause now stood, notice of objection could be given by Tom, Dick, or Harry,—by a pauper or a lunatic. He thought the only persons who should be allowed to raise an objection to another person's claim ought to be those who were themselves qualified to vote.

Agreed to.

MR. DE HAMEL said the clause did not show by whom the notice of objection was to be delivered or posted to the person objected to. He presumed it would be done by the Registrar, but the clause did not say so; and there might be some difficulty about it.

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved to add the words "by the Electoral Registrar," after the word "delivered."

Agreed to.

THE HON. Sir J. G. LEE STEERE suggested that when the notice of objection had to be sent by post it should be in a registered letter, so as to ensure the person objected to receiving it.

MR. RANDELL was afraid that it would not facilitate the delivery of these objections in many parts of the colony if they had to be registered, as there were many parts where there would be no place within easy reach to register a letter.

THE HON. SIR J. G. LEE STEERE said he could see there might be difficulties in the way; and, perhaps, it would not be wise to insist upon the registration of these notices. His only object was to ensure the delivery of the notice to the person objected to, so that he might take steps to substantiate his claim.

Clause, as verbally amended, agreed to.

Clauses 13 and 14:

Agreed to.

Clause 15.—"The Electoral Registrar "shall issue a summons to any person "objected to, in the form in Schedule B. "to this Act, to appear before the Court "of Revision hereinafter mentioned, at "the specified date of meeting of the "Court, and such summons may be served "by posting the same addressed to the "last known place of abode of the person "objected to, or if that be not known "then to the address appearing on the "Electoral Register, and proof upon oath "by the person who posted such sum- "mons, indorsed on the duplicate thereof, "that the original was so posted by him "shall be evidence of the summons hav- "ing been received by the person objected "to, at the place mentioned in such dupli- "cate, on the day on which such notice "would in the ordinary course of post "have been received:"

MR. DE HAMEL asked by whom the summons was to be sent,—by the Registrar or by the objector?

THE ATTORNEY GENERAL (Hon. C. N. Warton) said if the hon. member would look at Schedule B., he would there see the form of the summons.

MR. DE HAMEL said the schedule did not say by whom the summons was to be sent. It was to be signed by the Registrar, but it did not say that the Registrar was to serve it. A magistrate who signed a summons did not necessarily serve it.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the summons was to go by post. Of course it would be sent by the Registrar.

MR. DE HAMEL did not think posting would answer in all cases. There might be no regular postal delivery; and it was very necessary that these summonses should be served in time. He thought the clause ought to say that "The Electoral Registrar shall issue and serve, &c."

MR. RANDELL thought the clause was sufficiently explicit in the light of the schedule.

MR. DE HAMEL said it was essential that some provision should be made to ensure the safe delivery of the summons in time to enable the person objected to to appear at the next Revision Court. He moved that the following words be added to the clause: "Provided that such summons shall be posted so that it shall be delivered not less than ten days before the date fixed for the session of the Revision Court."

MR. SHOLL thought there would be great difficulties in the way of carrying

out the amendment in some parts of the colony. How could they ensure the delivery of a summons within a given date in such districts as the North, where there were no regular means of communication.

Mr. LOTON thought all they could do was to provide that the summons should issue within so many days after the objection being made.

The ATTORNEY GENERAL (Hon. C. N. Warton) said a considerable time would elapse between the objection being made and the sitting of the Revision Court; and they had already provided that notice of the objection should be served. The summons would follow as a matter of course; and the person objected to would naturally be on the alert.

Amendment negatived.

Clause put and passed.

Clauses 16 to 24:

Agreed to.

Clause 25.—"At the holding of a "Revision Court no person shall appear or "be attended by counsel or solicitor, and "every such Court shall, upon the hearing "in open court, finally determine upon "the validity of the claims and ob- "jections:"

Mr. SHOLL asked what was the meaning of this clause, excluding solicitors from attending these courts?

Mr. MARMION presumed the object was that common sense should prevail, and that no legal quibbles or technicalities should be introduced to obfuscate the brains of the gentlemen composing these courts. There was a considerable amount of discussion in select committee on this point, and some members of the committee wanted the clause struck out altogether; but the majority thought that there need be no questions involving legal technicalities brought before the Revision Court, and that it would be better not to put people to the expense, the unnecessary expense, of providing lawyers, and cause no end of discussion, when the only question would be one of plain common sense.

Mr. SHOLL thought the select committee were to be commended for coming to such a sensible conclusion. He thought it would be a good thing if every bill referred to a select committee were to have a similar clause put in.

Clause put and passed.

Clause 26.—"The Revision Court shall "retain on the list the names of all per- "sons to whom no objection shall have "been duly made, unless the qualification "entered against the name of the elector "be obviously insufficient in law to con- "fer the right to claim:

"(*a.*) The Court shall retain on the "list the name of every person "who has been objected to by "any other person, unless the "person so objecting shall ap- "pear in person in support "of such objection and prove "the due delivery to the Regis- "trar of his notice of objection "and shall sustain such ob- "jection to the satisfaction of "the court:"

Mr. De HAMEL moved that the words "and shall sustain such objection to the satisfaction of the Court," at the end of sub-section *a*, be struck out. It seemed to him, when they looked at the object of this section, that it would be rather hard to throw upon the objector the onus of proving his case to the satisfaction of the Court. An objector might know that there was a name on the list that ought not to be there, but he might not be able to prove a negative, without going to the trouble and expense of bringing forward a lot of evidence; and, the person objected to, if he really had the necessary qualification, would have no difficulty in establishing his claim. There was a penalty in the case of frivolous objections being made; and, with that protection against persons raising puerile objections, he thought it was not right that objectors should have the onus thrown upon them of proving their objection in such a way as to satisfy the Court when it would be so easy for the person objected to to substantiate his claim, if it was a valid one.

The ATTORNEY GENERAL (Hon. C. N. Warton) said he could not accept the hon. member's amendment, considering what the position of the respective parties were, the voter and the objector. The voter had to get his name on the list, in the first place; and this clause merely provided that the name should remain there unless an objection was proved against the name appearing. Was not that right and proper,—that a man

should have his name retained on the register unless it were shown that he had no right to have it there? Did they not look to the prosecutor or to the plaintiff in their courts of law to substantiate his charge, or his claim? If an objection was made, it ought to be proved, or not; but what the hon. member desired was that anyone should be at liberty to make objections to a voter whether he could substantiate his objection or not,—just on the chance of getting the name struck off. It would lead to endless difficulties, and the Revision Courts would never finish their work.

MR. PARKER concurred with the Attorney General that it would be absurd, and manifestly unfair, to give power to the court to strike people's names off the roll, unless the objection was sustained.

Amendment negatived.

Clause put and passed.

Clauses 27 to 39:

Agreed to.

Clause 40.—Notice to be given, and deposit made, by intending candidates at elections:

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the clause as it stood only referred to elections for "districts," and not for "divisions"; and, if it was intended that the same provisions should apply to the Upper House as to the Lower House when the members of the Upper House came to be elected, it would be necessary to amend the clause. He moved that the following words be inserted after the word "district,"—"or division, as the case may be."

Amendment agreed to.

Clause put and passed.

Clauses 41 to 46:

Agreed to.

Clause 47.—Method of taking the poll at elections:

MR. MARMION said they had now arrived at the clause regulating the method of recording votes at the election of candidates, and the form of the ballot papers. He had already pointed out that the bill as amended provided a new system of dealing with the ballot papers, and it was for the committee to say whether they preferred the proposed new system to the present system, which had been in operation for some years.

MR. DE HAMEL thought it was very necessary to do away with ballot or proxy papers that had any writing on them. The 2nd sub-section to this clause contemplated that the number on the back of a ballot paper might be in writing. He thought everything about these ballot papers ought to be printed, as the handwriting might defeat the object of the ballot,—secrecy. At present it was possible—especially in small country places—to trace voters by the handwriting; this, he believed, had been done at the last election for the Plantagenet district.

MR. PARKER pointed out that it was only the number of the voting paper that had to be written on, and as this was done by the Sheriff or the Returning Officer, he failed to see how it could lead to any revelation as to the identity of the voter. It might be very inconvenient in remote country districts, where there was no printing press to alter the present method of checking the ballot papers.

MR. KEANE thought it would also interfere with proxy papers if no writing at all was allowed.

Clause—put and passed.

Clauses 48 to 69:

Agreed to.

Clause 70.—What to be deemed acts of bribery:

MR. DE HAMEL said that according to this clause the offering of any reward or payment to any elector constituted an act of bribery: he thought that scrutineers ought to be excluded from the operation of the clause. It was necessary for candidates to secure the services of scrutineers, and he saw no reason why they should not be paid for their services; but, according to this section, it would be an act of bribery to offer a scrutineer any remuneration if he happened also to be an elector.

MR. MARMION said he had never yet found it necessary to pay a scrutineer; a candidate's friends generally volunteered their services for that work. He thought, if any alteration was necessary in the clause, it should be to provide that the providing of refreshments for the scrutineers should not be regarded as an act of bribery. They all knew that the returning officers and the scrutineers were kept at work from an early hour in

the morning until the close of the poll; and it was necessary that they should have some refreshment during that time, and the candidates or their committees generally saw that they got it. But he doubted whether under this clause—which made the supplying of an elector with meat and drink an act of bribery—the giving of refreshments to a scrutineer could not be construed to mean an infringement of the Act. There certainly was an element of danger about it; though he did not suppose anyone was likely to take any action in a case like that.

Mr. De HAMEL said it was not every candidate, perhaps, who could secure the services of a competent scrutineer without remunerating him, and he thought it would be very hard on a candidate if he was debarred from doing so, simply because it might be construed to be an act of bribery. He moved that after the words "the giving of money or any other article whatsoever to any elector," the words "other than to any scrutineer appointed by him, for or in respect of his services as such scrutineer" be inserted.

Mr. MARMION thought it might lead to abuses if they made it legal for candidates to remunerate scrutineers. They might give them a very large sum, perhaps £100 or £200, which the scrutineer might distribute among the candidate's friends and supporters.

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he had not had much time to devote to this bill, but no doubt the select committee had spent a lot of time over it. He was sorry to see that they had left this clause so stringent, and had made no difference between acts of bribery committed by a candidate himself and acts of bribery committed by his agents, for which he ought not to be held so strictly responsible. So far as he could see from the bill, any act of bribery would disqualify a candidate from seeking election again for the term of five years, which was a very severe penalty, when the act of bribery might have been committed by an agent. In a small colony like this—numerically small, he meant—and where there was not likely to be a plethora of candidates, especially in view of the proposed property qualification, he thought they ought to be careful not to limit the area of selection more than they could help, and disqualify men who might be well fitted for the position of a representative. Some of the best men in the colony might be disfranchised for five years, under this clause, for a very small act of bribery—or what might be called bribery—committed by a too-zealous agent. He could not see what good was likely to result from such stringency. He would punish a candidate who, himself, committed acts of bribery, but he thought some distinction ought to be made in the stringency of the punishment when the offence was committed by another person, over whose acts the candidate, perhaps, had little or no control. He thought that in a case like that, if the candidate was to be disqualified for that occasion it would be a sufficient punishment, without disfranchising him for five years. It left candidates altogether in the power of their committees, and, possibly, it might do a deal of harm, by keeping good men out for a long term of years. An unprincipled committeeman, though apparently friendly, might in this way do a candidate a serious injury, and prevent him from coming forward again until the next general election, five years hence. It appeared to him perfectly monstrous.

Amendment put and negatived.

Clause agreed to.

Clause 71:

Put and passed.

Clause 72.—"After the day named in "the writ for the nomination of candi- "dates for election it shall not be lawful "for any candidate for election as a "member of the Legislature to solicit, "personally, the vote of any elector, or "to attend any meeting of electors con- "vened or held for electoral purposes if "such meeting be held within twelve "hours of the time appointed for the "nomination of candidates for the par- "ticular Electoral District or Division to "represent which he is a candidate, nor "(except for the purpose of recording "his vote) until after the close of the "poll at such election; and the attend- "ance of any candidate at any such "meeting, or his personal solicitation of "the vote of any elector after the day "mentioned as aforesaid, shall render "void the election of any such candi- "date:"

MR. MARMION drew attention to the fact that this clause contained an entirely new principle, as it prohibited candidates from personally canvassing at elections.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought, whatever they did, they should not add what was absolute nonsense to the statute book of the colony; and he appealed from the select committee who had prepared this clause to that larger committee now before him. He hoped there were some members there who were acquainted with the English language and the meaning of words; and he appealed to these members to support him in preventing what was utter nonsense from being introduced into the statute book. Members would see the words included within brackets —"(except for the purpose of recording his vote.)" Read with the context it would be seen that according to the framers of this clause, the polling day, the proceedings at the poll, the recording of votes, was a "political meeting" within the meaning of this Act. He should have thought that everybody acquainted with the meaning of the English language would have known what a political meeting meant, or a meeting at which candidates addressed their constituents; but it appeared not. There were people who thought that unless it was specifically provided to the contrary, the assembling of electors at the poll to record their votes might be regarded as a political meeting. Of course it was utter nonsense to think so; and he appealed to the committee to strike out the words in brackets, and not let it go forth to the world that, in the opinion of the Legislature of Western Australia, a candidate who attended to record his vote on the polling day might be held to have attended a meeting of electors held for electoral purposes, and be liable to have his election rendered void.

MR. DE HAMEL said he thoroughly agreed with the proposal to make personal canvassing illegal; he had never yet asked for a vote, himself, and he never would. But this clause went further than that; it provided that after the day of nomination no candidate should be allowed to attend any public meeting for the purpose of explaining his views to his constituents, or to those whose suffrages he was wooing. That was something too utterly un-English for him to subscribe to. It might happen—not perhaps just now in this colony, but under another Constitution and another state of political feeling—that elections, and contested elections, would be of frequent occurrence, and party feeling and party rancour might run high at these elections; and it might be that some very serious charges might be made against a candidate by unprincipled opponents, and that candidate's mouth would be completely shut, if this clause passed as it stood,—completely shut from the day of nomination until the poll was declared, and a man would be deprived of the opportunity of defending himself. It might be the case of some good man, some useful member, who, perhaps, happened to be absent from the colony up to the day of nomination—temporarily absent—and he might find it necessary to defend himself or to explain himself to the electors, or to rebut some unfounded charges which his opponents had disseminated about him; but, if this clause went as it stood, that man would be powerless; he could not address the electors in public meeting assembled. It seemed to him an absurd provision. He thought it would be quite enough to prohibit personal canvassing, without going the length of prohibiting candidates from attending any meeting of electors. He, therefore, moved to strike out the following words: "or to attend any meeting of electors convened or held."

THE HON. SIR J. G. LEE STEERE hoped the committee would not agree to strike out these words. The clause as it stood was exactly in accordance with the clause in the South Australian Act, with the exception that in South Australia no candidate was allowed to solicit a vote even after the day the writ was issued. The select committee thought that was making the period of prohibition too long, and here it was proposed to make it after the day of nomination. He had heard for some time past how very beneficially this provision had acted in South Australia, where it had been in force for some time; and, when he was last in Adelaide, only the other day, he asked the then Attorney General how he thought the Act had operated in that

colony. The Attorney General was good enough to send him half-a-dozen letters from some of the leading politicians who said they highly approved of the provision which it was now sought to introduce into this bill; and saying that no politician in South Australia would ever think of bringing in an Electoral Bill there without such a provision, so well had it acted. Therefore, he hoped the committee would allow the clause to pass as it stood. He thought their object should be as far as possible to secure the purity of election. He was quite well aware that his hon. and learned friend opposite preferred that old system of conducting elections, under which parliamentary contests lasted for two or three months, and cost some thousands of pounds, under which drinking and fighting, and all sorts of excesses, were permitted. The hon. and learned gentleman did not believe in purity of elections; he preferred the old-fashioned system, and, therefore, he was opposed to this clause, which appeared to the hon. gentleman to be wanting even in common sense. The words referred to by the hon. gentleman as being utter nonsense—the words within brackets—might, perhaps, not be absolutely necessary; but they could not possibly do any harm, and they would be an additional safeguard to the candidate, for notwithstanding what the Attorney General had said, it might be construed that an election meeting, although for the purpose of polling, was a "meeting of electors convened or held for electoral purposes."

THE ATTORNEY GENERAL (Hon. C. N. Warton) said of course if it was supposed that the Act was going to be construed by lunatics, he had nothing to say in answer to what had just fallen from his hon. friend; but, he repeated, it was utterly absurd—it never had been held, and it never could be held, that a man voting at the poll was attending a political meeting within the meaning of the electoral law. No Judge in his senses could construe the clause to mean anything of the kind; and why should they pre-suppose that it would be done, and insert these unmeaning words? They might as well provide against Judges thinking that black was white or that green was blue, as that they would construe a candidate attending to record his vote, to be attending a meeting held for electoral purposes within the meaning of this clause. The fact of His Honor the Speaker entertaining a great respect for South Australian legislation did not necessarily prove that the legislation of that colony was in every way perfect. So far as this particular clause was concerned, it dealt with three distinct things; one was the impropriety of personal canvass, another was the impropriety of candidates attending public meetings, and the other was the impropriety of a candidate attending to record his own vote—three distinct things which these muddle-headed people in South Australia had mixed up in one clause.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he noticed that a candidate was precluded from attending a meeting within twelve hours of the time appointed for nomination; what virtue was there in twelve hours? He should also like to know why some definite interval was not fixed between the day of nomination and the day of the election. A very long period might elapse between the two days, unless the Act specified the time; and it would be rather hard upon candidates to be prevented from addressing a meeting of the electors all that time.

MR. MARMION presumed that the reason twelve hours was mentioned was because the time of the nomination was fixed for noon, and he supposed it was considered that a candidate should be at liberty to attend meetings up to the last minute the night before.

MR. DE HAMEL still thought it was very hard to preclude candidates from addressing the electors in the way proposed here. It might be that there was only one candidate on the scene until the last moment, and he might not have considered it necessary to address the electors at all; but, at the eleventh hour, an opposition candidate might come forward, and the result would be that neither of the candidates would be able to explain their views to the electors; and the electors would be in this position,—they would have to accept a candidate without knowing what his opinions were. It appeared to him monstrous to close the mouths of candidates in this way. This sort of thing might be right and proper in the eyes of the

South Australian people; and, perhaps, it had something to do with the fact that in that colony they were continually changing their ministries, as they had been told they were. He did not think that we in this colony desired to introduce any element of instability into our new Constitution more than we could possibly help. He did not think it was at all desirable that candidates should be returned without the electors having an opportunity of hearing their views, as might be the case under the circumstances he had mentioned. He felt so strongly on this subject that he intended to divide the House upon it.

MR. RICHARDSON said he agreed with His Honor the Speaker as to the desirability of this clause, and he hoped it would be allowed to stand as it appeared in the bill. Some of the objections of the hon. member for Plantagenet appeared to him more fantastic than real and practical objections; the hon. member seemed to have conjured up some very remote contingencies. If the electors were to be guided solely in their estimate of the fitness of a candidate to represent them by what they heard from him on a public platform, he was afraid they would form a somewhat unreliable estimate. It would be a very poor guide indeed for them as to the fitness of a man to represent them, simply because he might happen to have what was called a gift of the gab. He thought it was rather a virtue in the bill that it protected the electors from such a test. He did not think there could be better evidence of the excellence of the clause than the actual experience of those who had tried it, and proved it. An ounce of practical experience was worth bushels of fantastic theories. As to personal canvassing, he had always been of opinion that it was derogatory to a candidate's self-respect; and he thought it would have a very beneficial effect. He did not think it was right that a candidate should obtain votes by personal solicitation, rather than upon his merits. It was very difficult for many people to refuse a man when he made a direct personal appeal to them, although at the same time they might not consider him the most fitting candidate; so that electors often gave their votes to a candidate in whom they had not much faith, simply because they did not like to go back from their promise to him. The clause had his cordial support.

MR. RANDELL said it was his intention to support the clause as it stood, for the reasons already given.

MR. SCOTT said he had always been opposed to personal canvassing, but they had all been obliged to do it, simply because the other side did it, and sometimes one could ill afford to lose a vote. But if the practice were rendered illegal, no candidate would run the risk of doing it; and he thought it would be better for all parties. But although he was opposed to personal canvassing he was thoroughly in accord with the hon. member for Plantagenet that it would not be right to prohibit candidates from placing their views before the electors. He would discountenance meetings at hotels and all that sort of thing; but he certainly thought that candidates ought to be allowed to address public meetings of electors as often as they liked.

Question put—that the words proposed to be struck out stand part of the clause.

Committee divided, with the following result:—

Ayes	15
Noes	7
Majority for ...	8

AYES.	NOES.
Mr. Congdon	Mr. De Hamel
Mr. Harper	Mr. A. Forrest
Mr. Keane	Hon. Sir M. Fraser, K.C.M.G.
Mr. Loton	Mr. Marmion
Mr. Morrison	Mr. Pearse
Mr. Parker	Mr. Scott
Mr. Paterson	Hon. C. N. Warton (*Teller.*)
Mr. Randell	
Mr. Rason	
Mr. Richardson	
Mr. Sholl	
Hon. Sir J. G. Lee Steere, Kt.	
Mr. Venn	
Hon. J. A. Wright	
Hon. J. Forrest (*Teller.*)	

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved that the words "for electoral purposes" be struck out, and the words "for the purpose of promoting or procuring the election of a candidate" be inserted in lieu thereof. A meeting held for electoral purposes, as he had already said, appeared to convey a very extraordinary idea to the minds of some hon. members, and the words which he proposed to substitute were certainly more clear, and they were the words used in the 74th Clause, dealing

with committee meetings. Not only that, they were well chosen words, and words which had stood the scrutiny of some years, and were altogether an improvement upon the loose phrase now before them.

Question put—that the words proposed to be struck out stand part of the clause.

A division being called for, the numbers were,—

Ayes	...	...	12
Noes	...	...	9
Majority for		...	3

Ayes.	Noes.
Mr. Congdon	Hon. J. Forrest
Mr. Harper	Mr. A. Forrest
Mr. Keane	Hon. Sir M. Fraser, K.C.M.G.
Mr. Morrison	Mr. Loton
Mr. Paterson	Mr. Marmion
Mr. Randell	Mr. Pearse
Mr. Rason	Mr. Scott
Mr. Richardson	Hon. J. A. Wright
Mr. Sholl	Hon. C. N. Warton (*Teller.*)
Hon. Sir J. G. Lee Steere, Kt.	
Mr. Venn	
Mr. Parker (*Teller.*)	

Clause 72 agreed to.

Clause 73.—"If any person who shall "have or claim to have any right to vote "at any election of a member or members for any Electoral District shall by "himself or any other person directly or "indirectly ask for or receive any money "or other emolument or reward by way "of gift, employment, or otherwise for "himself or any other person whatsoever "as a consideration or inducement, ex-"pressed or implied, for giving his vote "or for abstaining from giving his vote "at such election, such person shall for "such offence forfeit and pay the penalty "or sum of Fifty pounds sterling to the "person who shall first sue for the same, "and such penalty or sum may be "recovered with full costs by action of "debt in the Supreme Court:"

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said they had provided in the 71st Clause what he considered a very severe penalty in the case of a candidate or his agents committing any act of bribery; but the committee did not think it was too severe a penalty. It was this: "a fine of £200 or six months imprisonment." Now it seemed to him that there was very little to choose between the man who offered a bribe and the man who accepted one, and he thought the punishment in either case ought to be equally severe. But this clause only provided a penalty of £50 for receiving a bribe, whereas if a candidate offered a bribe he was liable to a fine of £200, or imprisonment. In order to be consistent he thought they ought to provide the same punishment in the case of the man who accepted a bribe. He, therefore, moved that all the words after "person," in the 13th line, be struck out, and the following words inserted in lieu: "shall be deemed guilty of a misdemeanor, and may be prosecuted for such act or acts as for a misdemeanor in the Supreme Court, and be punished for such offence by a fine not exceeding £200, or imprisonment not exceeding six calendar months."

MR. PARKER pointed out that this would make a radical change in this clause, more so than the hon. gentleman probably thought. A misdemeanor meant an indictment by the Crown Prosecutor before the Supreme Court and a jury. It was not likely that any private individual would ever trouble himself to put all this machinery in motion against some worthless fellow who had accepted a bribe—perhaps a glass of beer; and if anybody did prosecute him, the probability was that no Judge would punish him very severely. He thought the clause as it stood was far more likely to have a deterrent effect in such cases, for there was some inducement here for people to sue a voter who had accepted a bribe, as the fine, whatever it might be, went to the person who first sued for it. A man who had no means was not likely to be deterred from receiving bribes if he knew that he could only be proceeded against in the Supreme Court. Of course with a candidate it was different; he would be a man of some means, and would be worth powder and shot. But to place him on the same level as the wretched voter who might be prepared to sell his vote for a pint of beer would be a mistake, and certainly not likely to have the desired effect.

MR. RICHARDSON said he should be rather inclined to lower the penalty in this case than to increase it. As a rule such men would be poor ignorant people, and not likely to possess that high sense of moral rectitude which one expected to find in a candidate for legislative honors. He believed if the penalty were reduced to £10, and there was a ready way of en-

forcing it, it would be much more likely to have a deterrent effect.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said it appeared to him that if there was bribery, the person who offered the bribe, and who placed the temptation in the way of the voter, was the more guilty of the two, and that his punishment ought to be the more severe. It was not likely that anybody would go to the trouble of prosecuting an impecunious voter in the Supreme Court, and he thought it would be better to make the amount of the fine recoverable in the Local Court.

MR. PARKER pointed out that this bribery might take place in some remote district of the colony—at the North, for instance—and it would be absurd to bring such cases down to the Supreme Court. If the amendment were adopted the real result would be, that the person bribed would never be punished, and the Act would remain a dead letter, so far as he was concerned. The clause, as it stood, was far more likely to have a salutary effect. He thought the more easy they made it to recover the penalty, the more likely it was to produce the desired effect.

Amendment, by leave, withdrawn.

MR. PARKER moved that the words "the Supreme Court" at the end of the clause be struck out, and the words "a Local Court" inserted.

Agreed to.

Clause, as amended, put and passed.

The remaining clauses of the bill, and the schedules, were agreed to, *sub silentio*.

Bill reported, with amendments.

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

LEGISLATIVE COUNCIL,

Monday, 12th August, 1889.

Crown lessees and land cultivation—Mr. S. R. Elliott's letter *re* treatment of Natives—Assisted passages to Mr. Sebright Green's laborers—Hampton Plains Syndicate's Railway proposals — Mrs. Tracey's Petition: Report of Select Committee referred to Judges of Supreme Court—Responsible Government: Appointment of Delegates—Telegraph line to Yilgarn Goldfields—Government Geologist's report on Water Supply, Yilgarn Goldfields—Electoral Bill—Election of Committee of Advice—Adjournment.

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

PRAYERS.

CROWN LESSEES CULTIVATING THEIR LEASEHOLDS.

MR. HARPER asked: What disabilities, if any, Crown lessees within the Eastern Division of the colony would lie under, in the event of their cultivating land within that division?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): A pastoral lessee in the Eastern Division has the right to cultivate any portion of his pastoral lease for the purpose of maintaining the pastoral capabilities of the land, but not for the purpose of growing produce for sale.

TREATMENT OF NATIVES: S. R. ELLIOTT'S LETTER.

MR. RICHARDSON asked: Whether the Government had caused any inquiry to be made, in order to ascertain the truth, or otherwise, of the allegations contained in a certain letter published in the *West Australian* over the signature of S. R. Elliott, and reflecting on the conduct of native cases within the jurisdiction of the Government Resident of Roebourne; and if so, what has been the result of such inquiry?

THE ATTORNEY GENERAL (Hon. C. N. Warton) (replying in the absence of the Colonial Secretary) said: Inquiry was made into the allegations contained in a letter signed "S. Elliott," which appeared in the "West Australian" newspaper of the 5th June last. Nothing was elicited to show that native cases within the jurisdiction of the Government Resident at Roebourne had been improperly conducted. The papers have been forwarded to the Secretary of State.