their pay large enough, the world was wide—let them go.

The amendment—that the bill be read a second time that day six months—was then put, and a division beeing called for, there appeared—

Ayes	...	...	6
Noes	...	...	15
Majority against	...		9

Ayes.	Noes.
Hon. A. P. Hensman	Mr. Brockman
Hon. J. Forrest	Mr. Brown
Hon. J. A. Wright	Sir T. C. Campbell
Mr. Burges	Mr. Crowther
Mr. Randell	Mr. Grant
Hon. M. Fraser (Teller.)	Mr. Harper
	Mr. Layman
	Mr. McRae
	Mr. Parker
	Mr. Pearse
	Mr. Shenton
	Mr. Steere
	Mr. Venn
	Mr. Wittenoom
	Mr. Burt (Teller.)

The amendment was therefore negatived.

Bill read a second time.

EASTERN RAILWAY FURTHER EXTENSION BILL.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright), in moving the second reading of this bill, said its object was merely to authorise the extension of the line, then in course of construction, from York to Beverley.

The motion was agreed to.

Bill read a second time.

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

LEGISLATIVE COUNCIL,

Friday, 4th September, 1885.

Papers—Colonial Storekeeper's Travelling Expenses—Appropriation Bill (Supplementary), 1885: first reading—Explosives Bill: further considered in committee—Law and Parliamentary Library Amendment Bill: third reading—Municipal Councils Titles Bill: further considered in committee—Superannuation Act Amendment Bill: in committee—Eastern Railway Further Extension Bill: in committee—Adjournment.

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

PRAYERS.

MANDURAH BREAKWATER; ECCLESIASTICAL GRANT.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid on the table the correspondence relating to the extension of the Mandurah breakwater, together with Sir John Coode's opinion on the subject. Also, the return asked for by Mr. Grant relating to the expenditure of the ecclesiastical vote, in different parts of the colony.

TRAVELLING EXPENSES, COLONIAL STOREKEEPER.

THE COLONIAL SECRETARY (Hon. M. Fraser), at Mr. Steere's request, laid on the table a statement of the travelling expenses of the Colonial Storekeeper between the 30th of June, 1884, and the 30th June, 1885.

APPROPRIATION BILL (SUPPLEMENTARY), 1885.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved the first reading of a bill to provide for the payment of certain additional and unforeseen expenses in the year 1885, over and above the Estimates for that year.

Motion agreed to.

Bill read a first time.

EXPLOSIVES BILL.

This bill, which was referred to a select committee after twenty-one of its clauses had been passed, was now further considered in committee of the whole House.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in pursuance of the recommendation of the select committee, moved that the 22nd clause of the bill be

struck out, and the following clause inserted in lieu thereof: "All mineral "oils imported into the colony shall be "examined before being landed, or im- "mediately after being landed, and "before being delivered to the owners "or consignees thereof, or to their "agents." Hon. members, he said, would recollect that when the bill was under discussion before, a suggestion was made by the hon. member Mr. Steere, that kerosene and all other mineral oils received in the colony to be landed should be examined, and he gathered then that the desire of the committee was that this examination should be compulsory in all cases. It might be remembered that on that occasion he suggested that it might be left to the discretion of the Government and their officers as to whether they should examine these oils in every case; and he desired now again, if possible, to obtain an expression of opinion from the committee upon that question, for, undoubtedly, if this provision of the bill was to be carried out in all cases, and in every part of the colony, certain machinery would have to be provided, and, it might be, expense would have to be incurred.

MR. SHENTON thought that kerosene bearing a certain brand, imported direct from America, accompanied with the certificate of the United States officials, might be allowed to be landed without being submitted to a test. He quite agreed as to the necessity for every precaution in the case of inferior brands: but if every shipment had to be examined it certainly must involve a considerable amount of expenditure. He thought so long as the officer who boarded a vessel was satisfied that the shipment was a genuine shipment, the oil might be allowed to be landed. If it should turn out afterwards that the oil was not what it was described to be, it might be seized as an explosive, and there were very heavy penalties provided. He thought this alone would make people cautious in imposing upon the authorities.

THE COLONIAL SECRETARY (Hon. M. Fraser) thought it would not only lead to expense, but to great inconvenience, if an examination should be insisted upon in every instance. Small shipments of kerosene were frequently made to the various outports, and it would be necessary to have an officer at every port in the colony capable of submitting the oil to a test, which, he understood, was a somewhat delicate operation. He thought it would be quite enough if the Government were authorised to instruct its officers to make an examination, in certain cases, where a test might be considered necessary.

MR. BROWN, while admitting that there were two sides to the question, said he felt inclined to agree with the suggestion made by Mr. Steere, that the examination should be compulsory in all cases. He thought, if it were made permissive, that practically this provision of the Act would remain a dead letter. As to the suggestion of the hon. member for Toodyay, that the Government should be satisfied if the oil bore a certain brand and was accompanied by an official certificate, he did not think that would answer at all. They were told the other day of a case that happened in Queensland, where a large shipment of kerosene, some 20,000 cases, was imported, all duly branded and certified as being of better quality than even the law required, but that when it was tested it was found to be of such inferior quality that it would be dangerous to land it; and it was not allowed to be landed. If that shipment, all duly branded and certified as it was, had been sent on to this colony, there was nothing to prevent its being landed and put on the market.

MR. STEERE quite agreed with the hon. member for the Gascoyne that if this clause were to be made permissive they might strike it out altogether, for he was quite certain it would never, or very rarely, be acted upon. Moreover, if they were going to make the present clause permissive, a great deal of the other portions of the bill would have to be altered, for this kerosene, unless it was examined and tested, would rank as an explosive and would have to be treated like other explosives, whereas, if it were examined before it was landed and its purity ascertained, it would rank as a non-explosive, and could be kept elsewhere than within a licensed building.

MR. SHENTON pointed out that under a local Act now in force, the captain of any ship may, twenty-four hours after he arrives at Fremantle, or enters his vessel at the Customs, proceed to land his cargo. The same provision

was inserted in all bills of lading. If a vessel came here with kerosene, and there was no inspector at hand at the time—which was very likely to happen—to go on board to examine the shipment, the kerosene would have to be landed without being examined.

MR. STEERE pointed out that the new clause made provision for examining the kerosene "immediately after being landed;" so that there need be no delay in unloading a vessel.

MR. BROWN asked how it would be with regard to vessels which merely put in at a port here, not intending to stay or to land her cargo. She might have mineral oils on board, and she would be in the colony. The clause might possibly be construed to apply to the cargo of a vessel like that, and the word "imported" interpreted to mean any oils brought into one of our harbors.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said, with regard to the question of whether the clause should be permissive or compulsory, the only desire of the Government was to point out to the committee that, if made compulsory in all cases, it must certainly lead to expense, and that there must be machinery appointed for that purpose. It might be, as the hon. member for Toodyay had suggested, that the Government Inspector would be quite satisfied it was a *bonâ fide* shipment of good oil; still, if this clause were made compulsory, it would be necessary to have all that oil examined and tested. It might be a superficial test in some cases; still the Act provided very minute directions for applying the test. It was true the hon. member Mr. Steere said that if the clause were made permissive it would never be carried out. That was a very severe suggestion to make. He should have thought the Government were just as likely to do their duty as private persons were; but the hon. member Mr. Steere said he was certain they would not do so, and that no matter what the House might say, this clause, unless made compulsory upon the Government, would remain a dead letter. He was sorry to find that had been the hon. member's experience of Governments in the past, and that it was his prophecy as to the future. At the same time, if the committee were not prepared to trust the Government in such a simple thing as to protect the public against the introduction of kerosene oil, then, of course, it was only right that this clause should be made as stringent as stringent could be. But he would ask the committee to reflect and pause before they made the clause compulsory. He should have thought the Government of the colony might be entrusted with more important duties than the testing of kerosene oil. He should have thought, if they might be trusted with the responsibility of administering public affairs, and of carrying on the Government of a vast colony like this, they might also be trusted to deal with kerosene oil. Still, if the committee insisted upon drawing the line at kerosene oil, of course the Government would only have to submit. With regard to the question put by the hon. member for the Gascoyne about the meaning of the word "imported," he did not think the hon. member need be under any apprehension as to its being misunderstood. The hon. member would see that the clause said "imported into the colony shall be examined before being landed," which assumed that it was only such oils as were intended to be landed that would have to undergo an examination.

THE COLONIAL SECRETARY (Hon. M. Fraser) said that in order to test the feeling of the House on the subject, he would move that the word "shall," in the 2nd line of the clause, be struck out, and the word "may" be inserted. This would leave it to the discretion of the Government to instruct their officers, when an examination might be considered desirable. He would point out that in doing this the entire responsibility would rest with the Government.

MR. BROWN did not know why the hon. member Mr. Steere should have come in for all the odium of not being prepared to leave this matter to the discretion of the Government. Before that hon. member had spoken at all, he himself had said that in his opinion if this clause were made merely permissive—and he said it with all due deference to the views of others—the Act would remain a dead letter. Be that as it may, it would undoubtedly cast a certain amount of responsibility upon the shoulders of the Government, in exercising their

discretionary powers, and surely it was kindness rather than otherwise on the part of the House to do all it could to relieve the Government of the responsibility of exercising its discretion in this matter, and say definitely what shall be done. There were certain difficulties in the way, he admitted. It was true that certain formalities would have to be gone through, as pointed out by the Attorney General; but he understood it was a very simple matter after all to test kerosene, and that it did not require a scientific man to do so, but that any man of ordinary intelligence might do it. That being the case, he could not see any reason whatever why the tidewaiters, who, in the discharge of their other duties, had to board vessels, should not be appointed inspectors, and in a very few minutes apply the test and settle the question. He did not think it need necessarily be an expensive matter, or that the difficulties after all would be very great, or so great that we need be frightened of imposing upon the Government the duty here proposed.

The amendment submitted by the Colonial Secretary—to insert the word "may" instead of "shall"—was then put, and, upon a division, there appeared,

Ayes	... ...	8
Noes	... ...	11
Majority against	...	3

Ayes.	Noes.
Hon. M. Fraser	Mr. Brockman
Hon. A. P. Hensman	Mr. Brown
Hon. J. Forrest	Mr. Burges
Hon. J. A. Wright	Mr. Burt
Mr. McRae	Mr. Crowther
Mr. Parker	Mr. Grant
Mr. Pearse	Mr. Harper
Mr. Shenton (*Teller*).	Mr. Layman
	Mr. Venn
	Mr. Wittenoom
	Mr. Steere (*Teller*).

The amendment was therefore negatived, and the new clause put and passed.

Clauses 23 to 38—agreed to.

Clause 39.—"The provisions of this "Act shall not extend to any of Her "Majesty's ships of war, nor to the keeping of explosives at any storehouse or "magazine belonging to Her Majesty, "nor to the carriage of explosives under "the control or management of any "officer of Her Majesty's Army, Navy, "Ordnance, or of the Government of the "colony:"

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that after the word "carriage," in the sixth line, the words "keeping, or use" be inserted.

Agreed to, and the clause as amended put and passed.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) then moved several new clauses, all of which were agreed to, without comment or discussion. (*Vide* "Votes and Proceedings," p. 114.)

The schedules, preamble, and title were agreed to, *sub silentio*, and the bill reported.

LAW AND PARLIAMENTARY LIBRARY AMENDMENT BILL.

Read a third time and passed.

MUNICIPAL COUNCILS TITLES BILL.

This bill was further dealt with in committee, and some verbal amendments introduced, which elicited no discussion. (*Vide* "Votes and Proceedings," p. 115.)

Bill reported.

SUPERANNUATION ACT AMENDMENT BILL.

The House went into committee on this bill.

Clause 1.—"The word 'emoluments,' "wherever such word occurs in the Superannuation Act, shall not be construed, "taken, or held to include any forage or "travelling allowance, nor any income "derived from the private practice by any "officer of his calling, business, or profession:"

MR. STEERE said he believed there were some officers who received table allowance, and that they might consider they were entitled to have such allowance computed as part of their pension. He did not think it was ever intended that such should be the case, and therefore he would move, as an amendment, the insertion of the word "table" before the word "forage" in the 4th line.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that certainly as regards forage and travelling allowance, and private practice, it was quite clear that such did not form part of a man's emoluments, within the meaning of the Act; but as to table allowance that perhaps was a little more ambiguous, and it might be—he did not know that such

would be the case—but it might be that they might be doing injustice to some officers, if they were to include table allowance in this clause. It might be a table allowance for the officer himself, in lieu of something else; or it might be table allowance for the purpose of entertaining other people, on behalf of the colony—two very different things. He thought the committee ought to be very careful in placing fresh construction upon this word "emoluments," and so alter the position of officers who entered the service when the word had a different meaning.

MR. BURT said he should be very sorry indeed to take away any right that any public officer possessed; and that was the reason why he had not felt justified in including house allowance in this bill. His simple desire was to place the definition of the word emoluments beyond a doubt, as that House intended it to be defined. Unless this were done they might have some public officers in the future falling back upon the interpretation that had been put upon the word by a former Administration, when it was made to embrace forage allowance. True the present Attorney General was of opinion that forage allowance ought not to be counted, but we might some day have another Attorney General who would put a different interpretation upon the word.

The amendment to insert table allowance was agreed to, and the clause as amended put and passed.

Clause 2, which provides that this Act and the Superannuation Act shall be read and construed together as one Act, was also agreed to.

Preamble: "Whereas the word 'emolu-"ments' occurring throughout the Super-"annuation Act is liable to be miscon-"strued, and it is desirable to limit the "application of such word, be it enacted, "etc.:"

MR. BROWN said he quite agreed with what had been said the other evening by the Attorney General that it was not desirable to pass an Act declaring the meaning of another Act, and that the terms of the existing Superannuation Act were plain enough, and that it would be an extraordinary thing for a public officer to claim a pension based upon any of the allowances referred to in the present bill. It therefore did seem strange that there should be any necessity to pass such a bill; but it was the action of the Government in the past that had made it necessary, absolutely necessary. Everybody, he believed, agreed with the present Attorney General's interpretation of the word, which interpretation was entirely in accord with the interpretation which that House had already put upon it. But that was not the interpretation put upon it by a former Attorney General, and a former Governor. He was perfectly agreed with the Attorney General that it was not competent for the House to limit the application of a word already in existence upon our statute book, and thus possibly to do injustice to public officers. That being the case he thought the wording of this preamble ought to be altered. He might have suggested that it should read thus: "Whereas the word emoluments occurring throughout the Superannuation Act has in the past been misconstrued and misapplied by the Government of the colony, and it is desirable to prevent such misconstruction in the future, or to guard as far as possible against such misapplication in the future, be it enacted"—and so on. But he did not intend to move his amendment in such plain terms as that. What he would move was, that the words "is liable to be misconstrued, and it is desirable to limit the application of such word" be struck out, and the following words inserted: "has in the past been misconstrued, and it is desirable to guard against similar misconstruction in the future."

THE ATTORNEY GENERAL (Hon. A. P. Hensman) suggested that the easiest way out of the difficulty would be to have no preamble at all. Preambles were only required, as a rule, where it was necessary to give the keynote to an Act; and he would further remind the committee that preambles were going out of fashion. Whereas formerly they used to consist of a long historical narrative, they were now very short, and, in some cases, were omitted altogether. The title of the present bill was clear enough by itself—"An Act to explain the Superannuation Act;" and the first clause of the bill clearly set out its intention. He thought it would be a misfortune if the amended preamble were

to be inserted, for it really would be a sort of reflection upon some person in the past—he did not know whom—connected with the Government. As they were all working so harmoniously now, he thought it would be a pity to leave such a reflection upon record, and he would suggest to the hon. member in charge of the bill whether it would not be sufficient if the preamble were struck out altogether.

MR. BROWN said his only reason for wishing for a preamble was that some reasonable ground for passing such a bill should be shown on the face of it. He had very little doubt himself, whatever the preamble might be, that the Governor would veto it, but it would be the strongest record that the Legislature could put forward as to what its intention was; and, if the bill should be vetoed, they would have this satisfaction at any rate, that it contained on the face of it the reason for the House passing such an extraordinary measure,—for it was an extraordinary measure, a measure to prevent the misapplication of another Act. Even if the bill should be assented to, unless it had a preamble setting forth the reason for passing it, it would puzzle anyone who might read it hereafter to know what it was wanted for.

MR. BURT said they had had before now some very interesting debates in that House upon the preambles of bills, and it seemed to him they were likely to have one on this occasion. He rose simply for the purpose of replying to one or two observations that had fallen from the hon. member for the Gascoyne, which he could not allow to pass unchallenged. The hon. member called the bill an extraordinary measure. [MR. BROWN: Yes.] He did not think so at all. It was a measure called for by the action of the Government itself, in allowing forage allowance to be included in an officer's pension, and thus leading other officers astray as to what the intention of the Legislature was. The hon. member also threw out a suggestion that the Governor will probably veto the bill. That was a most extraordinary opinion for any hon. member to express in that House. So far as he was concerned, he thought the majority of hon. members would be surprised if any such event were to take place. He believed he spoke the sense of a large majority in that House when he said that it would cause them much surprise if His Excellency refused his assent to such a small measure as this, when he heard of the ground for its introduction. As to the preamble he was quite willing, for his own part, to let it go; but, as the hon. member for the Gascoyne had pointed out, he thought it was desirable that the bill should bear on the face of it some show of reason for its introduction.

MR. BROWN said as to casting any reflections, he had no wish to cast a slur upon either a past or the present Government; he simply desired to put forward some excuse for passing such a bill. As to the Governor not vetoing it, he could only say that if it were his privilege to occupy so distinguished a position, and such a bill were submitted for his approval, he would be very much inclined to say that the bill was unnecessary, that such was the law already, and that it was useless encumbering the statute book with any further legislation on the subject.

MR. S. H. PARKER said the only thing that astonished him in connection with the bill was that the hon. member for the Gascoyne did not vote with the Government against the second reading of the bill. The hon. member now told them that if he were Governor he would veto the bill, yet the hon. member voted with the majority in favor of the second reading of the bill. The hon. member, it appeared, voted not according to his own views but with the majority. They knew there were some hon. members in that House who had a peculiar knack of going with the majority whenever they possibly could; but that was not usually the case with the hon. member for the Gascoyne. The hon. member for the Gascoyne usually voted in a most independent manner, and in accordance with what he conceived to be right and proper; but in this case they found the hon. member voting with the majority on this bill, and yet the hon. member told them that if he were Governor he would veto it. Well, that was an astounding statement coming from an hon. member occupying the distinguished position which the hon. member for the Gascoyne did in that House. He thought himself that it would be a most

extraordinary thing for the Governor to veto such a bill, in the face of the large majority which had passed it. Finding that the Government in the past had misconstrued this word "emoluments," and bearing in mind that we were not likely to have the present Government and the present Attorney General always with us to interpret the word, as the House intended it to be interpreted, he thought it was very desirable that the House should do all it could to prevent any future Attorney General from misconstruing the Act again. With regard to the preamble, he thought the wishes of all parties would be served if he were to move the omission of the words, "and it is desirable to limit the application of such word," from the preamble as printed.

MR. BROWN, having expressed his readiness to accept this amendment, withdrew his own; and the preamble was agreed to, with the omission of the words referred to.

The title having been agreed to, the bill was reported to the House.

EASTERN RAILWAY FURTHER EXTENSION BILL.

This bill was considered in committee, and the various clauses agreed to *sub silentio*.

MR. SHENTON asked the Commissioner of Railways upon what principle it was proposed to give compensation to the owners of land through which this line passed, between York and Beverley. He understood that compensation was paid in connection with the third section, when it was not incumbent upon the Government to do so. He believed no compensation could be rightfully claimed except in the case of land which had been improved or was under cultivation; and he should like to know whether it was the intention of the Government to adhere to that principle in the case of the Beverley line.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said that no claim for compensation would be recognised unless such compensation was found to be strictly due.

Bill reported.

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

LEGISLATIVE COUNCIL,

Monday, 7th September, 1885.

Proposed Mail Contract with P. and O. Co.—Grant in aid of Municipal Councils—Landing Platform, Ashburton—Medical Officer, Gascoyne District: salary of—Urban Tramways Bill: first reading—Municipal Institutions Act Amendment Bill: second reading—Gun License Bill: second reading—Appropriation Bill (Supplementary), 1885: second reading—Explosives Bill: recommitted—Superannuation Act Amendment Bill: third reading—Eastern Railway Further Extension Bill: third reading—Estimates, 1886: further consideration of—Adjournment.

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

PRAYERS.

PROPOSED MAIL CONTRACT WITH P. AND O. CO.

MR. MARMION, in accordance with notice, asked the Honorable the Colonial Secretary to lay upon the table a copy of the proposed Mail Contract for the carriage of mails between Europe and Australasia, to be made by the Victorian Government (acting on behalf of the colony of Victoria and the other colonies of Australia) and the Peninsular and Oriental Company. Also, a memorandum showing the estimated annual amount of the Western Australian proportion of the subsidy under such contract; and whether any provision has been inserted by our Government to admit of Fremantle being made a port of call for the Peninsular and Oriental steamers, in lieu of or in addition to Albany, at any period during the term of the contract. The hon. member said his only object in moving for the correspondence was to obtain certain information, the nature of which would probably determine what further action he might take in the matter.

THE COLONIAL SECRETARY (Hon. M. Fraser) said: The correspondence *re* the Australian and European mail service—copies of which are laid on the table, with the memorandum of agreement between the Australasian Colonies—afford all the information now at command. The only reply as to the estimated annual amount of the Western Australian subsidy that I can give is that the Postmaster General considers the cost of our mails, if paid for by the pound, may not exceed £3,000 per annum.