

to-morrow, and therefore there will be no necessity for us to meet. I therefore move that the House at its rising do adjourn until Friday evening. I am sorry, Sir, that it should devolve upon me to discharge this duty, for I think it is one that properly belongs to the leader of the House, and I regret indeed to notice what I cannot help considering as an act of disrespect towards this Council—namely, that all the seats on the Government benches should be vacant. I do not suppose that in any other Representative Assembly in the world would you find the ministerial benches empty and the Government entirely unrepresented during any part of a debate—more especially when a Government measure was under discussion in the House. I say again, I am very sorry indeed to have to rise in my place, under such circumstances, to move the adjournment of the House—a motion which, as I have already said, should properly come from the Colonial Secretary, as the recognised leader of the House.

MR. CROWTHER seconded the motion, and in doing so, said: I endorse every word that has fallen from the mover of the proposition. I think the conduct of the Executive members is, to say the least of it, derogatory to the dignity of the House, and disrespectful towards the representatives of the people having seats in it. Many of those representatives, and especially members coming from the country, attend here at great personal inconvenience and some expense, in order to do what they believe is best in the interests of the Colony. And this is how they are treated by the representatives of the Government. From the very opening of the Session—or at any rate from the first day I have been in attendance—the conduct of those hon. gentlemen has been suggestive of the conduct of so many spoiled children. They want their own way in everything, even to the “top brick off the chimney,” and if they do not get what they want, they go into sulks and show off their tantrums, leaving us to do the best we can. Thank goodness, we can do very well without them,—even if they never come back at all. Sir, I hope, in all seriousness, that it may be within your province, in some way or other, to

draw the attention of the head of the Executive to the fact that the Government is thus left entirely unrepresented in this House, when matters of importance to the country are under discussion. They bring in a Bill in a most crude and impracticable form, and they then in their wisdom hand it over to a Select Committee of the Council to do what in their opinion may be best in order to render the measure acceptable to the House. And then when that is done, and because the amendments proposed are not in harmony with the preconceived notions of the hon. gentlemen, they leave the House, and leave the Bill to its fate, and they don't care two straws whether it answers the object in view or not. I say again, Sir, I sincerely hope—if within your province—that the attention of His Excellency will be called to the conduct of his ministers, conduct which I submit is not only personally disrespectful, but derogatory to the dignity of this honorable House.

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

## LEGISLATIVE COUNCIL,

*Friday, 20th August, 1880.*

Messages (Nos. 7, 8, 9, and 10) from His Excellency the Governor—Audit Bill: report of Select Committee—Returns—Financial Statement—Confusion in Post Office Accounts—Correspondence relative to Haward reports—Recognition of Mr. Alexander Forrest's services—Supreme Court Bill: Resumption of Debate—District Roads Act, 1871, Amendment Bill: further considered in committee—Adjournment.

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

PRAYERS.

# MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

MR. SPEAKER announced the receipt of the following Messages from His Excellency the Governor:—

## MESSAGE (No. 7): DELAY IN FURNISHING RETURNS.

"The Governor has received the Address of Your Honorable Council (No. 15), requesting that he will cause the Returns asked for by Your Honorable House to be laid upon the Table.

"On enquiry, the Governor finds that the delay which has occurred in furnishing some of the Financial Returns has been due, not to any disinclination on the part of the Colonial Secretary to meet the wishes of the House, but to the fact that the preparation of the numerous Returns asked for this Session has thrown unusually heavy work on the Departments concerned, and that without paying for extra work or employing additional assistance they could not be sooner prepared. The Governor has now directed that every exertion shall be used to supply the information required, and has authorised the employment of such additional assistance as may be required for the purpose.

"It is unnecessary for the Governor to add that he is, as he has always been, most desirous to meet the wishes of the House and to furnish all papers which can properly be presented to the Legislature. At the same time the Governor hopes that the Legislative Council will take into consideration the time and labor involved in the preparation of Returns, and that they will refrain from asking for any but such as are of general importance and absolutely necessary in the interests of the Public Service.

"Government House, Perth, 18th August, 1880."

## MESSAGE (No. 8): RETURNS MOVED FOR BY MR. S. H. PARKER.

"In reply to Address No. 18, of the 16th instant, the Governor forwards to the Honorable the Legislative Council the Returns marked A, B, C, D, E, F, G, H, I, therein requested to be furnished.

"Government House, Perth, 18th August, 1880."

## MESSAGE (No. 9): JETTY AT PORT CONDON, AND WAREHOUSE ACCOMMODATION AT BUNBURY.

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

"The Governor informs Your Honorable House that, in compliance with the wish of the Legislative Council, he will cause to be placed on the Estimates the amounts necessary for the erection of a jetty at Port Condon, and to provide warehouse accommodation for merchandise at Bunbury.

"Government House, Perth, 18th August, 1880."

## MESSAGE (No. 10): MR. GREENACRE'S CLAIM.

MR. SPEAKER also announced the receipt of the following Message from His Excellency the Governor:

"On the rejection by Your Honorable House of the Bill to authorise the closing of a street in Pinjarrah, Mr. Greenacre was informed by the Governor's direction that the lots which were promised to him in compensation for the damage to be done to his property by the closing of the street could not, under the circumstances, be granted to him. Mr. Greenacre's solicitor has now addressed a communication to Government, in which he requests that the fee simples of the lots in question may be issued to his client without delay. The Governor proposes, in reply, to inform him that the request cannot be complied with; but before doing so, as legal proceedings may follow, he considers it advisable to place the representations of Mr. Greenacre's solicitor before Your Honorable Council and to invite your consideration of the subject.

"Government House, Perth, 20th August, 1880."

## AUDIT BILL—REPORT OF SELECT COMMITTEE.

MR. STEERE brought up the following report of the Select Committee appointed on 2nd August to report upon the provisions of the Audit Bill:

"Your Committee have met on several occasions, and have examined Mr.

"Knight the late Auditor General, Mr. Courthope the present Auditor General, Mr. Lefroy the Colonial Treasurer, and Mr. Goldsworthy the Colonial Secretary, and the evidence given by these gentlemen is attached hereto. The various provisions in the Bill have been closely scrutinised to ensure of its being a workable and efficient measure for carrying out the purpose for which it was introduced, and Your Committee have to report to Your Honorable House as follows:—

"There was a difference of opinion in Your Committee as to retaining clauses 1 and 2 in the Bill, a majority of Your Committee, consisting of Sir T. C. Campbell, Mr. Brown, Mr. Burt, and the Chairman, are of opinion that it is desirable to provide by these two clauses that the Auditor General shall feel sufficiently secure in his office to enable him to carry out his duties without interference from officers unconnected with his department. The evidence of both the late and the present Auditor General being strongly confirmatory of this view.

"Your Committee are unanimous in thinking that the remainder of the provisions contained in the Bill, with a few trifling alterations hereinafter alluded to, would secure an efficient audit of the public accounts, and would enable the real financial position of the Colony to be at any time readily ascertained.

"In consequence of there being only one short Session of the Legislature held in each year, Your Committee find that there is a difficulty in bringing into operation those parts of the Bill which provided for a change in the date of the financial year, and they have been forced to the conclusion that, for the present, the financial year had better remain from the 1st of January to the 31st of December.

"Your Committee recommended the following alterations in the clauses enumerated." [*Vide* "Votes and Proceedings," Paper A 6.]—"JAS. G. LEE STEELE, Chairman."

"I dissent from the Report of the Select Committee on the proposed Audit Act; believing that the principles of the first and second clauses (the regulations and other clauses of the

"Bill also, so far as these are effected by the two first) are out of harmony with our present Constitution. (*Vide* "Civil Office List," page 258.)

"That by passing such an Act it follows that while the Governor has the entire responsibility of administration, an officer of his own appointing is to exercise a controlling power over the public expenditure; there is thus created a grave disturbing element in those relations which should subsist between the Governor and the Legislature, a cordial co-operation between whom is so essential to the efficient working of our Constitution.

"Neither the Governor nor Secretary of State can be expected to allow the Bill, proposing as it does, to hamper or supersede the Governor in the most important functions of his office. For the above reasons, and because I consider the Legislature can obtain everything it desires in the keeping and auditing of the public accounts by a commission appointed by the Governor; and further that to pass the proposed Bill will tend to create distrust and friction between the Governor and the Legislature (undesirable at any time, but especially so at the present juncture of affairs), I dissent from the report.—G. RANDELL."

"I desire to record my dissent from the decision of the Committee to retain clauses 1 and 2 in the Bill, on the following grounds:—

"That those clauses interfere with the prerogative of the Crown, which under the present Constitution has the control of all Public Officers.

"That I consider the Civil Office Regulations are sufficient to secure the Auditor General in his Office, and enable him to carry out his duties without interference from officers unconnected with the Audit Department.—E. A. STONE."

"I am opposed to the retention of clauses 1 and 2 in the Bill, as, though I concur in the desirability (if it were possible under this Constitution) of rendering the Auditor perfectly independent, and only liable to dismissal with the sanction of the Legislative Council, I consider that—as such

"a provision is entirely at variance with the spirit of the Colonial Office Regulations applicable to Colonies under the Constitution we are now working—the retention of clauses 1 and 2 in their present shape would hazard the loss of the Bill, which, if these clauses were struck out would, with some slight amendment, effect the one great object of the measure, viz., necessitate the keeping of the accounts of the Colony in a clear and intelligible manner, and thus render it an easy matter to ascertain its financial condition at any time.—W. E. MARMION."

Mr. STEERE moved, "That the Report be received and printed."

Agreed to.

Mr. STEERE moved, "That the consideration of the Audit Bill in Committee of the whole Council be made an Order of the Day for Wednesday, 25th August."

Agreed to.

#### RETURNS FURNISHED.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) laid upon the Table a return giving the names of the officers, and their overtime, employed in preparing returns for Council, asked for by Mr. Steere, on 13th August. Also, a return showing cost and upkeep of Southern, Eastern, and Albany Mail Services, asked for by Mr. S. H. Parker, on 27th July. [*Vide* "Votes and Proceedings," Paper A 11.]

#### FINANCIAL STATEMENT.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, "That the House resolve itself into a Committee of the whole, with a view to his making the customary yearly financial statement."

Agreed to.

#### IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said that in offering to the Committee at this stage an explanation of the financial operations contemplated by the Government during next year it was not his intention to trespass at any great length upon the time of the House, inasmuch as he conceived that the speech delivered by His

Excellency the Governor at the opening of the Session had afforded the House a great deal of information with reference to the Colony's finances. He did not propose, on the present occasion, to touch in any way upon the question of estimated revenue for the ensuing year, beyond stating what the gross amount anticipated from all sources was. Nor was it his intention to dwell upon the general position of the Colony as regards its imports and exports, as the returns which had been before the House for some time afforded hon. members what information they might require on that point. He would merely say that there was nothing in the returns to lead them to suppose that the revenue was in any way falling off; on the contrary, he himself thought it was improving. And had it not been for the large sum which they had anticipated receiving from guano, but which anticipation had not been realised, they would have found themselves in a far better position, as regards the revenue, than they had estimated—in fact, the revenue received, with the exception of this single item, was considerably in excess of their anticipations. Hon. members were aware that the Government had been altogether disappointed in the matter of guano deposits at the Lacepede Islands, and that that source of revenue had become almost exhausted. But looking generally at the position of the Colony, and regarding being had to the improving condition of other sources of revenue, he did not think there was any cause for alarm at what hon. members might conceive to be the very serious deficit pointed out by His Excellency as existing in the finances of the Colony. By the exercise of due economy, he believed that in the course of two or three years this deficit would be entirely wiped out. He would say no more upon this subject. The matter now really before the Committee was the consideration of the estimates of expenditure. In glancing at those estimates, he would not touch upon the various small increments of £10 a year in the salaries of clerks and others to which they became entitled under the civil service regulations, but would confine himself to the larger items with reference to which there was any substantial increase or decrease upon the votes for the

present year. As the House had, last Session, after much discussion, sanctioned almost every item under the head of salaries appearing on the Estimates, as they were now presented, he did not think it was necessary he should comment upon them. Of course it would be competent for the House to alter those items which they had agreed upon last year, but he did not suppose hon. members would do that, inasmuch as in doing so they would in a measure be stultifying themselves. Having said this much, he would now go through the various establishments in the order in which they appeared on the Estimates, and comment upon such votes as in his opinion required comment. In His Excellency's Establishment, it would be observed, there was a slight reduction under the head of aide-de-camp, as it was proposed that an infantry officer should discharge the duties of that post, the gentleman last occupying the position being an artillery officer. Under the head of Legislative Council, there was also a slight decrease in the item of contingencies, the vote for cleaning and lighting being reduced from £100 to £75, and the grant for the library being decreased by £50—reductions which no doubt would commend themselves to the House. In the Colonial Secretary's Department there was also a proposed diminution of expenditure under the same head ("Office Contingencies")—in short, he might say that, in the view of the acknowledged necessity for exercising the strictest economy, a corresponding reduction had been made in this vote in each department, but he thought it would be found that the provision now made would prove sufficient to meet their requirements. In the Audit Department, hon. members would observe that an additional clerk was provided, as had been foreshadowed in His Excellency's Speech. The work in this department had been considerably in arrear, and, in view of the great importance of a prompt and efficient audit, His Excellency had authorised a temporary increase of the staff, for the purpose of wiping off arrears and bringing up the work to date. It had been found that, in order to avoid accumulation of work in this department in the future, it would be necessary to make a slight permanent

addition to the staff, and provision was made in the Estimates for next year for an additional clerk and examiner, at a salary of £150 per annum. The next item calling for any comment was that of the Survey Department, where there was a reduction of about £600 in the ordinary departmental vote, under the head of "Contract Surveying, labor, and incidental expenses," and also meteorological observations. Hon. members would, however, observe that there was a new item appearing in connection with this department, under the head of "Beagle Bay, £500." With reference to this item, he might inform the Committee that Captain Archdeacon, R.N., and Lieut. Tooker, R.N. (of the Admiralty Survey staff), were about to proceed in the *Meda* to the North-West Coast, for the purpose of selecting a suitable harbor in the locality of Beagle Bay; and, in view of the future settlement of that country, those officers would also, he understood, undertake any land duties in connection with the survey of the country, for which this sum of £500 had been placed on the Estimates. The next department in connection with which there was any material alteration was the Department of Works and Railways, where hon. members would observe there was an increment of £3200. This he might at once inform the House was in view of the opening for traffic of the first section of the Eastern Railway, provision having been made for the payment of the necessary staff for working the line, and also for maintenance. He might, however, add, in this connection, that on the other side of the ledger a sum more than equivalent to this expenditure had been placed, in anticipation of the receipts which would be derived from the traffic on the line. He next came to the Postal and Telegraph Department. Hon. members, perhaps, would fancy, on first looking at the sum placed on the Estimates for this department, that there was a very considerable reduction in the proposed expenditure, the vote for next year being £20,178, as compared with £27,208 for the present year. In reality, however, there was no reduction, but it had been thought proper to deduct from the vote for this department certain charges which heretofore had been included in the de-

partmental vote. These comprised the following items: Subsidy for coastal steamer, £6,000; proportion of subsidy for duplication of sea cable, £367; payment of interest on funds in Post Office Savings Banks, £900; postage for Public Offices, £1,250; telegrams on public service, £300; and incidental expenses, £120. These items now appeared under the head of "Miscellaneous." The Land Titles and the Medical Departments remained pretty much as they were, with the exception of a slight decrease of about £200 in the last named department, consequent upon a different arrangement having been made with regard to the appointment of a medical officer for the Blackwood, and a reduction of £150 in the vote for medicines and surgical instruments. In the Judicial Department, there was apparently a decrease of £100, but in reality there was no actual reduction, as that sum merely represented the difference in the salary paid to the late Attorney General (Mr. Hocking), and that of the present holder of the office. There was also a clerical error in the item of "Stipendiary Magistrate, Fremantle," which it would be necessary to rectify. In the Police Department, hon. members would observe there was a saving upon the item of "Expense of Police when escorting prisoners," and also some other trifling reductions. He thought that, in view of the demand made upon the services of this department, especially by the settlers in the outlying districts, it might fairly be considered that the head of this department had sent in a very economical estimate. The vote asked for the service next year was £19,740 12s. 6d., as compared with £19,979 for the present year. There was also a decrease of £200 in the Gaol Department, which he regarded as a very satisfactory decrease. The smaller the better, he thought, the vote for this department. Coming to Rottnest, hon. members would observe a still further reduction in connection with this Establishment, for which the vote next year was £1,970, as compared with £2,365 for the current year. He thought a great deal of credit was due to the Superintendent of the Establishment, in conjunction with the Overseer of the Salt Works, for the means which they had adopted for reducing the

expenditure connected with the manufacture of salt on the island, as hon. members would observe there was a considerable saving under that head. He next came to a department which the House would agree with him did its work in a most efficient manner; but, on the other hand, he could not help saying that it was an expensive department. He alluded to the Government Printer's Establishment. He wished they could cut down the expenditure in connection with this department, but, regard being had to the voluminous nature of the work required from it, he hardly saw how that was to be effected. There was, however, a decrease in the vote for next year, as compared with the grant for 1880—a reduction of about £400, inasmuch as they had no extra machinery to pay for. There was an increase in the next department (Education) of £300, the increment being in the provision which had to be made for the grants to the Government and the Assisted Schools. As population increased, and the number of school children multiplied, it must be expected that the expenditure in connection with this department should likewise increase. He only wished, himself, he could see how the various districts of the Colony might take upon themselves to relieve, to some extent, the general revenue from the demands made upon it for educational purposes. There was no alteration in the vote for Poor Relief, which stood again at £5,562. He was happy, however, to be able to inform the House that the expenditure in connection with this department had considerably decreased within the last two or three years, and he could only express a hope that the same satisfactory state of affairs might continue. Passing on to Works and Buildings, hon. members would observe that there were only £4,100 placed on the Estimates for next year, the vote for 1880 being £7,327—a reduction of over £3,000. He himself considered that this item had been cut down to the lowest possible estimate, to starvation point he might say; but of course that would be a matter for the House to deal with, and if it could be shown that the vote may be still further reduced, he should be very happy himself to join with hon. members in doing so.

At the same time he thought that on looking at the various items of proposed expenditure it would be admitted that they were all works of necessity. He next came to the item Roads and Bridges, the vote for which was set down at £3,750, being £1,250 less than the grant for this year. In view of the discussion that took place in the House the other day with reference to the maintenance of roads, and regard being had to the result of the debate on that occasion, and the feeling expressed that the District Boards should be called upon to provide for the maintenance of the minor roads,—hon. members would perhaps be surprised that even so large a sum as £3,750 had been placed on the Estimates for roads purposes. But it had been for this reason—unless they really made it compulsory upon the Local Boards to have resort to local taxation for the maintenance of their minor roads, he was afraid the work required upon these roads would never be done, and the roads would get into such a state that the Government, in the end, would have to step in and do the work themselves. This, however, was a matter entirely for the House to consider, and, in order that the matter should be discussed, this sum had been placed on the Estimates. It was not proposed, however, that the whole amount (£3,750) should be expended on minor roads, the contemplated expenditure in that direction being £2,750, the residue of the grant being for main roads, in addition to the loan money. The next item was the Immigration Grant, £4,000. This, again, was a question which probably would be discussed very seriously when the item came before them formally, and it was for the House to say whether, in view of our present deficit, the Colony could afford to expend so large an amount upon immigration, or any sum at all, just now. The Government considered it its duty to place a sum on the Estimates for that purpose, with a view to elicit an expression of opinion on the part of the House, and whatever conclusion the Council might arrive at on the subject would be cordially acted upon by the Government. He was happy to say that under the head of Volunteers there was a considerable diminution in the vote for that service, which was

reduced from £3,529 (the grant for this year) to £2,100. A large proportion of the claims for money payment in lieu of land had been paid, but there were still some outstanding claims, though not to any large amount; and once these claims were paid, the grant for the Volunteers would be reduced to the amount required for the regular maintenance of the various corps. There was a slight diminution in the vote for Literary, Scientific, and Agricultural Associations; the grant for Acclimatisation Purposes had been reduced from £100 to £50, and the grants for Agricultural and Horticultural Societies reduced from £350 (the vote for this year) to £300. The next item was Pensions, £2,032 18s. 6d., which was about £150 in excess of the vote for 1880, necessitated by reason of two or three names having been added to the list, the heaviest item being the pension given to Mr. Harris, the late Resident Magistrate at the Vasse (£219). One honored name had been removed off the list during the past year—Mr. S. W. Viveash, whose demise had effected a reduction in the vote of £104 3s. 4d. The last item on the Estimates was that under the head of Miscellaneous, £11,542 2s. 6d., which hon. members would observe was very much in excess of the vote for this year (£4,925.) This was caused by reason of several items of expenditure which had heretofore appeared under other heads of Revenue being transferred to this column—principally the items which he had already enumerated when dealing with the Postal and Telegraph Department. Hon. members would observe that the amount of the subsidy for the coastal steamer *Rob Roy* had been reduced from £6,000 to £5,000, and perhaps the Committee would be desirous of knowing what steps had been taken by the Government in this matter. Well, then, they were in this position at the present time: His Excellency had communicated with the contractors (Messrs. Lilly & Co.) with reference to a service to the North-West settlements, and the contractors had submitted an outline of a project in this direction for the approval of the Government. He was at present, however, unable to say what the cost of such a service would be, but the idea was that the steamer should

make at least two trips a year to the Nor'-West, in addition to the present coastal service. He had now glanced at the various establishments provided for in the Estimates, and, should hon. members require any further information with reference to any item, he should be ready to afford it when the items came formally before the Committee. He now begged to move that the item "Governor's Establishment, £437 9s. 2d.," stand part of the Estimates.

MR. BROWN thought it was very desirable, before the House proceeded to the consideration of the Estimates, that it should be placed in possession of information with reference to several matters not touched upon by the Colonial Secretary in his financial statement. Therefore, he would take the liberty of drawing the attention of the hon. gentleman and of the Committee to a few of those matters. In the first place he noticed on the Estimates, and included in the item which the hon. gentleman had just moved, a sum of £118 12s. 6d., for an aide-de-camp attached to the Governor's Establishment. Hon. members were aware that until about twelve or eighteen months ago this Colony had paid nothing towards the salary of an aide-de-camp, but owing to some arrangement made by the Home Government and the War Office the Colony was asked to pay the salary of the military officer then acting in the capacity of aide-de-camp (Lieut. Ord, R.A.). Under the circumstances detailed in the despatch on the subject from the Secretary of State to Governor Ord, the House considered it was its duty to continue the pay of the then aide-de-camp, as the Imperial Government refused to do so, giving him the option of returning Home and joining his regiment, in accordance with the decision arrived at by the Home authorities as regards all military officers holding colonial appointments as aides-de-camp. It might be necessary, it might even be desirable, that there should be an aide-de-camp attached to the Governor's Establishment in this Colony—he did not wish in any way to express an opinion on that point; but he thought the House would like to know the reason why it was proposed to continue this payment seeing that the officer for whom it was voted, and voted under exceptional cir-

cumstances, had left the Colony, and there was, in reality, no aide-de-camp at all at present attached to the Governor's Establishment. Was it proposed to make this item a permanent charge upon the Colony? There was another matter with regard to which, he thought, the House would be glad of some information. In the Colonial Secretary's Department, in addition to the Assistant Colonial Secretary (£400) there was a First Clerk and Registrar General (£350), besides a number of other clerks. It was quite possible that all these were necessary, but they all knew that the Assistant Colonial Secretary was a first class man, and that the Chief Clerk was also a first class officer. They were also aware that the staff in this department was, taken altogether, considerably larger now than it had been for some years past. Last Session, he believed, the House passed precisely the same vote as was now submitted to them, in connection with the department, but at that time the Assistant Colonial Secretary was employed in another department, doing duty as Acting Treasurer. And he thought there was a general understanding among members, that upon that officer's return to the Colonial Secretary's Office the gentleman who was acting as Chief Clerk in his place, in that office, would, as soon as possible, be transferred to another department. Nothing whatever had, however, been said by the Colonial Secretary in his financial statement with reference to this matter. Both were now in the office, and provision was made for each of them in the Estimates now before the Committee. For his own part, he should like to know whether it was the intention of the Government to transfer the First Clerk to another department, as soon as a vacancy occurred, or whether it was proposed to retain him on the staff of the Colonial Secretary's Department, and, if so, why?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): Will the hon. member excuse me if I interrupt him? I purposely refrained from touching upon these particulars in my financial statement, contenting myself by merely referring to the increments or reductions made in the various departments, without touching upon such matters of



detail as referred to by the hon. member. I thought that the most opportune time for affording information on these matters would be when we came to discuss the Estimates in detail. It appeared to me that this would tend to facilitate the business of the House.

MR. BROWN appreciated all that had fallen from the hon. gentleman, but the course which he (Mr. Brown) had taken, in calling attention to these matters, was one which he conceived to be best in the interests of all parties—of the members of that House and of the Government. If they could get such information as they required on these points now, they would be much better able to deal with them when they cropped up hereafter. They were all very simple points, and he thought the House ought to be placed in possession of the views of the Government before proceeding to deal with the Estimates in detail. He considered it hardly fair that the House should be asked, on the spur of the moment, to agree to these votes, without some further explanation on the subject. He was sure there was no desire on the part of the House to cripple the Colonial Secretary's Department, by taking away an officer who might be absolutely necessary there. But, at the same time, he did think that, before hon. members should be asked to agree to these votes, they should be informed whether last year's decision, as to the Chief Clerk, had been departed from, and, if so, why? Then, again, there was an item on the Estimates of £500, "Beagle Bay"; but little or no information had been given the House with regard to it, although it was a new item altogether. No one understood exactly what was meant by it, some hon. members being of opinion that it was intended for the payment of a Resident Magistrate, or something of that kind, in the district referred to. But, after taking a great deal of trouble to ascertain what the vote was intended for, it was found, on what was believed to be pretty reliable authority, that this sum of £500 was placed on the Estimates with a view to supplement what the Government might choose to expend out of the vote for Contract Surveying, for the purpose of sending up a party to make a rough survey of the country in the vicinity of

Beagle Bay. But they were now told that Captain Archdeacon and Lieutenant Tooker had undertaken to do the land surveys, as well as the marine surveys, in that locality, and that this sum had been placed on the Estimates for that purpose. He thought it would be well if the House were to receive some further information on this subject. What had the Admiralty Surveyors undertaken to do for this sum? He was sure the hon. gentleman had taken the House by surprise, and he thought hon. members had a right to know what the Government had in contemplation, beyond the mere statement that the Admiralty Surveyors had also undertaken the land surveys. The House was left to itself to find out what their duties in that connection would be. There was also a small item—"Messenger and Caretaker, Judicial Department"—which required some explanation, as this was the first occasion on which the item had appeared in the Estimates. Then, again, under the head of Police Department, page 16, he noticed that a new office had been created—"One Farrier, at £110." Yet not a word was said about it by the hon. gentleman when delivering his financial statement; and he thought the House was entitled to some information on the subject. He further noticed another fresh item in the same department—"One Extra Constable, at £47 10s.," but no explanation of the item had been vouchsafed. There was also the Printing Department, which was becoming an exceedingly expensive department, but not more so (according to the hon. gentleman's statement) than was absolutely necessary. He (Mr. Brown) thought that was very likely. But he noticed that there was a sum of £190 on the Estimates for new machinery for this department, and, seeing that last year, after very careful investigation by a Select Committee of the House, and after examining the Government Printer personally on the subject, it was ascertained that the vote of £550 then made for machinery would meet the requirements of the office for many years—in view of all this, it did appear to him strange that they should have a further sum of £190 on the Estimates for next year, to provide additional machinery. It might be that the sum voted last year did not,

after all, suffice to cover the cost of the machinery then decided upon; or, on the other hand, it might be that some additional machinery was now wanted. At any rate, the House had no information on the subject. There was another matter upon which he would like to be informed, namely, the item "Repairs and Additions to Public Buildings, £2,000." He was assured by the Government last year that the average annual expenditure under this head for the past ten years had been something over £3,000; yet there was a reduction of one-third in the vote for next year. He did not complain of the reduction, but he did think that some explanation should be afforded the House on the subject, and that, if more than £2,000 would be necessary, provision should be made for it. Seeing that £3,000 was required last year, and that the average for many years past had been that amount, it struck him that the same amount would be required for the ensuing year. Another item that required some explanation was that of "Hospital at Roebourne, £500." The House had already voted a sum of £500 for this purpose, and, although everyone was desirous of seeing proper hospital accommodation provided at Roebourne, he hardly thought the House had expected that it would be called upon to vote another £500 for that purpose. It might turn out that the original vote had not been expended, and that, having lapsed, it was not the intention of the Government to spend more than the £500 now on the Estimates, or, on the other hand, it might be that it was proposed to expend £1,000. No information had been afforded the House on the subject. He hoped the hon. gentleman would not pursue the course which he had intended, of going into Committee of Supply before the Council was furnished with some additional information with reference to the items to which he (Mr. Brown) had cursorily referred.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said that personally he was quite prepared to give the explanation asked for, and to satisfy the hon. member's mind upon those points; but, at the same time, it did seem to him that to do so at the present stage would be a great waste of time, as the whole of

these items would have to be gone into, in detail, hereafter. If the House, however, would accept his explanation of the various items now, rather than when in Committee of Supply, he was quite prepared to give it.

MR. STEERE did not think it was the wish of the House to proceed any further with the Estimates at present, but rather that Progress be reported. He presumed the hon. member for Geraldton thought that, if the Colonial Secretary had chosen to give the House at this stage such information as he could with reference to the various matters referred to, it would have enabled hon. members to come there prepared as to the way they would vote when these items were brought before them in Committee of Supply. Under these circumstances, he thought it would have been better if the hon. gentleman had furnished the House with the information asked for.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said if that was the wish of the House, he was quite prepared to do so. With regard to the first item referred to—the Governor's aide-de-camp, hon. members were aware that at the last Session of Council a sum of £125 ls. was voted as salary for such an officer, and he maintained that what had been conceded to one Governor ought not to be refused to another. The only difference in the amount was that a smaller sum was placed on the Estimates in view of the next aide-de-camp being an infantry officer, whereas the last one was an officer of artillery. He might state, for the information of the House, that His Excellency found it actually necessary that this appointment should be filled up, as he had only the Private Secretary now attached to his establishment. That gentleman now acted in the capacity of aide-de-camp, and was drawing half-pay, but that arrangement was not a permanent one. As to the next item referred to by the hon. member for Geraldton,—“First Clerk and Registrar General in the Colonial Secretary's Department,” the hon. member was quite right when he informed the House that it had been stated that, upon the return of Mr. Phillips to the Colonial Secretary's Office, the services of Mr. Eliot would be transferred to another depart-

ment when a suitable vacancy occurred. No such vacancy had, however, yet been found, and hon. members must be aware they did not turn up every day. He was sure no hon. gentleman would wish to see Mr. Eliot placed in a position where his pay would be less than he was now receiving, and had been receiving for years past. With regard to the item "Beagle Bay, £500," that sum had been placed on the Estimates in view of an officer on the survey staff being appointed to proceed up there with a party, and who would also probably do duty as Resident Magistrate. It was supposed that this sum would suffice to cover all the expenses in connection with such an appointment. As to the item "Messenger and Caretaker, £30," on page 15, that was an error: the amount ought to have been £48. This messenger was required in connection with the Supreme Court. The necessity for such an appointment had been pointed out to the Government by His Honor the Chief Justice as well as by the Master of the Court. The present Chief Justice had his chambers at the Supreme Court-house, whereas his predecessor had them at his own private residence. With regard to the next item to which attention had been called, "One Farrier at £110" (Police Department), if hon. members would look under the head of "Contingencies" they would observe that the vote for Veterinary services had been struck out, and that there was a reduction of £50 in the item of "Shoeing and Saddlery." It had been thought by the Government that it would be advisable, in view of the large number of horses required for the mail service in connection with the Police Department, to have a farrier stationed at Perth, whose duty it would be to attend to the horses and the saddlery. With respect to the item "Extra Constable at £47 10s.," he was sorry he could not at the present moment furnish the information asked for: he could not be expected to carry all these petty details in his head. As to the item of £190 under the head of "Contingencies" in the Printing Department, that was almost entirely for new type, and not, as the hon. member suggested, to meet any deficiency in last year's vote for machinery. With respect to the item of "Repairs and additions to Public Build-

ings, Minor Works, etc., £2,000," the Director of Public Works informed him that he had cut down this item as low as possible, even to starvation point. As to the item "Hospital at Roebourne, £500," the previous vote having lapsed, and the money not having yet been expended, a fresh vote was now asked for.

MR. BROWN said the hon. gentleman had omitted to say anything about the probable revenue; he had not even stated what was the gross amount estimated.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): The same as was mentioned in His Excellency's opening speech—£192,154. I have nothing to add to that statement.

MR. STEERE moved, "That Progress be reported and leave given to sit again on August 25th."

Agreed to.

#### POST OFFICE ACCOUNTS—CONFUSION IN.

MR. STEERE, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to direct to be laid on the Table of the Council a copy of the report of the Chief Clerk in the Audit Office, relative to the confusion in the Post Office Accounts, as reported by the Postmaster General." A great many rumours were afloat as to the result of the investigation made into this matter, and he thought it was very desirable that the true state of affairs should be made public.

Motion agreed to.

#### HANSARD REPORTS—CORRESPONDENCE RELATIVE TO.

MR. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to direct that the following papers be laid upon the Table of this House:—

1. Copy of the correspondence between the Government and the Proprietors of the 'West Australian,' relative to *Hansard*.

"2. Copy of the correspondence between the Government and the 'Proprietors of the 'Inquirer' and 'Herald,' complaining of the arrangement made with the 'West Australian.'

"3. Copy of further correspondence between the Government and the 'West Australian' on the same subject."

The motion was agreed to.

#### RECOGNITION OF MR. A. FORREST'S SERVICES.

MR. VENN, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether it is the intention of the Government to make any recognition to Mr. Alexander Forrest (and party), for his recent successful explorations."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied, "It has been usual to recognise the services of explorers by grants of land, but it has been done upon the recommendation of the House, and if such a resolution were passed the Government would support it."

MR. VENN intimated his intention of moving a resolution to that effect at an early date.

#### THE SUPREME COURT BILL, 1880.

##### DEBATE RESUMED.

MR. STONE said he had gone very carefully through the Bill, and found that it was one which the House might very fairly and advantageously adopt. There were one or two amendments which he would suggest in Committee, but which would not affect the principle of the measure. The most important amendment which he proposed to suggest was that some provision should be made in the Bill for the appointment hereafter of one or more puisne Judges.

The Bill was then read a second time, and the House went into Committee to consider the clauses in detail.

##### IN COMMITTEE.

Clause 1.—"Short title"—agreed to.

Clause 2.—"This Act, except any provision thereof which is declared to take effect on the passing of the Act, shall commence and come into operation on

"the first day of , one thousand eight hundred and eighty , or so soon as the rules to be made as herein-after provided shall become valid, whichever shall first happen."

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved that the 1st day of August, 1881, be fixed for the date on which the Bill shall come into operation. This he believed would be the extreme period which the Chief Justice would require for the preparation of the rules of practice. If the rules were ready at an earlier date, hon. members would observe that provision was made for the Act to come into operation accordingly.

Agreed to.

Clause 3.—"Union and consolidation of existing Courts:"

Agreed to.

Clause 4.—"The Supreme Court shall be constituted of one Judge, who shall be called the Chief Justice of Western Australia."

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said that, adopting the suggestion of his hon. friend Mr. Stone, he would move, as an amendment, the insertion of the following additional words—"and of such other Judge or Judges as Her Majesty may from time to time appoint." The introduction of these words did not bind the House to anything beyond providing for the salaries of such Judges when they were appointed. He believed he was correct in stating, and he believed he was authorised to say, that unless the House were to address the Governor on the subject by resolution, there would be no alteration in the judicial staff in the Supreme Court at present. At the same time, the introduction of these words would render any future modification of the Act in this respect unnecessary. He was perfectly well aware that there existed a very strong feeling on the part of some hon. members that our judicial staff should be increased. He also believed such an arrangement would be received with great gratification by the present Chief Justice, and he need hardly say that it would be a very great safeguard to the interests of the Colony. It would relieve the one Judge from the very serious responsibility now cast upon him of having to decide, unaided, upon

matters affecting people's property, their liberty, and their lives.

MR. STEERE thought the proposed alteration very desirable in the event of another Judge being hereafter appointed, as it would obviate the necessity of amending the Act. He did not, however, agree at all with the Attorney General as to the necessity for the appointment of a second Judge.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I never said a word about such necessity.

MR. STEERE: The advisability, then. With the amount of business done here in the Supreme Court, at present, I see no necessity whatever for the appointment of an additional Judge, and in supporting this amendment, I wish it to be distinctly understood that I do so merely in order to obviate the necessity of having hereafter to amend the Act, when an increase in the judicial staff may be regarded as really necessary.

The amendment was then put and carried, and the clause agreed to.

Clause 5.—“The Supreme Court shall continue to be a Court of Record, and, subject as in the Act mentioned, there shall be transferred to and vested in the Supreme Court all the jurisdictions which at the commencement of this Act were vested in or capable of being exercised by the Supreme Court of Western Australia, and also by the Court for Divorce and Matrimonial Causes:”

Agreed to, without discussion.

Clause 6.—“Transfer of pending business:”

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved, That Progress be reported, in order that the wording of this and successive clauses might be altered so as to render them consonant with the amendment effected in clause 4.

Agreed to, and Progress reported.

#### DISTRICT ROADS ACT, 1871, AMENDMENT BILL.

This Bill was re-committed.

Clause 1—reverted to:

MR. BROWN moved, That the words “previously surveyed and marked out” be expunged. The retention of these

words would involve a considerable amount of expenditure, which might be avoided.

Agreed to, and clause as amended put and passed.

Clause 2 elicited no comment.

Clause 3 (reverted to)—“All monies which shall be received after the 1st day of January, 1881, by the Local Board of any District from the Public Treasury shall be carried to the account of a separate fund, to be called the ‘Main Road Construction Fund,’ and be expended by the Board in and upon the maintenance of main roads, or of some or any bridge or ferry within the district which shall be on such main road, or connect any part of the same with any other part thereof, whether within or without the district.”

MR. CROWTHER, with leave, without notice, and without comment, moved, “That this clause (which was agreed to on the 12th August) be struck out.”

#### POINT OF ORDER.

MR. MARMION objected to the motion being put, contrary to the rules of the House, which provided that notice of all motions should be given beforehand, so as to guard against surprise.

THE CHAIRMAN OF COMMITTEES said a motion, without notice, could only be put with the leave of the House, and if any hon. member objected he (the Chairman) would be bound to rule that the motion could not be put. He would, however, point out that there was nothing to be gained by urging such an objection in the present instance, for it would be competent for the hon. member for Greenough to give notice of his intention to introduce the motion, and to move the recommitment of the Bill when the Order of the Day for its third reading was read.

MR. MARMION said, that being the case, he would withdraw his opposition to the motion being now put.

MR. RANDELL thought it was not only unfair but inconsistent on the part of the hon. member who now moved that the clause be struck out, thus to take the House by surprise, and to adopt tactics to which a very strong term would be applied outside the House. Surely some reason ought to be given for asking the

House to reverse its decision in this manner, after fully discussing the clause on its merits. He hoped those who voted in favor of the clause the other day would do so again, until at any rate some cogent reason was given why they should be asked to stultify themselves.

MR. CROWTHER said that, personally, he was opposed to the principle involved in the clause, which he regarded as an attempt to get in the thin end of the wedge for the introduction of a land tax. And he was quite sure, in his own mind, that if hon. members had given the subject more consideration than they had done, at the time when they voted for it, their votes would have been given the other way. All he asked members to do was to treat country people as they would like to be treated themselves. He was sure, if the voice of the country were consulted in this matter, it would be found that public opinion was averse to the imposition of a local tax for the maintenance of the minor roads, which was the idea contemplated in the clause referred to.

MR. BURGESS hoped the House was not going to stultify itself like this. The clause was fully discussed the other evening, and adopted by a majority, upon a division. Nothing had been brought forward to show why they should change their opinions. It did not necessarily follow that because the Government grant was to be expended on the main roads the settlers would have to resort to taxation in order to keep up their minor roads.

MR. MARMION regretted to find that some hon. members in the House were prepared to swerve from their allegiance to this clause. He thought those who did so were bound, having due regard to the duty which they owed towards themselves and towards those with whom they voted the other night—and he might add towards the outside public—to give some explanation as to what had induced them to change their opinions in so short a time. If the clause were struck out, it would necessitate his introducing another section, with a view to show the Roads Boards the error of their way in neglecting to put in force the fundamental principle of the Act under which they were constituted—the principle of local taxation. It had

been stated by the hon. member for Greenough that he regarded the clause as the introduction of the thin end of the wedge for imposing a land tax. He thought if the hon. member were to give the subject a little further consideration he would come to a different conclusion altogether, and that the result of putting this clause in operation would be the introduction of a system of local taxation, which would defer the necessity for a land tax rather than facilitate the adoption of such a tax.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said—speaking for himself—he might say that he had voted for the clause the other day under a misconception. It would be in the recollection of the House that there were three clauses put forward on that occasion, the first of which distinctly affirmed the advisability of introducing a system of local taxation, or (as the hon. member for Greenough would term it) of “putting in the thin end of the wedge for a land tax.” He supported that clause, but it was negatived on a division. Then came the clause which it was now proposed to strike out, and which he had also voted for; but he did so in view of the third clause, which was to follow it. That clause, however, was subsequently withdrawn, and the reason that had induced him to vote for the clause which it was now proposed to expunge was consequently removed. The effect of this clause as it now stood, unsupported by either the clause preceding it or the clause following it, was that the minor roads of the Colony would simply be left entirely without any means for keeping them in repair. He thought it would be highly indiscreet on the part of the House to refuse any assistance to the District Boards for the maintenance of the minor roads, unless the House also enforced upon them the necessity of adopting a system of local taxation. When he supported the clause which it was now proposed to expunge, he did so on the understanding that the principle of local taxation was going to be adopted, and rendered, in a certain measure, obligatory. That, however, had not been done. The action of the House in rejecting one clause, and the withdrawal of another, had resulted in the abandonment of that principle, and for

that reason he now felt bound to support the proposal to strike out the remaining clause.

Mr. BURT failed to see how any misconception could possibly have arisen in the hon. gentleman's mind, for it was clearly pointed out in the course of the debate that the result of adopting the clause would be that the Boards would be left without any means for maintaining the minor roads unless they resorted to local taxation. How, therefore, any hon. member could have given his vote under a misconception, he failed to imagine. He had heard from an hon. gentleman the other day of magistrates going into court with their votes in their pockets, but he had now lived to see members of the Government coming into that House with two votes in their pockets, one black and the other white. They gave a white one the other night, and this evening they were prepared to give a black one.

Mr. BROWN said he voted on the former occasion against the introduction of the clause, and he could therefore consistently now vote for its being struck out. Let them say what they liked, the original Act left the principle of local taxation a voluntary principle. What was sought to be done by this clause was, not exactly to render the principle compulsory, by force of a legislative enactment, but to place the District Boards in such a position that they would be either compelled to levy local rates or to allow their minor roads to fall into disrepair,—which, after all, was tantamount to introducing the compulsory principle, and, to that extent, at any rate, they would be departing from the principle of the original Act.

Mr. MARMION said it was evident that some mysterious outside influence had been brought to bear upon hon. members since this subject was under discussion the other day. What that influence was, was not very apparent; at any rate, no satisfactory reason had yet been assigned for the change of front shown by some hon. members with reference to this clause.

Mr. STONE said he could not allow the statement made by the Commissioner of Crown Lands to pass unnoticed, for it appeared to him to be a most extraordinary one. The hon. gentleman said he was in

favor of the first clause put forward the other day by the hon. member for Fremantle, which provided that there should be no Government grant given to any Board that did not impose a local rate. Supposing that clause had been passed, what would have become of the main and minor roads in those districts which did not put the principle of local taxation into practice? There would be nothing for their upkeep. The hon. gentleman might say that the Government would have kept the main and minor roads in repair; if so, what was to prevent the Government doing so, as regards the minor roads, in the event of there being no local taxation. The clause now proposed to be struck out merely stipulated that the grant from the Treasury should be expended upon the maintenance of main roads.

Mr. STEERE said the House appeared to be coming round more and more to his own views on this subject, as expressed the other evening, namely, that it would be better to deal with this question of roads maintenance by an annual resolution of the House, rather than endeavor to deal with it by Legislative enactment.

Mr. RANDELL said he supposed they were bound to accept the Surveyor General's explanation for the complete change of front shown by the occupants of the ministerial benches with regard to a clause, and he might say a principle, which they had supported only a few evenings ago. He could not help thinking the House had missed an opportunity of introducing a most wholesome principle, that of local taxation for road purposes. He thought the time had come when the State milch cow should have a holiday. There were other votes on the Estimates which he thought should be provided out of local taxation rather than out of the general revenue. The time had, in his opinion, arrived, when the people of this Colony should begin to learn to help themselves—a lesson which should not be a very hard task to people who aspired to exercise the right of self-government. If the country wanted self-government, they must be prepared to put their hands in their pockets and support it. Self-government and self-taxation should go hand in hand. As to the action of the hon. member for Greenough, the House

had been taken entirely by surprise. Pressure had evidently been brought to bear upon some members outside the House, and he thought it was very undesirable that such a course should be adopted with reference to a measure that had already received the sanction of the Council, after full and fair discussion. He considered it was by no means right that a motion like this should be sprung upon the House, or brought forward in this stealthy and surreptitious manner.

**THE ACTING ATTORNEY GENERAL** (Hon. G. W. Leake): "Surreptitious" is rather strong.

**MR. RANDELL**: I feel very strongly on the subject, and I would be very glad indeed if I could checkmate the mover of the proposition.

**MR. MARMION** said that, after what occurred that evening, and the change of front shown by the occupants of the Government benches (and especially the Commissioner of Crown Lands), any charge of inconsistency or of self-stultification coming from that quarter hereafter against his (Mr. Marmion's) side of the House, would come with very bad grace indeed. Such an irregular proceeding as the present one he had never known, and he thought it would form a very bad precedent indeed, and one which hereafter might be taken advantage of to the discomfiture of the hon. member who had initiated it.

**MR. BROWN** said a precedent would not be established by that evening's proceedings. The hon. member said he had never known such an irregular proceeding. He would remind him of one. At the first Session of this Council, three nights were devoted to the discussion of the Pearl Shell Fishery Act, and the elected side of the House, by large majorities, carried clause after clause of their own, after a full and fair discussion. The Bill, however, was brought forward again, like the present Bill, and, without any further discussion, but simply on the statement of the Colonial Secretary that the Bill would be inoperative as amended, all the new clauses previously introduced were thrown out again. The present action of the House was therefore not without a precedent.

**Question**—That the clause proposed to be struck out stand part of the Bill—put.

Committee divided.

Ayes ... .. 6

Noes ... .. 11

Majority against ... 5

AYES.	NOES.
Mr. Burges	The Hon. E. T. Golds-
Mr. Burt	worthy
Mr. Carey	The Hon. M. Fraser
Mr. Marmion	Mr. Brown
Mr. Randell	Mr. Crowther
Mr. Stone (Teller.)	Mr. Grant
	Mr. Hamersley
	Mr. Higham
	Mr. S. S. Parker
	Mr. Steere
	Mr. Venn
	Mr. Shenton (Teller.)

**Question**—That the clause proposed to be struck out be struck out—put and passed.

**MR. MARMION** then moved a new clause to the effect that, notwithstanding the provisions of the 13th clause of "The District Roads Act, 1871," no elector in any district shall have more than one vote at the election of members of the Local Board, unless a rate upon the annual value of all property within the district shall have been levied by such Board during the year previous to any such election. Hon. members were aware that, according to the provisions of the 13th clause, electors were entitled to a number of votes proportionate to the annual value of the property owned or occupied by them in the district, and the result was that some people had no less than four votes. And, if (say) four persons were joint owners or occupiers of the same property, they could command no less than sixteen votes between them; and the result of three or four such joint proprietorships would be that they could command no less than sixty-four votes, and thus be able to put in their own nominees on the Board. As had been pointed out the other evening, the result of this had been that instead of these Boards levying a rate upon property, as was intended by the Act, they took good care that property should go scot free. If the clause which he now proposed to add to the Bill became law, it would put a "stopper" upon such little arrangements as that. He was sure that the good sense of hon. members would induce them to support this clause, which he hoped, if carried into effect, would lead the Boards to see the error of their way, and bring



them to recognise the desirability of adopting the principle of local taxation. The clause at any rate would place all the electors in the district on the same footing as to the number of votes to which they would be entitled, which he thought was only fair and proper, unless property was made to bear its fair share of taxation.

MR. STEERE was afraid he was not one of those members whose good sense would lead them to support such a clause. He thought it was a matter of very great importance indeed that they should get the best men in the various districts upon these Boards, for they had a great deal of responsibility and trust cast upon them. The effect of this clause would be somewhat analogous to that produced at elections in those countries where manhood suffrage obtained: the members of the Boards would not be men of the same social status or standing in the district as the members are, as a rule, under the present system of cumulative voting.

MR. BURT pointed out that if the principle of cumulative voting was necessary to ensure the presence on these Boards of persons of respectability and superior social status, the same principle ought to be applied with reference to the election of members to sit in that House.

MR. RANDELL was sorry to see the hon. member for Swan endorsing an opinion that prevailed among some people, namely, that the possession of property was indicative of intellectual superiority. He thought that was an idea that had long ago been exploded. He did not think a man who owned 20,000 or 50,000 acres of land was necessarily more competent to deal with questions of road construction than the small property holder, and he failed to see why the mere possession of property should entitle a man to four votes, while his next door neighbour, equally intelligent, but not equally prosperous, was limited to one. But he thought they might write *Mene, mene, tekel, upharsin* opposite this clause.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): What's that?

MR. CROWTHER said although the possession of property might not necessarily imply the existence of a corres-

ponding amount of talent or intellect, it was in many cases a very clear proof of the possession of qualities and virtues without which a man could not expect to get on in the world, or raise himself from a humble position in life to one commanding the respect and esteem of his fellow-men. They need not go beyond that House for illustrations of the truth of that statement.

MR. BURGESS would support the new clause, in the hope that, if it became law, it would lead to a better class of men being elected as members of District Road Boards. By a better class of men he meant men who would not be afraid to carry out the original intention of the Act, and introduce the principle of local taxation for the maintenance of the roads. The members now elected had failed to put that principle into practice, and if they put all electors on the same footing as regards their votes, they might have a different stamp of men elected.

MR. VENN considered that the tendency of the clause would be to degrade the Roads Boards in public estimation, by placing upon them members of a very different calibre to those at present having seats on the Boards.

MR. MARMION: If it is a degradation to be poor—if it is a degradation not to be the owner or the occupier of property of the annual value of £50—then, no doubt, the tendency of this clause will be what the hon. member for Wellington anticipates. But as I conceive it is no degradation to members of this honorable House to be elected by persons occupying property the rental of which is not more than £10 a year, I fail to see where the degradation would come in, if the same property qualifications were applied at the election of members of District Roads Boards.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): The simple question is, shall cumulative voting be abolished?

MR. MARMION: Until the principle of local taxation is recognised.

Question put—That the following new clause be added to the Bill, to stand as clause 3:—"Notwithstanding the provisions of the 13th section of the said Act, no elector in any district shall have more than one vote, unless a rate shall have been made and levied in such

"district under the provisions of the said Act during the year previous to any election."

The Committee divided, with the following result—

Ayes	...	...	8
Noes	...	...	8

Ayes.	Noes.
The Hon. G. W. Leake	Mr. Brown
Mr. Burges	Mr. Crowther
Mr. Burt	Mr. Grant
Mr. Carey	Mr. Hamersley
Mr. Higham	Mr. S. S. Parker
Mr. Randell	Mr. Shenton
Mr. Stone	Mr. Venn
Mr. Marmion (Teller.)	Mr. Steere (Teller.)

There being an equal number for and against the motion,

**THE CHAIRMAN OF COMMITTEES** gave his casting vote with the Noes. He did so because he considered that the clause if adopted would prove entirely inoperative, for he did not think that members possessing only a small amount of property were any more likely to tax their property than were those members who were now elected to seats on the Boards.

The clause was therefore rejected.

**THE COMMISSIONER OF CROWN LANDS** (Hon. M. Fraser) moved, That the following new clause be added to the Bill:—"And whereas many roads of the Colony have been publicly notified in the *Government Gazette* as Main and Minor roads, notwithstanding that the time within which such roads ought to have been so gazetted under the provisions of 'The District Roads Act, 1871,' had elapsed, be it enacted that all roads which have at any time since the passing of the said Act been publicly notified in the *Government Gazette* as Main or Minor roads shall be deemed and taken to be respectively Main and Minor roads within the meaning of the said Act."

The clause was agreed to without discussion.

Bill reported.

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

## LEGISLATIVE COUNCIL,

Monday, 23rd August, 1880.

**Personal Explanation**—Cost of Working the Department of Works and Railways—Warehouse Accommodation at Fremantle—Colonial Secretary's and Works Departments: Inquiry into—Ecclesiastical Grant: Obligations of the Government—Hospital accommodation at the Williams—Warehouse Accommodation on Vasse Jetty—Public Lands held by Government Officers: Despatches relative thereto—Jury Act, 1871, Amendment Bill: further considered in committee—Destructive Insects and Substances Bill: re-committed—Supreme Court Bill: further considered in committee—Adjournment.

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

PRAYERS.

### PERSONAL EXPLANATION.

**MR. STEERE:** Sir—I rise in explanation of an occurrence that took place here on Wednesday evening, on the occasion of the adjournment of the House, in the absence of the hon. gentlemen who occupy seats on the Government benches. I understand that the leader of the Government in the House feels himself somewhat aggrieved in consequence of what was said on the occasion, and he stated to me the following day that he thought I ought to have mentioned that, before he left, the hon. gentleman had asked me to move the adjournment of the House. I am free to confess that when I spoke on the subject, I certainly forgot that the hon. gentleman did so ask me, but the occurrence had entirely escaped my recollection until he reminded me of it on the following day. The fact of the matter was, when the hon. gentleman mentioned the subject to me in the House, I was considerably interested in the debate that was going on at the time, and although I am perfectly ready now to make this explanation, still I cannot but think that the conduct of the official members in quitting their seats, and in leaving the Government virtually unrepresented in the House when a Government measure was under discussion, was very culpable conduct, showing very little respect indeed towards the members of this House.

**THE COLONIAL SECRETARY** (Hon. R. T. Goldsworthy) was glad to hear the explanation made by the hon. mem-