Schedule of Amendments made by the Legislative Council in the "The Crown Suits Bill."

No. 1.—On page 8, Clause 27, line 6: Strike out "plead or demur to" and insert "and defend."

No. 2.—On page 8, Clause 27: Strike out all the words between "allow," in the eighth line, "and," in the eleventh line.

No. 3.—On page 10, Clause 37, line 4 Strike out "One" and insert "Two."

C. LEE STEERE,
Clerk of the Council.

25/9/95.

Reasons of the Legislative Assembly for disagreeing to Amendment No. 3 of the Legislative Council in the Crown Suits Bill.

That the amendment of the Legislative Council increases the limit of the burden fixed by the Legislative Assembly on the public in respect of damage for personal injury sustained through accidents on Government Railways, and is, therefore, an infringement of the privileges of the Legislative Assembly.

WALTER A. GALE,
Clerk of the Assembly.

ADJOURNMENT.

The Council, at 5.30 o'clock, p.m., adjourned until Thursday, 3rd October, 1895, at 4.30 o'clock, p.m.

Legislative Assembly,

Wednesday, 2nd October, 1895.

Establishment of Weekly Mail Service to Parker's Range—Distribution of Parliamentary Papers and "Hansard" Debates—Reservation of Royal Assent to Constitution Act Amendment (Abolition of Aborigines Board) Bill—Loan Estimates, 1895-6: introduced and considered in committee—Goldfields Bill: consideration of Committee's Report—Electoral Bill: in committee—Building Act Amendment Bill: in committee—Public Health Act Amendment Bill: in committee—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock, p.m.

PRAYERS.

WEEKLY MAIL SERVICE TO PARKER'S RANGE.

MR. MORAN, in accordance with notice, asked the Premier whether he would instruct the Postmaster-General to establish a weekly mail service to the rapidly-growing mining centre at Parker's Range.

THE PREMIER (Hon. Sir J. Forrest) replied that the Postmaster-General informed him that he would make inquiries, and, if the mail service to Parker's Range were justified, he would arrange for its re-establishment.

DISTRIBUTION OF PARLIAMENTARY PAPERS.

MR. SIMPSON, without notice, desired to draw the attention of the Premier to the fact that the resolution passed by the House last session to the effect that *Hansard* and other Parliamentary papers should be distributed throughout institutions in the country districts, was not being carried out.

THE PREMIER (Hon. Sir J. Forrest) said it had escaped his knowledge that there was such a resolution, but he would have enquiries made.

DONNYBROOK TO BRIDGETOWN RAILWAY BILL.

Introduced by Sir JOHN FORREST, and read a first time.

SUPPLIES FOR THE PUBLIC SERVICE TO BE ADVERTISED.

MR. RANDELL said: The object I had in view, Sir, in placing on the notice paper a

resolution—"That this House is of opinion that, as far as possible, it is desirable that supplies for the public service should be obtained by means of tenders, invited by advertisement," has, I understand, been already attained. I am informed that the Railway Department does intend to advertise for tenders for the particular class of supplies I had in my mind, when I gave notice of the motion. Underthe circumstances I beg leave to withdraw the motion.

Motion by leave withdrawn.

RESERVATION OF ROYAL ASSENT TO THE CONSTITUTION ACT AMENDMENT (ABOLITION OF ABORIGINES BOARD) BILL.

MR. SIMPSON, in accordance with notice, moved "That, in the opinion of this House, the continued reservation of assent by the Crown to the Constitution Act Amendment Bill relating to the Abolition of the Aborigines Board, unanimously passed by the Legislature, is subversive of the rights of the people of this colony, and is not calculated to inspire confidence in the Imperial recognition of the principle of colonial self-government." In introducing the motion, the hon. member said: In giving notice, Mr. Speaker, of the motion standing in my name, I wish to direct particular attention to the unnecessary delay in the sanction of a measure which received such unanimous support from the representatives of the people in this country. The position has, however, since been slightly altered, owing to the receipt of a despatch from the Secretary of State for the Colonies regarding the matter. I understand that the Premier will propose a certain proceeding on the part of this House, which will also meet the views of those hon. members who are desirous of seeing some solution to this question. I do not think that any one who peruses the despatch to which I have referred will come to any other conclusion than that it is most unsatisfactory. In face of the fact that the arguments on the matter are so patent, and hon. members have formed such a strong conclusion in their own minds, there is no necessity for me to go over the whole of the facts. All we can do now is simply to deal with the despatch, and, as I have already said, I understand the Premier intends to submit a proposal in order to meet what is requisite now. I beg to submit the motion.

THE PREMIER (Hon. Sir J. Forrest): Mr. Speaker—After consulting with the hon. gentleman who has tabled this motion, I beg to move, as an amendment, "That having considered the Colonial Office Despatch, No. 22, dated the 26th August, 1895, this House resolves that the following Memorial to the Right Honorable the Secretary of State for the Colonies be forwarded through His Excellency the Administrator." I think this will be the best course for us to adopt, if we desire to gain the end we have in view, namely, to forward this resolution, and the Memorial, together with the correspondence which has taken place on this subject. I propose, after this House has adopted the Memorial, to submit it to the Legislative Council, for the assent of that Chamber, as well as this. I think hon. members will find the Memorial has been carefully drafted, and will meet their views. I move that the Memorial be read, as follows:—

"TO THE RIGHT HONORABLE JOSEPH CHAMBERLAIN, M.P., HER MAJESTY'S SECRETARY OF STATE FOR THE COLONIES.

"*The Memorial of the Parliament of Western Australia humbly showeth:*

"1. That a Bill intituled 'The Constitution Act Further Amendment Bill' was passed "unanimously by both Houses of the Legislature of this Colony at the Session of Parliament held in 1894, and was, in accordance "with 'The Western Australian Constitution Act, 1890,' reserved by the Governor for the "signification of Her Majesty's pleasure thereon.

"2. The object of this Bill was to repeal "Clause 70 in the last mentioned Act, which "provides *inter alia*, that there shall be payable "to Her Majesty every year the sum of £5,000 "to be appropriated to the welfare of the "Aboriginal Natives, and to be expended by "the Aborigines Board at their discretion, "subject to the sole control of the Governor, "and further providing that when the gross "revenue of the Colony shall exceed Five "Hundred Thousand Pounds in any financial "year, an amount equal to one per centum on "such gross revenue shall be substituted for "the said sum of Five Thousand Pounds.

"3. We desire to point out that the inclusion of this Clause in the Constitution Act "was most strenuously opposed when the Bill "was being considered by the Legislature, as "it was, in the opinion of most members, "casting an unmerited stigma upon the Government and people of the Colony, by compelling them to provide funds for the wel-

"fare of the aboriginal natives, the expendi-
"ture of which funds was subject to the sole
"control of the Governor, advised by a Board
"not responsible to Parliament; and was
"finally agreed to only after a statement made
"by the Government, that the Constitution
"Act would not be assented to unless this
"provision for the aborigines were contained.

"4. We believe that there is no precedent
"in the Constitutions of any of the self-govern-
"ing British Colonies for excepting any mat-
"ter connected with their internal administra-
"tion from the control of the Parliaments of
"such colonies, and it is felt here as a great
"grievance that, in order to obtain the advan-
"tage of Responsible Government (an advan-
"tage which Lord Ripon, the late Secretary
"of State, stated on a recent public occasion
"had been a great factor in the present pros-
"perity of Western Australia), we should,
"without any just cause, be placed in such an
"invidious position as a self-governing and
"law-abiding community.

"5. We need not enter into the numerous
"reasons given by the Government in corres-
"pondence (copy of which is enclosed) address-
"ed to Governor Sir William Robinson, and
"transmitted by him to the Secretary of State,
"why the sole control and management of the
"welfare of the aboriginal natives should be in
"the hands of the Government of the Colony,
"but we desire to say that such reasons are,
"in our opinion, incontrovertible, and we
"entirely concur in them.

"6. The amount payable under the pro-
"visions of Clause 70, which is sought to be
"repealed, has increased from £5,000 in 1890
"to £11,259 in 1895, and we feel confident that
"Parliament will cheerfully provide any funds
"which may be found necessary for the support
"and welfare of the the Aboriginal Natives
"of this Colony, and that this object can be
"better obtained when under the control and
"management of the Government than under
"the present Aborigines Board, who are power-
"less to administer their functions without
"the active assistance of Government officials.

"7. The Legislature of the Colony learns
"with much concern from your Despatch, No
"22, of the 26th August last, that you hesitate
"to advise Her Majesty to assent to the
"Reserved Bill, and that you suggest that the
"70th Section of "The Constitution Act"
"should be modified rather than repealed.

"In this suggestion the Legislature regrets
"it cannot concur, as the feeling of the people
"of the Colony is so strong in regard to this
"exceptional legislation, that nothing less
"than its repeal will ever be considered satis-
"factory; and, further, no measure dealing
"with the question, other than in the way
"contained in the Reserved Bill, could pos-
"sibly be passed through Parliament.

"8. In view of the foregoing circumstances
"the and the Legislative Assembly
"confidently trust that Her Majesty may be
"advised, without further delay, to give her
"assent to this Bill, which was reserved for
"the signification of Her Majesty's pleasure
"thereon, and thus relieve the Government
"and people of this Colony from being placed
"in the humiliating position of being the only
"Australasian colony which, by the operation
"of the clause in the Constitution Act which
"it is sought to repeal, incurs the undeserved
"suspicion of being incapable of dealing in a
"just and humane manner with the Aboriginal
"Natives of Western Australia."

"And your Memorialists will ever pray," &c.

MR. SIMPSON: By leave of the House I should like to withdraw my motion in favor of the amendment now submitted by the Premier.

Motion, by leave, withdrawn.

The amendment of the Premier thereupon became the substantive motion.

MR. HARPER: I should like, Sir, before we vote on this motion, to have the opportunity of comparing the Memorial with the Despatch.

MR. LEFROY: I should also like to go through the memorial carefully. It appears to me to be a matter in which we should be careful, and it might also have a stronger effect if it is not carried too hastily.

THE PREMIER (Hon. Sir J. Forrest): Postpone the subject until to-morrow, then.

MR. MARMION: I move that the debate be adjourned until to-morrow.

Question, that the debate be adjourned the next sitting, put and passed.

LOAN ESTIMATES, 1895-96.

THE PREMIER (Hon. Sir J. Forrest) in accordance with notice, moved that the House do now resolve itself into a committee of the whole to consider the Estimates of Expenditure from Loan Funds, for the twelve months ending 30th June, 1896.

Question put and passed.

THE SPEAKER left the chair.

IN COMMITTEE.

THE PREMIER (Hon. Sir J. Forrest), in introducing the Loan Estimates, 1895-6, said: Mr. Traylen,—In moving these Estimates, it

is not necessary that I should say very much. It will be found that these Estimates show the works the Government propose to do during the present year, and which works are provided for under the various Loan Acts. The returns given in these estimates between the 24th and 37th pages show what has already been expended, and what is proposed to be expended, together with the balances estimated to be available at the end of the year in regard to the items in the various Loan Acts. They also show the progress made with the expenditure at the end of the financial year, and also the progress anticipated to be made during the progress of the present year. Hon. members will find a good deal of valuable information, and also the particulars of public works in hand, or to be taken in hand and provided for by votes provided in the loan funds. The money required to prosecute these works to completion is legally available under the Loan Acts, but I propose to make an alteration in the procedure adopted hitherto. Hitherto, it has been the practice to have no other appropriation than the authority of the Loan Acts. After the Estimates have been passed this year, however, I propose to introduce them as a schedule to the Appropriation Act in the same way as they do it in some of the other colonies—at any rate in Queensland. This will be a better method of dealing with the Loan Estimates than the practice hitherto followed, and, after they have been dealt with in this House, they can be submitted to the Legislative Council, in the shape they appear here. It seems to me to be preferable to include them in one Appropriation Act, so that we can then know exactly the legal authority for the expenditure, although I believe the Attorney-General will not admit we had not full legal authority under the old course, and that the Acts themselves are sufficient appropriation. This House, under our Audit Act, has to approve of the expenditure every year from Loan Funds. It has also to approve of the salaries to be paid to officers engaged in carrying out loan works. It has also to approve of the amount stated by the Government as sufficient expenditure for any one year. The amount estimated to be expended last year was £987,037, while the amount actually expended was only £606,501, so that the Public Works Department spent less that the estimate by £380,536. This seems a large amount, but the Estimates are always liberally framed. It is always difficult to estimate the amount of stores required, and to determine the exact moment these stores should be charged to any particular vote. A good deal of the expenditure is to be accounted for by funds which have gone forward in connection with public works, but which have not been charged to the particular vote, at the end of the financial year. The estimated expenditure for this year is £863,460; and, of this amount, the sum of £39,561 is for salaries. This is less then 5 per cent. of the whole expenditure, of course. If the amount expended is less than the estimate, the salaries will be reduced in proportion as well. If hon. members take the trouble to look through the figures, they will find that the expenditure on salaries last year was in this proportion to the total expenditure. Last year the estimate for salaries was £44,083, but only £25,128 was actually spent. This was at the ratio of only a little over 4 per cent, so that while the expenditure was over estimated to the extent of £380,536, in other words the salaries were reduced in proportion to the sum actually expended. Hon, members will notice that the amounts appropriated out of the Loan of 1884 are almost all spent; and, by another year, they will have altogether disappeared from the Estimates. Then, in regard to the Loan of 1891, this being the first loan raised under the new Constitution, the appropriations under it are nearly all expended, with the exception of the Immigration Vote, which will leave an estimated balance at the end of the year of £36,258 18s. 8d. The expenditure out of this loan during the current year is estimated to amount to £38,712 17s. 9d.; and, if we except the amount of the Immigration Vote as not now being a necessary expenditure, the whole of the money remaining from the Loan of 1891 will have been expended by the end of June next. Hon. members will notice that the expenditure remaining to be made out of the 1891 Loan is on small items, for finishing the works which were authorised under that Loan Act. In regard, next, to the Loan of 1893, it will be noticed that £8,167 8s. 1d. remained to be spent when the financial year began, for the completion of four large tanks for water on the Yilgarn Railway, and I have no doubt that amount has been ex-expended during the three months that have since elapsed. There was also, at the end of June last, a small balance of £1,695 15s. 2d., to

be expended on deviations and re-laying of rails for improving the Eastern Railway; though, I am sorry to say, this amount will not be sufficient to complete that work, and some considerable amount—probably £15,000 additional—will be required to complete this important work. It will also be noticed that other amounts remain to be expended on several items provided for in the Loan of 1893, including a sum of £14,530 for the commencement and partial completion of Railway Workshops. The balance estimated to remain of this Loan at the end of June next will be £17,392; and that amount includes, of course, a sum of £11,595 voted for charges and expenses of raising loans, but which will not be required for this purpose. Hon. members will notice, by reference to page 30 of the printed Loan Estimates, that £25,000 was voted out of the 1893 Loan for this purpose; but only part of the amount having been required, there remains a balance of £11,595, which it is proposed to re-appropriate in order to supplement the amount available for Item 3,—namely, the deviations to improve the grades on the Eastern Railway. There is no occasion now to keep this balance for the purpose of paying charges and expenses of raising loans, because there is also available, out of the loan of 1894, a sum of £30,000 appropriated for the same purpose, but not required on account of the very favorable terms on which that loan was raised. Referring next to the Estimates in connection with the Loan of 1894, hon. members will recollect that we have raised one half of the authorised amount, namely, £750,000, and the Government propose to expend, during the current financial year, a total of £795,766, leaving an estimated balance out of the 1894 loan, at the end of June next, to be raised and expended in future. I am glad to be able to tell the House, as hon. members may perhaps see for themselves, that every item of work authorised under the Loan Act of 1894 has been commenced and proceeded with, or will be taken in hand during the current year. I do not think I need say anything more in regard to these Estimates. These Loan Estimates are not quite in the same position as the annual Estimates of expenditure out of ordinary revenue, in that we have not come to the House and ask approval for doing certain works or undertaking new projects: because all these works, to be executed or completed out of loan funds, have been already approved by Parliament. These Estimates are submitted to this House merely as an explanation and suggestion in regard to the amounts which the Government anticipate to expend on the several items during the current year; all the questions as to the works themselves having been disposed of by the works being authorised. I think there will be no question on the part of hon. members at this stage, as to the usefulness of those works which have been authorised; and as to the amount of work we propose to carry out during this year, I may say the desire of the Government is to push on with all the works that have been authorised by Parliament in the several Loan Acts, as quickly as possible. Our Estimates are based on what we think it is practicable for us to do during the year. I now beg to move the first item—"Salaries and allowances, £39,561."

MR. ILLINGWORTH, referring to the Estimates generally, said he wished to call attention to the fact that this method of dealing with Loan expenditure was very unusual, and likely to create considerable difficulty and danger; because the House having once authorised certain works by passing a Loan Act for raising the money for their construction, it was not desirable that such decision should be revised, with a liability to its being upset, by the process of again sanctioning this Loan expenditure each year during the continuance of the works authorised. This procedure did practically give the power to undo, by the fresh decision of a chance majority, that which had been previously considered and sanctioned under a Loan Act; and he contended that legislation passed in a regular way should be repealed only by the regular process of a Bill being brought in for the purpose, if deemed necessary. The progress of important works might be jeopardised or stopped by this inconvenient and irregular procedure. [The COMMISSIONER OF RAILWAYS: That might be a good thing.] Yes; it might be good or bad; but was it desirable to alter an Act of Parliament simply by subjecting its scheduled items to the annual uncertainty of a chance vote, in reference to works whose supporters might be absent from the House on the particular occasion? The Cue Railway, for instance, might have been passed last session by a small majority; and yet, after the money had been borrowed and the work commenced, a chance majority, when reviewing the Loan Estimates, might stop the work, by refusing to pass the item.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said the Audit Act required this procedure; and, of course, one of the contingencies of the procedure was that a work authorised in one session might be stopped by resolution in a subsequent session, and each authorised Loan work was thus, as the hon. member had said, made dependent on a chance majority. Personally, he did not like the procedure, because it caused much trouble to his department; but the procedure could be got rid of only by repealing the provision in the Audit Act.

MR. CONNOR asked whether, in the event of the first item being thrown out, all the works in the Loan Estimates would be stopped, or what would be the position?

THE PREMIER: We would bring it in again next year.

MR. CONNER: If the item were thrown out, would not that decision block all the Loan works in the colony?

THE COMMISSIONER OF RAILWAYS: That is a power the House has,—to pass an adverse vote, now that the Loan Estimates are before it.

MR. LOTON said the hon. member for Nannine, in raising this question, should have pointed out in what way the House could have a voice in the annual expenditure of loan moneys, if the Estimates were not to be laid before it for revision. Was the mouth of Parliament to be shut ever after having passed a Loan Bill, in reference to the spending of the money? There should be sufficient good sense among members in agreeing that, after Loan works had been authorised in a Bill, those works should go on to completion, if still deemed desirable; and if a majority of members were in favor, at any time, of not going on with particular works, the members composing that majority should be prepared to take the responsibility of their action in stopping the works.

THE PREMIER (Hon. Sir J. Forrest) said the present procedure seemed to him reasonable and right. No risk was run that should not be incurred in this annual revision of the Loan Estimates. There might be no more inconvenience in stopping a loan work than in refusing to sanction an important work which the Government proposed to construct out of current revenue. If the House had not the power of revising the Loan Estimates, a Government, having once got a Loan Bill passed, could raise the money and go on spending it without the supervision of this House. That was actually the position at one period, but a majority of members wanted to alter the procedure for securing to the House a continuous control over the spending of Loan money, and the Government of the day had to give way. His own opinion was that this procedure was a useful one. If a majority of members were to resolve that the construction of the Cue Railway should not go on, that work would have to be stopped; and the money appropriated to it out of loan might be re-appropriated to some other work—possibly for a railway from Esperance Bay or some other place. Of course, if there were a sufficient majority to make a sweeping change like that, there would be a sufficient majority to repeal the Act. The procedure in Queensland and is South Australia was the same as here, and these Estimates were identical in form with those of South Australia.

MR. SOLOMON said the present procedure appeared to him a proper one for enabling Parliament to revise and control the loan expenditure. The necessity for altering a particular appropriation might become evident, through the circumstances changing; and, as Parliament could at any time undo what it had done previously, there was really nothing in the objection raised by the hon. member. Indeed it was rather surprising that the objection came from that quarter.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) said that though there might be disadvantages under the present procedure, there were also advantages; for it might be a happy circumstance that Parliament should be enabled, in altered circumstances, to check the expenditure of money, say on the railway to Cue, if later developments were not such as to warrant the continuance of that work.

MR. MORAN asked whether it was competent for a member to substitute other words in an item, such as the name of a place, so as to change the expenditure from one place to another.

THE CHAIRMAN said no hon. member could propose to divert certain moneys already appropriated.

MR. MORAN said any member might propose, at any time, by motion, that a certain public work be not proceeded with; and members having that power, he saw nothing in the point raised by the hon. member for Nannine.

MR. LOTON, referring to salaries and allowances, said that, whatever might be the cost of an efficient staff for large public works, experience had shown that the preparatory work had been very efficiently done by the staff, although the charge in the office departments had been apparently a little high. It was desirable that every detail with regard to public works should be well and carefully prepared by the official staff. The result in the past had been that tenders in connection with railways had been very much lower than at any previous time, and lower, possibly, than they would have been if less care had been bestowed upon the preparatory work. Therefore, the question of salaries might well be left in the hands of the chief of the department.

Vote, for salaries and allowances, put and passed.

Loan, 1884—£1,245 1s. 6d. (exclusive of salaries):

Put and passed.

Loan, 1888—£101 7s. 2d. (exclusive of salaries):

Put and passed.

Loan, 1891,—£36,692 17s. 9d. (exclusive of salaries):

MR. R. F. SHOLL, referring to item 3 (Railway from Geraldton to Mullewa, £11,136 1s. 5d.), said he thought this work had been completed long ago.

THE PREMIER (Hon. Sir J. Forrest) said this amount was a re-appropriation. An amount paid to the contractor had not been charged to this vote, pending a re-appropriation, which the Audit Department considered necessary, before passing the payment out of the £25,000 appropriated for the Geraldton jetty.

THE COMMISSONER OF RAILWAYS (Hon. H. W. Venn) said the estimated balance from this Loan at the end of June next would be £36,258, and the estimated expenditure out of this loan for the current year was £38,712; so that there would be, at the end of the year, a small credit balance of two or three thousand pounds available for such works as sidings, that were required on the line.

MR. RANDELL, referring to item 4 (improvements to Eastern Railway and Railway Stations, £6,159 0s. 1d.), asked if the Commissioner was satisfied that the best available curves had been obtained, as some of them appeared too acute, and might have to be altered in the future.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said the Engineer-in-Chief had expressed himself decidedly on the matter. The great saving expected from these improvements was in the grades and the reduction in cost of haulage would be considerable. Of course it would be also desirable to improve the more acute grades, if money were available. He anticipated a great reduction in the general expenses when the new deviations were completed, and the curves would not operate so much as the grades would do, in regard to the expenditure. Curves were being constantly altered, in a minor degree, by the regular staff.

MR. A. FORREST asked the Commissioner of Railways to explain how it was that the Deviation had cost nearly £20,000 more than the estimate. It seemed to him that the highly-paid engineering staff ought not to be so wide of the mark in calculating what the colony would have to pay for so short a line of railway. When the House was told that a line would cost a given sum, it was not satisfactory for the financial outlay to amount to nearly thirty-three per cent. more than the estimate, although it might reasonably be expected that there would be a few extras.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) was very glad to have the opportunity of explaining the item. The extra cost was due to natural difficulties which had been unexpectedly encountered in the formation of the cutting through which the line passed, and which the trial bores made by the engineering staff had failed to disclose. The rock cut through was what was technically known as "greasy back," in other words, it was of a kind that would not hold together when it was pierced at the angle at the sides of the cutting which the plans had provided for. The result was that the contractor had had to remove a great deal more of the material than would have been necessary in order to have made the cutting safe for railway traffic, if the rock had been of a different formation. The strata to which he referred was very seldom met with, and it was impossible for the engineering staff to foresee that it was to be formed on the route of the line. The engineers, of course, could not know more of the character of the country than the bores disclosed, and the bores should not go through any of the yielding rock that had been the cause of the line costing more than had been estimated, but the extra expense had not been unduly large, as the extra stuff

had been taken out by the contractor at schedule rates. Another cause of more being spent upon the line than the original calculation, was the deviation had been re-laid with 60lb. rails. At the same time, the enlarged outlay on the line was not so great as the hon. member for West Kimberley had stated, the difference being not £20,000, but £15,050, of which £9,000 had been spent upon the relaying of the deviation.

MR. A. FORREST said the explanation of the Commissioner of Railways was hardly satisfactory, as he had wandered off into statements concerning the relaying of rails, in answer to a question as to why the construction of the line itself had so greatly exceeded the estimate of the engineering staff. So many of the leading members of that staff had been upon the route of the line for months, and had had the superintending of the trial bores, that it might have been expected that the estimate would have named the approximate cost of the line. When the working of a railway was let by public tender at a certain price, it was not satisfactory to the public, nor to those who had unsuccessfully tendered to see the contractor get so much more money for the work than had been agreed upon When estimates were submitted to the House, the Minister and his staff should be able to say that their calculations were made upon reliable data, but the Estimates of the public buildings at Coolgardie had also been exceeded.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) had thought that the explanation he had given would have been quite satisfactory to the hon. member for West Kimberley, having regard to the fact that the increase in the cost of the line to which he referred, was due to the natural difficulties which could not be forseen until the whole of the face of the cutting had been disclosed. So far from the contractor making additional profit out of the increase in the cost of the line, he (Mr. Venn) did not think the contractor was any the better off. As for the extra money he got, he had to do additional work at prescribed rates. In regard to the extra cost of the public buildings at Coolgardie, that had been due to the satisfactory fact that owing to the rapid increase of business, due to the marvellous growth of the town, the original plans were not large enough. This was due to such rapid progress on the part of the chief mining centre of the colony, that the enlargement of the buildings was, he thought, a point upon which hon. members and the Public Works Department should be felicitated rather than one to be decried.

MR. R. F. SHOLL would like to say, in regard to the reply of the Commissioner of Railways, that he (Mr. Sholl) understood that the cost of putting down 60lb. rails on the line had been voted by the House as a special item, and therefore he should not think the explanation of the hon. gentleman was quite satisfactory.

Vote put and passed.

Loan 1,893 (57 Vic., No. 10) £29,572 11s. 3d.

MR. R. F. SHOLL referring to item No. 8 (Railway Workshops, £14,530) was to be spent at Fremantle or at the Midland Junction.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said the money was to be expended in removing the Workshops to the Midland Junction.

Vote put and passed.

THE PREMIER (Hon. Sir J. Forrest) desired to report progress at that stage, because the cost of the construction of the Bridgetown and the Collie Coalfields Railways was set down in the expenditure of the Loan of 1894, and it would not be proper to ask the House to vote the money for those lines until they had been authorised.

Progress reported, and leave given to sit again.

GOLDFIELDS BILL.

The House considered the committee' report upon the Goldfields Bill.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved that the words "to be taxed" after the word "costs," in line 3, should be struck out.

Amendment put and passed.

The report of the committee was adopted.

ELECTORAL BILL.

IN COMMITTEE.

Clauses 1 and 2:

Put and passed.

Clause 3—"Interpretation":

MR. ILLINGWORTH said the clause defined the terms "naturalised subject," or 'naturalised," as applying to a person who in England or Western Australia, had been naturalised, and he wished to ask why a person, who was naturalised in the other colonies should not be naturalised here also

THE ATTORNEY-GENERAL (Hon. S.

Burt) said the provision was not a new departure, and it was certainly not intended to exclude persons who were naturalised in the other colonies from being naturalised here as well, if they were properly qualified for naturalisation.

MR. JAMES said he knew that two persons were refused their naturalisation papers here, because they had not resided in the colony two years. The provision was, in his opinion, a stringent one, and should be modified somewhat.

Clause, put and passed.

Clause 4—"Electoral Registrars:"

MR. ILLINGWORTH said this clause provided that for each electoral district there should be an Electoral Registrar, by which he understood that there was only to be one Registrar, for each district. If that were so, he did not think one Registrar each (for the goldfields district for instance) would be sufficient, on account of the extent of those districts, and also on account of the somewhat scattered nature of the population, because those electors who lived in the distant parts of the electorate would find it inconvenient and sometimes impossible, to go before the Registrar to apply to be enrolled as electors.

THE ATTORNEY-GENERAL (Hon. S. Burt) said there could not possibly be more than one Electoral Registrar in a district, because applications for the right to vote could only be made to one man, who would be located as near the centre of the district as possible.

MR. MORAN: Will there only be one Revision Court for each district?

THE ATTORNEY-GENERAL (Hon. S. Burt): Yes. It would be impossible to have two.

MR. MORAN: Then it will be impossible for many who are on the goldfields to vote.

THE ATTORNEY-GENERAL (Hon. S. Burt) said that to have two Revision Courts in each district would not be at all satisfactory.

MR. MORAN said he knew of instances in which many miners had been disenfranchised because they were not able to put in a defence to an objection made against them, in time to prevent their names being struck out, owing to the great distance at which they were located from the Electoral Registrar's office.

THE PREMIER: How many were struck off in that way?

MR. MORAN: About 140. He hoped some provision would be made by which persons whose names were objected to, and who lived at a great distance from the Electoral Registrar's office, should not be compelled to attend personally at the central office to attest as to their *bona fides*.

THE CHAIRMAN said the matter which the hon. member was referring to could be discussed when a later clause was under consideration.

MR. MORAN said he would, therefore, suggest that Mining Registrars, at the different centres on the goldfields, should be made Electoral Registrars, so that an elector, living a great distance from the central office, could attest as to his qualification before the Registrar in his portion of the district, when any objection had been lodged against him.

THE ATTORNEY-GENERAL (Hon. S. Burt) said it would not be feasible to have more than one Electoral Registrar in each district.

Clause, put and passed.

Clauses 5 to 18, inclusive:

Put and passed.

Clause 19—"Objections by Electoral Registrar":

MR. MORAN said that this was the clause under which he would raise the question he had referred to under Clause 4, and he asked the Attorney-General to consider the suggestion he then made.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the hon. member's suggestion was not a good one, for the reason that it was desirable that when an objection was made against any person's name going on the electoral roll, the merits of the objection should be gone into in open court, where the parties concerned could produce evidence in support of their case. It would never do to allow a man, who had been objected to, to merely say that he was entitled to vote, without proving that he was so entitled before the proper authorities.

At 6.30 p.m. the Chairman left the chair.

At 7.30. p.m. the Chairman resumed the chair.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved, as an amendment, in the last line of Clause 19, that the word "shall" be struck out, and the word "may," be inserted in lieu thereof. He said this alteration was being made throughout the Bill.

Put and passed.

MR. CONNOR asked whether the central

place for holding a Registration Court in each district would be the most populous place. For instance, would Wyndham be appointed a central place in East Kimberley?

THE ATTORNEY-GENERAL (Hon. S. Burt) said the intention was to fix on the most important, and, therefore, the most populous place in each district for holding the Court. The place should be as nearly central as possible.

Clause, as amended, agreed to.

Clause 20—"Quarterly Registration Court":

MR. MOSS took this opportunity of thanking the Government for having provided for the holding of Registration Courts quarterly, this being one of the greatest and most useful reforms in the Bill, and one he had previously advocated. It would prevent a large number of persons from being disfenranchised when an election occurred. Parliament was now affording very great facilities for registering voters.

Clause put and passed.

Clause 21—"Notice of sitting."

MR. MORAN said the miners of Peake Hill, in the Gascoyne district, had represented to him the inconvenience of their having to go, or to send their voting claims, a very long distance to the Registration Court at the coast, and, if only ten days' notice of the sitting was to be given, as provided in this Clause, by advertisement in some newspaper, the effect would be to disqualify miners at Peake Hill, who would not know of the quarterly sitting of the court until the date was past. The length of notice was not sufficient to reach far-away places like Peake Hill.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the dates for holding the court had been fixed in Clause 20, and the notice by advertisement was only formal. Voters could send in their claims at any time during the quarter, and the claimants need not attend at the next quarterly sitting of the court unless notice was given that their claims would be objected to.

MR. R. F. SHOLL said no complaint had reached him from any persons in his (the Gascoyne) electorate, and he was not aware that the miners at Peake Hill had a grievance as to registration, though they seemed to prefer making their complaint through the member for Yilgarn, as a mining representative. It would, in fact, be advisable that all the goldfields should be embraced in one electorate, for convenience of representation.

Clause put and passed.

Clauses 22 to 33, inclusive.

Put and passed.

Clause 34—"Form of annual list":

MR. CONNOR asked whether when the annual electoral list of qualified voters was compiled and printed, an election occurring immediately after would be held under the new list; or, if the old list was to be used, after the new list was compiled, as happened in the last by-election at Fremantle, what was the reason for preferring the old list, thereby disqualifying all voters who happened not to be on it, though registered on the new list?

THE ATTORNEY-GENERAL (Hon. S. Burt) said that what happened at the Fremantle election was an accidental matter, and was not the preferring of one list over another. After a new list was compiled, there must be an interval, or a date, fixed, before that list could legally come into force; and it so happened at Fremantle that the by-election was held just before the new list came into force. No doubt, endeavors would be made in future to avoid such an awkward contingency.

MR. CONNOR said the effect in the Fremantle election was to disenfranchise about 120 new voters, who were on the new list, but not on the old one, under which the election was held.

MR. R. F. SHOLL said one good effect of using the existing roll, rather than holding an election under a new one, was to prevent candidates from running about the district trying to get the names of employees and others put on the new roll, for a particular purpose; and some check on such operations would be rather a good thing. He did not know whether that sort of thing was done in view of the Fremantle election being held under a new roll, but he was rather inclined to think it was done there. He was afraid it could not be prevented under this quarterly registration.

Clause put and passed.

Clauses 35 to 40, inclusive:

Put and passed.

Clause 41—"Proceedings thereat (Registration Court)":

MR. MORAN said the necessity of altering the word "shall" to "may" was evident in parts of this lengthy clause. He moved, as an amendment, that the word "shall," in the first line o Sub-section 2, be struck out, and the word "may" inserted in lieu thereof.

THE ATTORNEY-GENERAL (Hon. S.

Burt) said the change from "shall" to "may" could not be made in all cases. In the latter part Sub-section 2, for instance, to alter "shall" to "may" would have this effect, that the court would have absolute jurisdiction in placing any names on the list—even the names of persons who were dead

MR. ILLINGWORTH said there was more in this than appeared on the surface. In another colony, some hundreds of persons who were known to be dead—their names remaining on the list—were personated in elections; and it was at length found necessary to pass an Act, called the "Purging of the Rolls Act," for striking off the names of persons known to be dead. The cost to the country for advertising the lists in newspapers all over the colony, ran to £15,000 or £20,000. In reference to this clause, the country would be saved expense, and the risk of personation be reduced, if the Court, knowing that certain persons were dead, would at once strike their names off the list.

Amendment put and negatived, and the clause passed.

Clauses 42 to 50, inclusive.

Put and passed.

Part III. (Conduct of elections), Clause 51—Returning officer":

MR. ILLINGWORTH asked whether there was any provision, in Part III., for doing away with the absurd idea of requiring all the ballot boxes used in an election to be sent to and received at one central polling place, before the votes could be counted and the result declared. Some candidates had had to wait a whole week until some missing ballot box could be found, or until some empty box had arrived from a remote part of the electorate, before the counting of the votes could be begun. That delay was got over easily in Victoria, where each returning officer, or his deputy, at once counted the votes after the poll had closed, and declared the numbers polled for each candidate at that place, the numbers so announced being then telegraphed or sent by letter to the central polling place, so that long delays were avoided, and the candidates were not kept for days in suspense. How different had been the system in this colony! In one large electorate a certain ballot box was in the care of a policeman camping all night in the bush; another ballot box was left in the Registrar's tent; and from these causes there was a delay of three days before the votes could be counted altogether and the result made known. In Victoria, if the return from a certain place was missing or delayed, the number of voters on the roll at that place would be known, and the candidates could infer from the numbers that were known whether the missing return could possibly affect the result either way. If that system prevailed in this colony, a delayed return from Wanneroo, where only seven voters were on the roll at the last election in Perth, would not have affected the result of the poll when all the other returns were made known, and the final result might thus have been known some hours before it was officially declared. The return at each polling place should be declared at once, after the poll closed; and of course the official declaration of the poll, at the central place, could be made later.

MR. SIMPSON said he was in entire sympathy with the hon. member's remarks. In New South Wales the system worked happily, for, at each minor polling place, the deputy returning officer counted the votes in the presence of scrutineers, as soon as the poll closed, and the result at that place was telegraphed to the central polling place, where all the returns so received were added together, and the result of the election then declared. The official declaration of the poll was made subsequently, when the ballot papers had all been checked by the returning officer at the central place. In this huge colony there was no advantage to the public in delaying the announcement of the result of an election. The present system might cause a delay of a week or more, in large electorates, before all the voting papers could be counted together, and the result made known by this tedious process. If the Attorney-General could see his way to meet this difficulty he would be following a precedent which had worked well elsewhere.

THE ATTORNEY GENERAL (Hon. S. Burt) said this matter had not escaped his attention, but there was great difficulty in the way. If they were dealing only with compact electoral districts, such as the Perth electorates, there could not be much objection to the plan suggested; but the difficulty was in widely-scattered electorates, where the voters in each polling district were few, and where the votes would have to be counted by some authorised person, who would have to be invested with the power of rejecting votes that were not regular. As the voters in a polling district were few, in the outlying parts of a large electorate, the secrecy of the ballot

would be practically done away with, and, of course, scrutineers or agents of candidates would be present at the counting of the few votes which had been recorded. It was necessary, for the convenience of voters, to have polling places even in parts of an electorate where only ten or fifteen voters were on the roll, as otherwise the voters would have to travel very great distances. In the recent election for the Murchison Province, only seven votes were recorded in the Gascoyne district, a very large one; therefore such a system of counting the few votes at each polling place would destroy the secrecy of the ballot, as every person there would soon know how his neighbor voted. The principle of the ballot was that no one should know how any person voted; whereas the plan which two hon. members had advocated would let all the neighborhood know how each man had voted, in districts where the voters were few. That was the difficulty, and he was sorry to say that, in the circumstances of this colony, he had not been able to devise any means of overcoming the difficulty.

Clause put and passed.

Clauses 52 to 74, inclusive.

Put and passed.

Clause 75—"Method of voting for persons living out of the district, or beyond thirty miles of a polling place":

MR. GEORGE moved, as an amendment, that the words "at least four weeks before the day appointed for election," be inserted after the word "*Gazette*," in the ninth line. He said it was necessary to provide that ample notice should be given of the appointment of any person in an outlying district when authorised to receive votes at an election; because, in the recent election for the Murray, a person was appointed at Wandering, within a few days of the election, to receive votes; and he (Mr. George) had hardly time to go to Wandering and canvas the district after he became aware that votes were to be taken there. It was possible, under the existing Act, for such appointment to be made, or to be kept back, almost till within a day or two of the election; and when one candidate was made aware of such intention, and another candidate was not, there was an unfair favor. He complained that, in the Murray election, his opponent was fully aware of the intended appointment at Wandering, before the announcement was made in the *Gazette*.

Amendment put and negatived.

MR. GEORGE called for a division, but there being only one voice for it, a division was not taken. He then said it was another trick on the part of the Government, in having made the appointment in that way.

Clause put and passed.

Clauses 76 to 104, inclusive:

Put and passed.

Clause 105—"What shall be deemed acts of bribery":

MR. ILLINGWORTH asked who was to be considered an agent for election purposes, because any friend of a candidate might do some of the acts which this clause declared to be acts of bribery, and might, without the candidate's knowledge, place him in an awkward position.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the definition of an agent for election purposes had been well settled, judicially, by decisions given at election inquiries held under the English Act. A friend doing acts in the interest of a candidate, without that candidate's authority or countenance, would not be an agent. In determining the question as to what is an agent, all the facts and circumstances had to be considered, as was done in the hearing of an election petition, and the question had to be left to the decision of the judge, in each enquiry. He (the Attorney-General) did not think such a definition could be put in the Bill.

Clause put and passed.

Clause 106:

Put and passed.

Clause 107—"Personal Solicitation:"

MR. MORAN moved that the clause be struck out. He said it was a useless piece of legislation to close the mouth of a candidate twelve hours before the time appointed for nomination, and keep it closed until after the poll had closed. This was particularly inconvenient in large electorates, where candidates had to visit many places, and had no means of placing their opinions before the electors if not allowed to address them during a week or ten days prior to the polling. Such a system did not obtain favor in other parts of the world, and no sensible reason had ever been shown for enforcing such a restriction on candidates in this colony. In contesting the Yilgarn electorate he had suffered from this absurd restriction on free speech.

MR. MARMION, in supporting the objection, said he was a member of a Select Com-

mittee which recommended this restriction, some years ago, and he, as the most Radical member of that committee, voted against the recommendation. It was most annoying for a candidate to have his mouth closed during some days preceding an election, and a candidate felt so hampered that he was almost afraid to shake hands with electors, for fear this might be construed into a personal solicitation, and so make the election void.

MR. MOSS said the restriction in the existing Act, and in this Clause, was unreasonable and absurd, and it was not made better by the fact that there were hundreds of ways of evading the restriction.

MR. ILLINGWORTH said that, instead of striking out the Clause, it could be amended conveniently by substituting the word "election" in place of "nomination," in the sixth line, so as to make the restriction operate twelve hours before the election. In that way, candidates could speak up to within twelve hours of the opening of the poll. Election squibs, issued just before the election, were a common means of injuring a candidate; and, in the case of untrue statements being put forth, a candidate should have opportunity of replying up to within a few hours of the poll being opened. The mischief of the present system of closing a candidate's mouth was aggravated in the case of a large constituency where fourteen days might elapse from the time when this restriction began to operate up to the day of the polling. He moved, as an amendment, that the word "nomination" be struck out of the sixth line, and the word "election" be inserted in lieu thereof.

THE ATTORNEY-GENERAL (Hon. S. Burt) said that since this provision was first adopted on the recommendation of a Select Committee, it had been re-affirmed by the decision of this House in passing the Electoral Act two years ago. It was designed for the convenience of the candidates, for it was considered a welcome relief to them when the period for addressing electors had expired. Of course it would be no inconvenience for the hon. member for the Murray, for instance, to go on talking up to the last minute, but most candidates would have found it a welcome relief to be prohibited from addressing electors within a certain time before the election. If there were no such restriction, the fray might be kept up to the last moment. As to answering an election squib, that could be done, if necessary, through a friend.

MR. WOOD said there was great force in the argument of the hon. member for Nannine, as applied to country electorates, where ten or twelve days elapsed between the nomination and the polling, and to close the mouths of candidates all that time was unreasonable. As to replying to squibs by deputy, he had never known a case in which a friend was willing to do that by making a speech on behalf of a candidate, except in the recent case of the Fremantle election He hoped the Government would meet the views of hon. members on this matter. The amendment, limiting the time to twelve hours before the election, would meet the case

THE PREMIER (Hon. Sir J. Forrest) quite agreed with the hon. member for Nannine, that it would be undesirable to fix too long a period. The hon. member had said a month elapsed between the day of nomination and the day of polling in his constituency. It would be ridiculous to close a candidate's mouth for such a time, although it was just as well to fix some limit, so that elections need not be carried on at high pressure up to the last moment. To his mind, the personal solicitation of votes was distasteful to the candidate as well as the voter. It might meet the views of the hon. members if the clause were altered to read "twenty-four hours before the polling," ins ead of any time after the day of nomination."

THE ATTORNEY-GENERAL (Hon. S. Burt: Yes; twenty-four hours would be a good compromise.

MR. ILLINGWORTH: I am satisfied with that, and, by leave of the committee, will withdraw my amendment.

Amendment, by leave, withdrawn.

MR. JAMES wanted to see some limit fixed to the period in which candidates could solicit votes.

MR. MARMION said he was still of the same opinion he had always been, and that was that the clause should be struck out. If meetings were to be addressed, and solicitation of votes allowed up to twenty-four hours prior to the day of the election, it was quite as reasonable to permit this to be done right up to the opening of the poll.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the alteration in time would require several alterations in the wording of the

clause. He moved that the clause be amended so as to read: "It shall not be lawful for any "candidate for election as a member of the "Legislature to solicit, personally, the vote of "any elector, or to attend any meeting of "electors convened or held for electoral pur- "poses, within twenty-four hours of the time "appointed for the commencement of the poll "for the particular electoral district or pro- "vince to represent which he is a candidate, "nor (except for the purpose of recording his "vote), until after the close of the poll at "such election, and the attendance of any "candidate at any such meeting, or his per- "sonal solicitation of the vote of any elector "after the day mentioned as aforesaid, shall "render void the election of any such can- "didate."

MR. GEORGE asked whether this would prevent candidates in one constituency, addressing the electors of another, up to the time of election.

THE ATTORNEY-GENERAL: Certainly.

Amendments moved by the ATTORNEY-GENERAL, put and passed.

Clause, as amended, put and passed.

Clause 108:

Put and passed.

Clause 109—"Use of committee room in House for sale of intoxicating liquors to be illegal hiring":

MR. GEORGE enquired whether a candidate using his bedroom or sitting-room for the purpose of addressing circulars or letters to voters, would constitute the using of the room for that purpose an illegal hiring.

THE ATTORNEY-GENERAL (Hon. S. Burt) considered that if the living rooms of an hotel were used for purposes other than ordinary, and with the object of promoting or procuring the election of a candidate, it would amount to illegal hiring.

MR. MORAN: Is this an old clause or a new one?

THE ATTORNEY-GENERAL: It is an old one.

MR. MORAN did not find himself in the position of being able to respect it on account of old age. It was a most ridiculous clause. In some places the only decent spot to hold an election meeting was in a hotel. It appeared to him most extraordinary that, while a committee meeting was not to be held in a hotel, a candidate could address the electors there.

MR. JAMES failed to see the object proposed to be attained by sub-section (c), whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises. He could understand the prohibition in respect of licensed houses, but not that against ginger beer and buns.

MR. MORAN urged the committee to carefully consider the clause in the interests of country constituencies. The wording of the clause was altogether too strict.

MR. ILLINGWORTH was afraid some of the scattered districts would have to be sacrificed in the interests of the larger centres of population, where such a provision was very necessary. In his own district he used the well and the street when it became necessary, it was preferable to endeavouring to influence votes, by supplying drink in the public houses.

MR. WOOD said he would strongly support the retention of the clause as printed. It was really the only safeguard against bribery. Besides that, there was no need to use the hotels. Almost every town on the goldfields now had its Mechanics' Institute, and, in agricultural districts, there were the Agricultural Halls. There was no difficulty about obtaining proper halls to address the electors in.

MR. SIMPSON thought there was a vagueness about the clause, which it might be as well to remove. In some quarters it was maintained that if a candidate addressed the electors in a hotel, and an unanimous vote of confidence was passed in favor of that candidate, the meeting resolved itself into what was practically a committee meeting; and, therefore, the use of the room became illegal hiring.

THE ATTORNEY-GENERAL (Hon. S. Burt) said that the only exception to the clause in the present Act was because it did not provide any penalty. This clause was the same as that in every Electoral Act he had ever seen.

The Committee divided on the question that the clause stand as printed:

Ayes	... 17
Noes	... 2
Majority in favor ...	... 15

AYES.	NOES.
Mr. Burt	Mr. George
Mr. Clarkson	Mr. Moran (*Teller*).
Mr. Illingworth	
Mr A. Forrest	
Sir John Forrest	
Mr Lefroy	
Mr. Loton	
Mr. Marmion	
Mr. Moss	
Mr. Randell	
Mr. Richardson	
Mr. R. F. Sholl	
Mr. Simpson	
Mr. Solomon	
Mr. Venn	
Mr. Wood	
Mr James (*Teller*).	

Clause put and passed.

Clause 110:

Put and passed.

Clause 111—"Commission of any such act by a candidate or his agent to disqualify candidate":

MR. GEORGE said in this clause it was provided that if the Court for the trial of election petitions found a candidate or his agent had been guilty of such acts, certain decision shall disqualify such candidate from sitting or voting between the time of decision and the next general election. Did that mean that the electorate would be disfranchised.

THE ATTORNEY-GENERAL (Hon. S. Burt) replied that the usual course was for the opposing candidate next on the poll to get the seat, or a fresh writ would be issued. It was only the candidate, and not the electorate that would be disqualified.

MR. MORAN hoped there would be no danger of candidates being placed in this awkward position owing to the mistake made by some committee out of ignorance. It appeared to him the discussion of the clauses was resolving itself into a sort of tea party or conversazione.

THE CHAIRMAN: I would point out to the hon. member that nearly every member of the House has been talking so much that not one of them can throw stones at the others.

Clause put and passed.

Clauses 112 to 119, inclusive:

Put and passed.

Clause 120—"Remuneration of returning and presiding officers":

MR. GEORGE drew the attention of the Premier to the fact that the returning officer in the Murray electorate had not yet received their fees on account of the last election.

THE PREMIER (Hon. Sir J. Forrest) said he would cause enquiries to be made. He was afraid there must be some mistake. He had never heard of any complaint.

Clause put and passed.

Clauses 121 and 122:

Put and passed.

Clause 123—"When things to be done fall on Sundays or holidays":

MR. GEORGE enquired whether the word "Bank holiday" in the clause, meant every gazetted bank holiday, or only those days which were bank holidays by Statute.

THE ATTORNEY-GENERAL (Hon. S. Burt) replied that it referred to all bank holidays, statutory or otherwise. If a Revision Court was fixed to sit on one of these days it would not hold such sitting until the day following.

Clause put and passed.

MR. JAMES asked whether he would be in order in moving a new clause. He desired a better definition of the word "person" and wished to substitute for that word "male or female."

THE CHAIRMAN: The hon. member cannot do that, because the franchise is fixed by the Constitution Act. This Act merely gives effect to the provisions of the other Act, and you cannot alter the franchise now.

Schedules:

Put and passed.

Preamble and title. Agreed to.

Bill reported, with amendments.

BUILDING ACT AMENDMENT BILL.

IN COMMITTEE.

The Building Act Amendment Bill was considered in Committee, agreed to, and reported, without amendment.

PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 and 2:

Put and passed.

Clause 3—"Amendments to principal Act":

MR. RANDELL protested against the owner of a property being rendered liable for the removal of rubbish from the premises, as was contemplated by Sub-section 2, because the occupier, not the owner, created the nuisance; and, therefore, he, the tenant, should be the one who should be called upon to remove it. He moved that the sub-section be struck out.

THE CHAIRMAN said he would, by the permission of the committee, explain that the

provision referred to had become necessary, owing to the City Council finding it very difficult to get rubbish removed where a number of tenants of small houses used the same yard. In some cases the Council had had to clean places at the public expense.

MR. MARMION looked upon the sub-section as an infringement of the rights of property and a hardship to landlords. Tenant householders ought to be compelled to keep their premises in a sanitary condition.

MR. GEORGE would support the sub-section, as it was very unfair to the general body of ratepayers that the cleansing of private property should have to be done at their expense. The owner who had to do this work could protect himself by charging a higher rent to the neglectful tenant, who did not remove rubbish from his yard. The same principle was applied to the collection of water rates, without any injury being done to landlords. The City Council was not likely to abuse the power which the sub-section would give them.

MR. R. F. SHOLL was not disposed to think that the City Council was to be trusted with too much power, and he would oppose the sub-section, as he did not see why the responsibility of keeping premises clean should not be thrown upon the persons who occupied them.

MR. ILLINGWORTH thought that, as the landlord had the power of raising the rent in order to pay for the cleansing of his premises,—if he had to do the work, that no hardship would fall upon the owners of property if the clause was passed as it stood.

Amendment put, and negatived.

MR. R. F. SHOLL drew attention to sub-section 5 of Clause 3, which made it optional for the City Council to pay for goods, clothing, bedding, etc., which were destroyed by order of the Municipal Council, in cases of infectious disease. In his opinion, the Council should in every case, pay for property of which the owner was deprived for the public benefit. The payment of compensation ought not to be left to the discretion of the Council.

THE CHAIRMAN said the Council had been in the habit of paying, without demur, all fair claims made for the value of destroyed goods; but, in some instances, fairly well-to-do people employed soliciters to ask for excessive compensation, and it was in order to check extortionate practices of this kind that the sub-section had been framed.

MR. ILLINGWORTH knew of one case in which a widow, who had just lost her husband, was left by the officers of the City Council without a bed to lie upon, all her household effects having been taken away and destroyed, because there had been an infectious disease in her home. The woman, who was far from her friends in the other colonies, had been left in an absolutely destitute and friendless condition. It was necessary to see that the officers of the City Council did not create such scandals in future.

MR. JAMES was quite certain that the hon. member for Nannine had been misinformed in regard to the case that he had brought under the notice of the committee. If the widow in question had represented her case in the proper quarter, she would have received compensation for the goods taken away from her house. He would, however, move that the sub-section should be struck out.

MR. ILLINGWORTH could assure the committee that the facts were as he had stated, because the matter had been personally investigated by his son. The unfortunate woman, stricken down with grief at the loss of her husband, was in no condition to formulate claims at the offices of the City Council; and it was only by the exercise of charity, on the part of some people under whose notice her case was brought, that she was enabled to return to her friends in another colony.

Amendment agreed to.

Clause, as amended, put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt) referring to sub-section 6 of Clause 3, asked the hon. member for East Perth to suggest some limitation of the prohibition proposed by the sub-section against the burial of refuse within the municipality. On the outskirts of the city, refuse might, with the consent of the Local Board of Health, be used as manure, without any danger to the public health, although in the central parts of Perth it was quite right that the practice should not be permitted.

MR. JAMES moved that the sub-section be struck out.

THE CHAIRMAN said that a householder on Adelaide Terrace had been in the habit of putting refuse into his garden, and the Local Board of Health had tried to pass by-laws, such as were in force elsewhere, to prevent this being done within the boundaries of the city, but the by-laws had been rendered

practically useless, because the householders in question had objected to them.

MR. GEORGE hoped that the sub-section would be allowed to stand.

THE ATTORNEY-GENERAL (Hon. S. Burt) only asked that the Local Board of Health should have a discretion in the matter, and should have the power to say that if the employment of refuse as a fertiliser was likely to menace the public health in any locality, that the use of the material should not be permitted.

Amendment striking out the sub-section, put and passed.

Clause 4—"Waste water not to flow into streets":

MR. R. F. SHOLL moved that the clause should be struck out. As there was no underground drainage in the colony, people had no alternative but to let their bath water run into the street. To compel them to keep the overflow on their premises, would be to make the evil greater than it was at present. The clause would create a great deal of hardship, until the City Council provided a sewerage system.

THE CHAIRMAN said there were numerous places in Perth where very objectionable sewage matter was allowed to flow across the footpath, into the street, and the City Council desired to be able to deal with these nuisances.

MR. R. F. SHOLL would be willing to legislate against offensive drainage being run into the street or drainage of any kind, if the Council provided other means for carrying off that drainage.

MR. WOOD did not see how it was possible, in the present condition of Perth, to prevent the drainage of premises from flowing into the street, as there was nowhere else for it to go. The City Council should carry out a system of improved drainage.

MR. GEORGE wished to see something done to get rid of the abominable stenches which were to be experienced in Perth in different places.

MR. MARMION was of opinion that it was better to allow ordinary drainage to flow into the streets than to require people to keep it on their premises, where it would fester and become o ensive.

THE CHAIRMAN said the clause would only become operative when the by-laws were framed, and that would not be done for some time to come. There was no doubt of the need for such a provision. Last year, during the summer, it was impossible to reach the railway station, by any direct route, without encountering effluvia which was strongly noticeable fifty yards away. The City Council, under the existing law, found it very difficult to deal with the place which gave rise to the evil.

MR RANDELL pointed out that the words "no owner or occupier," in the first line of the clause were of very wide application. It would be very harsh for the City Council to make the owner responsible for a nuisance created by a tenant.

MR. R. F. SHOLL desired to give the City Council power to prevent nuisances, but it would be going to an extreme to prevent bath-water finding its way into a street. The clause should be modified, otherwise it would act to the injury of people who had no other place in which to dispose of their drainage.

MR. MARMION suggested that the clause should be limited to prohibiting offensive drainage being thrown into the thoroughfares.

MR. JAMES moved the amendment of the clause by the substitution of the words "no occupier or owner shall cause or permit any foul or offensive water to flow from his premises into a street."

Amendment put and passed.

MR. JAMES moved as a consequential amendment, the striking out of the words "other than storm water."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5—"Areas adjoining municipalities":

MR. MORAN regarded this clause as a valuable one. It was often seen that, just outside the municipal boundaries, premises were kept in a very dirty condition, because the law, as it at present stood, did not touch them.

Clause put and passed,

Clause 6—'The Municipal Water Supply Preservation Act, 1892,' shall apply to all catchment areas from which water is obtained for a municipality by the aid of reservoirs, pipes, and other artificial means, whether such areas are surveyed or reserved, or held in fee simple or not, and whether the water is supplied by contractors or otherwise."

MR. R. F. SHOLL believed that this clause had been inserted in the Bill in order to deal

with the Canning timber station, on the Darling Range, and, if it were passed, it might do serious injury to the vested interests of that property. The object of the clause appeared to be, to give power to dispossess the proprietor of the saw-mill, without giving him compensation, on the ground that the works interfered with the Perth Water Supply. He (Mr. Sholl) thought that the sense of justice of the committee would prevent the contemplated injustice being carried out.

THE CHAIRMAN said that the clause was merely a declaratory one in order to prevent the pollution of the Water Supply of the city. The Magistrate, who had heard complaints against the proprietor of the saw-mill, had dismissed the summonses through putting a particular construction upon the law, as it stood, and the clause under discussion was intended to define the meaning of the Act. The Saw-Mill proprietor could not complain of being unjustly dealt with, inasmuch as he had established his mill on the site in question, knowing well that it was within the catchment area of the Water Supply.

MR. JAMES moved that the clause be struck out.

MR. A. FORREST hoped that the committee would not throw the clause out. It was imperative that the water supply of the metropolis should be kept pure, and as the timber around the Canning mill was nearly exhausted, the plant would have to be removed to another forest, in order to keep it going; therefore, there could be no valid claim for compensation. If the clause was passed, the City Council would not take any strong action, but would only see that no offensive matter was permitted to flow into the water supply.

MR. R. F. SHOLL said it was very evident that the hon. member for West Kimberley was not interested in the saw-mill in question; therefore he did not care if it were swept out of existence altogether. The hon. member had said that the City Council would not abuse the power given them by the by-laws, bearing on the prevention of pollution of the water supply. But he was inclined to believe that they did abuse that power beyond a certain extent.

THE CHAIRMAN said that in order that hon. members might understand in what manner the water supply could be polluted by the presence of the saw-mill in question within the catchment area, he would inform the committee that the building was erected on two slopes, through which ran the gully wherein the water supply flowed. This water was polluted by sawdust from the mill, and also by the offal from neighboring slaughter houses, and numerous pigstyes. The City Council once took action against the Mill owners for polluting the water area, but the Police Magistrate refused to take any action on the ground that the land was held by them in fee simple. He therefore wished to pass the clause under debate, in order to strengthen the hands of the City Council in their endeavour to prevent the pollution of the water which the inhabitants of the city had to drink.

MR. LEAKE said he would vote against the clause, because he considered it bordered upon the very dangerous principle of Parliament being asked to legislate to prevent the City Council being forced into a Court of Appeal, in order to establish their right to enforce their own bylaws. He thought the objection to the presence of the saw-mill within the catchment of the water supply, mentioned by the Chairman, could be met by a proper system of scavenging being carried out there, and, if the City Council enforced the law that already prevailed, they should be able to avoid the difficulties and dangers which beset them at the present time.

MR. ILLINGWORTH said he was not quite sure that the clause would effect all that was desired, but he was satisfied that something must be done to prevent the pollution of the water supply in the locality under discussion, and he suggested that the City Council should, in order to effect that very necessary purpose, take possession of the Sawmill themselves, and remove it altogether. It had been found to be absolutely necessary to adopt that course in Victoria, in connection with the Yan Yean Water Supply, in consequence of the wholesale pollution of the water.

MR. A. FORREST said he regretted that the hon. member for Gascoyne should have spoken of him as being anxious to do away with the Canning Jarrah Timber Company's saw-mill, because he (Mr. Forrest) was not interested in it himself. That motive did not actuate him at all when he endeavored to prevent the pollution of the water supply of the city in that locality; but he was of opinion that firm measures should be taken to prevent those people from having their slaughter houses and pigstyes on the banks of the creek, which supplied the water to the city. If the clause

were passed, the City Council would be able to make terms with the company for the removal of their mill from its present position, particularly as to what amount of compensation they would want.

The ATTORNEY-GENERAL (Hon. S. Burt) said the hon. member for West Kimberley had said the clause was a necessary one, in order to give the civic authorities power to make terms with the Timber Company for the removal of their mill; but the Chairman had said that they had that power already. Assuming that they had the power, they had not approached the Company, but had, on the contrary, tried to compel them to remove their mills without giving them compensation. He considered that the company should be approached as to the basis of compensation to be paid to them for the removal of their mills, because the concession was granted to them long before the Waterworks were established. Failing that, the matter should be submitted to arbitration. With regard to the alleged injury which sawdust would cause to the water supply, he doubted whether it would pollute it to such an extent at some hon. members appeared to think.

THE CHAIRMAN said the company was approached by the City Council some years ago, as to what the amount of compensation they required if the Council took over their mills, and they asked, if he remembered rightly, the enormous sum of £50,000. No terms were therefore arranged. With regard to the by-laws, the Council only required that all such objectionable buildings, such as slaughter-houses and water-closets, should be placed not less than 300 yards from the catchment area of the water supply. And then, in reference to the question of the pollution of water by the sawdust, he would inform the committee that the sawmill was so situated as to cause the sawdust to accumulate in large quantities in the neighboring stream, and so much harm was done thereby, that legal action was taken some years ago to prevent the company from depositing the sawdust in that stream. It was in consequence of the pollution of the water in that way that the by-law bearing on that matter was framed.

MR. GEORGE said he disagreed with the Chairman that sawdust would pollute the water to such a serious degree as he would lead the committee to believe, and, as a matter of fact, he did not think it was possible for any sawdust to get into the water at all from the saw-mill in question. He considered that some compensation should be given to the company, if they were compelled to remove their mills from the present site.

MR. R. F. SHOLL said he would again state that the City Council desired to sweep away the saw-mill altogether, and he considered that they were acting in an oppressive manner towards the company.

MR. ILLINGWORTH said that, with regard to his suggestion that the City Council should take possession of the mills altogether, he was inclined to agree with the suggestion of the Attorney-General that the matter should be submitted to arbitration.

THE PREMIER (Hon. Sir J. Forrest) said he was not inclined to believe that the water supply of the city could be polluted by the sawdust from the sawmill in question, and he did not think that the City Council should be empowered to oppress the Timber Company in any way. If the Company were compelled by the City Council to remove their mills from their present position, he considered that it was only fair and just that they should receive some compensation.

THE ATTORNEY-GENERAL (Hon. S. Burt) said that hon. members were probably not aware that the pigstyes and slaughter-houses that had been referred to were actually four miles from the reservoir, and that while the City Council took such pains to have them removed, they disregarded the existence of dead cats and dogs, lying within the catchment area.

MR. SIMPSON said he would certainly support what he thought were the efforts of the health authorities to secure a pure supply of water in Perth. The suggestion of the Attorney-General as to dead cats and dogs getting into the reservoir could not, he considered, carry much weight, because it was hardly likely that the health authorities would be so neglectful as to allow the water supply to be polluted in that way. He did not exactly know how to deal with the question of compensation for the removal of the mills of the Canning Jarrah Timber Co., but he considered that if any compensation were given at all to the Company, it should take the form of compensating them for the extra expense they would have to incur in complying with the sanitary regulations.

THE CHAIRMAN said that the Manager of

the company had avowed himself willing to make arrangements with the City Council to take over the mills, but he had not done so up to the present.

MR. JAMES hoped the clause would be struck out. He said he proposed to move a new clause later on that would meet the views of hon. members.

Amendment, put and passed.

Clause struck out.

Clause 7—"Cesspits may be closed by an order":

MR. JAMES moved, as an amendment to strike out the words "cesspit within a closet" in line 3, for the purpose of inserting the word "cesspool" in lieu thereof. He said the clause provided that the Local Board of Health could order any cesspit within a closet to be cleansed and filled up within a certain period, and the amendment he proposed would make it provide that any cesspool (which was the word used in the principal Act) could be so closed.

Amendment, put and passed.

Clause 7, as amended, agreed to.

Clause 8—"Lodging houses interpretation of":

Put and passed.

Clauses 9 to 20:

Agreed to:

Remaining Clauses (10 to 20) inclusive:

Put and passed.

New Clauses:

MR. JAMES moved to add the following new clauses to the Bill to stand as Clauses 8, 9, and 10:

"8. All by-laws made under any of the "provisions of this Act shall have the same "force and effect, and be subject to the same "provisions, as if made under the principal "Act.

"9. The trade, business, or occupation of a "'laundry,' wherein more than three persons "are engaged or employed, shall be deemed an "offensive trade within the meaning of the "the principal Act."

"10. Any officer, inspector, servant, or "agent of the Central, or any Local Board, may "at all times enter upon any house or pre- "mises whereon it is suspected that any "noxious or offensive trade is carried on, or "which is believed to be over-crowded, or "whereon it is believed that any breach is "being committed or neglect committed of "any of the provisions of this or the prin- "cipal Act, or any Act amending the same, or "of any by-law made under any such Acts."

New clauses put and passed.

MR. JAMES moved to add the following new clause to the Bill, to stand as section 11:—

"Notwithstanding anything to the contrary "in any Act contained, any Local Board may "provide for the proper collection and dis- "posal of nightsoil, house refuse, and rubbish, "dust, mud, ashes, manure, and dung, or any "such matters, and may make an annual, "monthly, or other periodical charge for the "collection and removal thereof.

"Such charge shall, in the first instance, be "levied on the occupier (if any) of the tene- "ment in which such matters as aforesaid are "found or collected, and may be recovered by "the Board from the same person by the same "process or processes and in the same manner "as rates are levied and recovered by a muni- "cipality under 'The Municipal Institutions "Act, 1895.

"In the case of tenements erected during "the currency of any period for which the "payment is to be made, the charge shall be "in proportion to the unexpired portion of "such period."

MR. GEORGE moved, as an amendment, to strike out the word "occupier" in the first line of the second paragraph, with a view to inserting the word "owner." He said he considered that the owner of a tenement should be made responsible for keeping it in a sanitary state, and not the occupier.

Amendment, put and negatived.

New Clause, put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved to add the following new clauses to the Bill:—

(1.) The Governor may, by Order in Council, "from time to time appoint a Local Board of "Health for any locality to be defined in such "Order. Such Board shall consist of such and "so many persons not exceeding seven, as the "Governor may think fit, and shall have and "exercise all the powers and duties vested in "or imposed upon Local Boards under the "Principal Act.

"(2.) The Governor may from time to time "remove all or any of the persons so appointed, "and on the removal, death, or resignation of "any member of a Local Board, may from time "to time appoint some other person in his "place.

"(3.) The Local Board shall, from time to

"time, appoint one of their number to be "Chairman of such Board."

"(4.) In the event of the absence of the "Chairman from any meeting, the members "present shall elect one of their number to be "Chairman of such meeting. At all meetings of "the Local Board the Chairman shall have a "vote, and in case of an equality of votes shall "have a casting vote; and during any vacancy "in the Local Board, whether of the office of "Chairman or not, the continuing members "may act as if no vacancy had occurred, and "at all meetings of the Local Board all ques-"tions shall be decided by a majority of the "votes of the members present. The Local "Board may make, alter and rescind, rules for "regulating their own proceedings.

"Every reference to the district of a Local "Board in the principal Act, or an Act amend-"ing the same shall, in case, of a Board appoint-"ed under this Act, be deemed to be the area "of the locality for which the Board is so "appointed.

"All expenses incurred by a Local Board "appointed under this Act shall be defrayed "out of such moneys as may from time to "time be voted by Parliament."

"Every Board appointed under this Act "shall cause accounts to be kept, in such form "as may be directed by the Colonial Treasurer, "of all moneys received and expended by "them for the purposes of the Public Health "Acts, and such accounts shall be audited by "the Auditor-General."

"In the event of the locality for which a "Board is appointed under this Act or any "part thereof being constituted a Municipal-"ity, the members of the Board shall there-"upon cease to hold office, and all public "moneys then in the hands of the Board, or "under its control, shall be paid to the Muni-"cipality."

"The area of any locality defined for the "purposes of a local Board under this Act may "from time to time be extended or contracted "by the Governor by Order in Council."

New clauses, put and passed.

Mr. JAMES moved to insert the following new clause to stand in lieu of Clause 6 which had been struck out:—

"Notwithstanding anything to the con-"trary contained in Section 96, or any other "section of the principal Act, no person—"other than the servants or the contractors to "the Board of Health—shall deposit, bring, "collect, bury or remove, or cause or permit to "be deposited, brought, collected or buried, "any sewage, soil, dung, filth, ashes, dust or "rubbish within the limit of such part or parts "of the jurisdiction or area of a Local Board "of Health as shall be defined by the "Board."

New clause put and passed.

Mr. JAMES moved to add a further new clause to the Bill as follows (to stand as Clause 21):—"Any person offending against any of "the provisions of this Act, shall, except where "otherwise herein provided, be guilty of an "offence against the principal Act."

New clause, put and passed.

Preamble and Title agreed to.

Bill reported with amendments.

ADJOURNMENT.

The House adjourned at 11·5 o'clock, p.m.

Legislative Council,

Thursday, 3rd October, 1895.

Lockerville Timber Mills—Leave of absence to Member—Parks and Reserves Bill: third reading—Wesleyan Methodists (Private) Bill: second reading: committee; third reading—Roman Catholic Church (Private) Lands Bill: second reading: committee; third reading—Assisted Schools Abolition Bill: second reading; committee; third reading—Crown Suits Bill: Legislative Council's amendments: message from Legislative Assembly—Building Act Amendment Bill: first reading—Constitution Act Amendment Bill: message from Legislative Assembly—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the Chair at 4.30 o'clock, p.m.

LOCKERVILLE TIMBER MILLS.

THE HON. J. C. FOULKES asked the Minister for Mines, What steps are being taken, or have been taken, by the Government to lease the timber mills at Lockerville?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied: An inventory of the property is being taken with a view to its disposal. The question of leasing the mills is being dealt with by the Government, and is under consideration.