

"the costs or expenses actually incurred by the persons so inspecting, and shall not include any remuneration for loss of time or trouble; and in the case of an inspection by a person authorised as aforesaid, the amount recoverable for each inspection shall not exceed the sum of ten shillings and sixpence."

MR. STEERE: Would you ever get a competent person to undertake an inspection for such a sum as that?

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he had not considered that point. The clause had been introduced at the suggestion of an hon. member who was familiar with boat inspection and licensing.

MR. SHENTON considered the amount rather low. The lowest fee allowed by Lloyd's surveyors for an inspection was one guinea, ranging up to five guineas.

MR. RANDELL said a graduated scale of fees was already provided in connection with the licensing of these boats, at the beginning of every year, and the fee here contemplated another inspection altogether, during the currency of a license. This clause did not touch the survey fee, chargeable under the existing Act. The inspection here contemplated would not take longer than half-an-hour at the utmost, and there might be two or three boats for inspection at the same time. While on his feet, he desired to acknowledge the ready manner in which the Attorney General and the Government had met his suggestion in the matter,—although, personally, he should have liked to have seen the amending Act put off for another year, as it was his intention to move for a consolidation of the existing enactments dealing with the licensing and inspection of boats and steamers.

MR. MARMION doubted whether the Bill was sufficiently explicit to prevent any mistakes being made as to the different inspections intended to be performed; but, if the Attorney General thought it was, he would say no more.

The new clause was then agreed to.

Title and preamble agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Wednesday, 1st August, 1883.

Survey Officers provisionally employed—Enforcing provisions of Vaccination Act in the North District—Telegraph Communication on Railways—School-house and Bonded Store at Roebourne—Message (No. 10): Immigration—Telegraphic Communication between Roebourne and Cossack—Breaksea Island Telegraph—Estimates: Re-arrangement of—Eastern Railway Terminus Bill: first reading—Pearl Shell Fishery Regulation Bill: first reading—Exemption of Justices from Juries Bill: first reading—Perth Causeway and Helena Bridges: Covering of—Inspector of Accounts' Report on Railway Accounts—Statement of Over-expenditure disbursed by the Colonial Treasurer—Report of Select Committee on Excess Bill, 1882: Consideration of—Excess Bill, 1882: in committee—Supplementary Estimates, 1883: in committee—Adjournment.

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

PRAYERS.

SURVEY OFFICERS PROVISIONALLY EMPLOYED.

MR. CAREY, in accordance with notice, asked the Colonial Secretary, "If any, and what steps have been taken by the Government to carry out the implied promise given by the then Colonial Secretary (Lord Gifford) in the Session of 1882, to place on the permanent staff of the Survey Department those draftsmen who had for many years past been provisionally employed in that Department?" The hon. member said he regretted that he had put the question in this form, instead of moving a resolution on the subject, for he was sure it would have received the support, by voice and vote, of every member of the House. It would be in the recollection of hon. members that he brought forward the same subject during the winter session last year, and a promise—as he understood it and as other members understood it—was then made by Lord Gifford that steps would be taken before the present session to place these officers on the permanent staff. Whether the Government had taken any steps in the matter of a fulfilment of this promise he was not aware. Everyone would admit that the work in the Survey Department was work which required to be performed with skill, and that it was largely increasing; and he thought it was but fair that officers who had for years past been provisionally employed—some of them

since the year 1870—should be admitted to all the privileges of the permanent staff.

THE COLONIAL SECRETARY (Hon. M. Fraser) said provision would be made to place the officers in question on the Estimates proper, and they would then occupy the same position as all others on the fixed establishment. Instructions to this effect were issued in November last.

ENFORCING PROVISIONS VACCINATION ACT IN THE NORTH DISTRICT.

MR. GRANT, in accordance with notice, asked the Colonial Secretary, "Whether the Government had arrived at any decision in reference to enforcing the provisions of the Vaccination Act in the North District, as requested by a resolution of the Legislative Council passed on the 4th August, 1882; and if so, what decision? Further, if the Government intend to carry out the wishes of the Legislature in the matter, and when it intends to set about giving effect to those wishes?"

THE COLONIAL SECRETARY (Hon. M. Fraser) replied that the Government were of opinion that the Vaccination Act should be carried out, according to its terms, in the North as well as in the other districts, and, that if it had not yet been so carried out, the cause would be found in the practical difficulties of the situation. The Government would consider the best method of giving effect to the wishes of the Legislature in the matter, and would possibly ask for a vote in connection with the administration of the Act on the Estimates for 1884.

MR. GRANT was surprised to hear of any "practical difficulties" in the way of carrying out the Act. He understood that vaccine matter could be easily transported to any part of the world, and he hoped to hear that immediate steps had been taken by the Government to give effect to the provisions of the Act among the natives at the North, who were in constant communication with the settlers.

TELEGRAPH COMMUNICATION ON RAILWAYS.

MR. SHENTON asked the Commissioner of Railways "(1) When it is intended to connect the Perth, Fremantle,

"and Guildford Railway Stations by means of direct telegraph communication; also (2) what steps are being taken to give the railway guards means of communicating with the engine drivers, when the trains are in motion?" His reasons for asking the questions were that the Railway Department at present depended upon the Postal Department for the means of telegraphic communication, and that while the railways were opened for sixteen hours during the day, the telegraph offices were closed during about eight hours of that time. He thought, if necessary, the House should place at the disposal of the Commissioner of Railways a sufficient sum to enable him to have a line of telegraph running alongside the railway line, quite independent of the Postal Department.

THE COMMISSIONER OF RAILWAYS (Hon. J. H. Thomas) replied: (1) When the necessity for it arises. (2) On a line like the Eastern Railway there is no occasion for such an arrangement.

MR. SHENTON said, as to there being no occasion for providing some means of communication between the railway guards and the engine drivers, he might state that only very recently one of the carriages on the Eastern Railway caught fire, and it was found impossible to attract the attention of the engine driver to the fact.

THE COMMISSIONER OF RAILWAYS (Hon. J. H. Thomas): I think I know something about these matters, and, when the time arrives for such an arrangement to be necessary, I have no doubt it will be carried out.

SCHOOLHOUSE AND BONDED STORE AT ROEBOURNE.

MR. McRAE, in accordance with notice, asked the Director of Public Works, "If the Government intend to take any steps for the re-erection of the Roebourne Schoolhouse, blown down some seventeen months ago; the wreckage timber of which was sold by Government for something over £60 at that time? Also, whether the Government intend to have the bonded store at Cossack rebuilt, which was thrown down at the same time?" The hon. member said that his reason for putting

this question was that the schoolroom was erected, originally, partly by public subscription and partly by the Government, and that when it was blown down the timber was sold at the instigation of the Government, and no steps were afterwards taken to have another schoolhouse built in its place. The bonded store was blown down at the same time, and the Government now rented some small premises for that purpose, quite insufficient for the accommodation of the goods requiring to be stored.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas) said the question of the erection of a schoolhouse was a matter entirely in the hands of the Central Board of Education. As to the bonded store it was the desire of the Government to re-erect this building as the funds at their disposal sufficed, and a vote for the purpose would be asked for on the Estimates for 1884.

MR. MARMION (a member of the Central Board of Education) asked Mr. McRAE whether it was not a fact that the frame of a building intended for a school-house at Roebourne had been sent up about twelve months ago, and if so what had become of it?

MR. McRAE said he believed the frame of a school-building was sent up about a year ago, but the Government had never taken any steps to put it up, and the timber was still lying on the ground. As the Government sold the wreckage timber of the old school-house, he thought the least they might do was to put up the new one.

MR. SHENTON said the building material was sold by the Resident Magistrate on his own responsibility, without consulting the Central Board of Education in any way; it was therefore absurd to say that the whole matter rested with the Central Board.

MESSAGE (No. 10): IMMIGRATION.

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

"In the concluding portion of the Speech with which he opened the Session, the Governor intimated his intention of bringing before the Honorable the Legislative Council the important question of Immigration, and

"of increased expenditure in connection therewith.

"This the Governor will now proceed to do; and, in the first place, he transmits to the Council copy of correspondence with the Secretary of State and the Crown Agents, as noted in the margin.* "These papers will show the present situation of the Immigration business of the Colony. It will be seen that Mr. Felgate is no longer employed, and that the Crown Agents have been instructed to satisfy the nominations of immigrants, engaging some suitable person to transact the business, and confining operations within the limit of the current vote of £5,500, which, it is estimated, will be absorbed by the nominations before the close of the year.

"It is evident from these papers, and, indeed, upon the surface of the matter, that Immigration requires to be placed on a more regular and systematic footing than at present, even in order to carry out in an effective manner the limited scheme advised by the Resolution which passed the Council on the 6th of September last, and which dealt with the report of a Select Committee which had then considered the subject.

"But, since September of last year, the improvement of our finances has made it possible to take far more extended action than was then contemplated; and, should the Council approve of the Governor's suggestion to spend not less than £20,000 of the accumulated balances in introducing not less than 1,000 immigrants within two years, it will be all the more requisite to re-organise our Immigration business, both here and in England, and to place it upon a sound working basis.

"The Governor, therefore, now invites the Council to pronounce upon the suggestions contained in paragraph 34 of his opening Speech. The several points comprised are:—

"a. The appointment of an Immigration Board in the Colony.

*[Secretary of State to Governor, Despatch dated 25th January, 1883, and enclosure; Administrator to Secretary of State, Despatch No. 81, dated 29th March, 1883; Secretary of State to Governor, Despatch dated 16th May, 1883; Colonial Secretary to Crown Agents, letter dated 7th July, 1883; Colonial Secretary to Crown Agents, letter dated 25th July, 1883;—printed in separate Paper.]

"b. The appointment of an Immigration Agent in England.

"c. The formation of a Special Immigration Fund.

"d. The introduction of not less than 1000 immigrants in two years.

"The Immigration Board, the Governor should suggest, should consist of seven members, of whom not more than two should be officers of the Government, and not less than three elected members of the Legislative Council. The Board should, the Governor thinks, be constituted by law, and should have power to regulate and conduct immigration and to deal with monies and lands placed at its disposal for immigration purposes. It should, of course, transact its own business and carry out its own operations without the intervention of the Government; but its proposals for expenditure, and all regulations for immigrants, should be generally subject to the control and consent of the Governor and Legislative Council.

"The Immigration Agent in England should, in the Governor's opinion, be a gentleman of energy and business habits appointed from the Colony, and possessing a thorough knowledge of its requirements. He should receive a salary of about £600 a year, with travelling and office expenses; and should take his instructions from the Immigration Board. It should be understood that any appointment made will be subject to re-consideration at the end of two years.

"The Immigration Fund, it is suggested, should, subject as above, be placed at the disposal of the Immigration Board, and should consist in the first instance of £20,000 to be paid to the credit of the fund from the balances of the Colony, so soon as the organic law has come into operation.

"Lastly, it should, if this scheme be approved, be a direction to the Immigration Board to introduce and settle in the Colony not less than 1000 statute adults before the close of the year 1885.

"The Governor places these suggestions before the Legislative Council, in the belief that they are of a practical nature, likely to further the progress of the Colony. At the same time, the

Governor has not the slightest desire to press forward too strongly the particular scheme sketched out, but will be most happy to work with the Council on any lines which offer a reasonable prospect of success.

Government House, Perth, 1st August, 1883."

On the motion of the Colonial Secretary, the consideration of the Message was made an Order of the Day for the 6th August.

TELEGRAPH COMMUNICATION BETWEEN ROEBOURNE AND COSSACK.

MR. McRAE, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates a sum of money sufficient to construct a telegraph line between the towns of Roebourne and Cossack." The hon. member said his object in moving in this matter was because he understood that no provision was made in the contract for the construction of the telegraph line from Northampton to Roebourne for connecting the latter town with the seaport. No doubt the Government would eventually see the necessity of undertaking this work, but as it would be a great public benefit, and a great boon to the local residents, to have it done at once, he had brought forward this motion, so that no time should be lost. The distance between Roebourne and Cossack was only about $7\frac{1}{2}$ miles, and he was given to understand that the entire cost would not be more than about £300. There would be no necessity at present for providing a telegraph station at either of the two places, as the offices used by the Postal Department could be also used for the telegraph. He understood there would be a sufficient balance out of the telegraph loan to carry out the work; but he did not think it was a work which ought to be delayed until it was ascertained, for a fact, whether or not there would be a sufficient balance available, and it was for this reason that he moved this address, so that a sum might be placed on the Estimates for the purpose.

MR. SHENTON had much pleasure in supporting the motion, as he considered the work a very necessary one,—the connection of the seat of Government in the

district with the local seaport. He thought the undertaking was of such pressing necessity that the House would be justified in providing the money now, and, should there be any balance available after the line is constructed from Northampton to Roebourne, it might be refunded from loan account to the general revenue. If not, it ought to be undertaken and paid out of general revenue. It would not cost much, and would no doubt be a reproductive work.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the question to his mind was whether we could calculate upon there being any balance available out of the loan for this work. Up to the present, all our telegraph lines had been constructed out of loan money, with the exception of the Eucla line, and that was afterwards recouped. He did not rise to oppose the motion, but the only question was whether it would not be advisable to wait until it was ascertained whether there would be any balance available for this work, when the line to Roebourne is completed.

MR. SHENTON said the telegraph line from York to Beverley—a longer line than this—was constructed out of general revenue, and not out of loan.

MR. MARMION said the motion would have his support. A good deal of business was transacted between Roebourne and Cossack, and the amount required to carry out the work was so small that he thought the House might safely agree to it, especially in view of the fact that such a line must sooner or later be constructed. Should there be a margin left, out of the loan, it might be devoted to recouping the revenue the cost of this work.

The motion was then put, and carried *nem. con.*

BREAKSEA ISLAND TELEGRAPH.

SIR T. COCKBURN-CAMPBELL withdrew his motion for an address to the Governor that a sum be placed on the Supplementary Estimates for 1883, for the purpose of bringing Breaksea island into telegraphic communication with the mainland, and for establishing an efficient signalling station upon that island. The hon. member said he did not press his motion because he was assured the present

Administration were fully alive to the necessity of carrying out this work, without delay. He was informed that a sum of £600 for that purpose would be placed on the Estimates for 1884, and he had the assurance of His Excellency the Governor that it would make little difference as to the time when the work would be undertaken whether the vote for it appeared on the Supplementary Estimates or on the Estimates proper.

RE-ARRANGEMENT OF ESTIMATES.

MR. CAREY, in accordance with notice, moved the following resolution: "That, 'in the opinion of this Council, it is desirable that the Estimates for each department of the public service, for 1884, and in future years, shall be so framed that each item will appear under its proper heading.' As a member of the select committee on the Excess Bill, he could not help noticing that, in the Survey Department, three clerks connected with this department came under the head of "wages and expenses," instead of appearing upon the clerical staff; and the same incongruities were apparent in other portions of the Estimates. He thought if the House voted money for surveys, the money ought to be expended on surveys, and not in clerical assistance. He did not mean to say that these officers were not required, but he did think they ought to appear under the proper head, so that hon. members may know what they are voting money for.

THE COLONIAL SECRETARY (Hon. M. Fraser): I can assure the hon. member that, so far as practicable, the wish expressed in this motion shall be carried out. I have consulted with the Surveyor General as to the practicability of giving effect to the hon. member's wish, and the Surveyor General has had a portion of the Estimates reprinted showing how the vote under the head of "wages and expenses" has been expended, which I believe is what the hon. member requires. This will be done in all future Estimates; and, probably, on that understanding, the hon. member will not consider it necessary to proceed any further with this motion.

MR. CAREY: It's a very innocent little motion, and I see no necessity for

withdrawing it. I think we ought to know what we are voting money for.

The motion was then put and passed.

EASTERN RAILWAY TERMINUS BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved the first reading of a Bill intituled an Act to determine the latter part of the Eastern Railway within and near the town of York.

Motion agreed to.

Bill read a first time.

PEARL SHELL FISHERY REGULATION BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved the first reading of a Bill intituled an Act to amend the Pearl Shell Fishery Regulation Act, 1875.

Motion agreed to.

Bill read a first time.

EXEMPTION OF JUSTICES FROM JURIES BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved the first reading of a Bill intituled an Act to exempt Justices of the Peace from serving on Juries in certain cases.

Motion agreed to.

Bill read a first time.

COVERING OF PERTH CAUSEWAY AND HELENA BRIDGES.

MR. S. H. PARKER, in accordance with notice, drew the attention of the Director of Public Works to the fact that the Perth Causeway bridge and the bridge over the Helena river at Guildford were left without any material covering their respective flooring boards, and that consequently the flooring of the bridges was being greatly injured. The hon. member said it might be in the recollection of the House that some few months ago an action was heard before the Supreme Court, arising out of an accident which happened on one of these bridges, owing, as was alleged, to the flooring being uncovered. The subject was discussed with some warmth, and he believed it was the unanimous opinion among experienced and practical men that the flooring of our bridges, especially when made of jarrah, ought to be covered with a coating of gravel or some other material. The necessity for some

such covering on the Perth Causeway was apparent to any one who walked over the bridge, as the planking which formed the flooring was visibly wearing away into ruts, caused by the action of passing vehicles, and it was only a question of time when the flooring, unless it is in the meantime covered, will wear right through. Of course, if these flooring boards were covered, it would prevent their being exposed to the sun and to the friction caused by the traffic over the bridge; and he could not help thinking there must have been negligence on the part of some person or persons who had the care of these bridges in allowing the flooring to remain uncovered. In framing his notice he had framed it chiefly so as to draw the attention of the Director of Public Works to the matter and not with the idea of blaming that officer, for he did not mean to say that that officer was to blame, if there was any negligence in connection with this matter. It might be that these bridges had been handed over to the Roads Boards—he did not know; or it might be that some subordinate in the Public Works Office was to blame; or it might be that the Central Road Board was to blame. What he wished to draw the attention of the House to was this—that, whoever were the guilty parties, whoever were responsible for this negligence and wasteful expenditure of public money, should be brought to account, and be made to mend their own ways, as well as the public highways.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas) replied as follows: *Perth Causeway Bridges*.—Two out of three of the bridges have been covered with limestone to a thickness of four inches. The third was finished too late in the season for metalling, but a coating of sand and clay was spread over it to a thickness of three inches. Arrangements are pending with the Perth Roads Board in respect to the metalling, and other matters relating to these bridges. *Helena Bridge*.—Tenders have been twice called for gravelling this bridge, but were much too high, and above the amount available. The covering has been postponed until the gravel can be brought down by railway, when it can be done much cheaper, and better

material obtained. A coating of sand and clay has been spread over this bridge also.

INSPECTOR OF ACCOUNTS' REPORT ON RAILWAY ACCOUNTS.

MR. CAREY, in accordance with notice, moved that the Colonial Secretary lay upon the table of the House the reports of the Inspector of Accounts, Audit Department, on the railway accounts and railway stores for 1882. Hon. members would probably recollect that while the House was in session last year, the Inspector of Accounts was at that time engaged in inspecting the railway accounts and stores at Fremantle, and, for reasons which it was unnecessary for him to enter upon now, he thought it would be well that the House should be placed in possession of the Inspector's reports, showing the result of his inspection.

THE COLONIAL SECRETARY (Hon. M. Fraser): They shall be laid on the table as soon as practicable.

THE COLONIAL TREASURER AND THE AUDIT ACT.

MR. S. H. PARKER, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to direct the Honorable the Colonial Treasurer to furnish a statement, as required by the 13th Section of 'The Audit Act, 1881,' showing amongst other things the authority under which expenditure in excess of the amounts authorised by the Legislature has been disbursed." The hon. member said that, under the 13th section of the Act, the Treasurer was called upon to prepare, yearly, within one month after the 31st December, a full and particular statement, in detail, of the receipt and expenditure of the several branches of the public revenue for the past year, which statement was to include such amounts only as had been actually received and paid by the Treasury, duly classified and arranged, according to the Estimates. This statement was to show whether any expenditure made was in excess of the amounts authorised by the Legislature, and, in the event of there being any excess, the Treasurer was re-

quired to state under whose authority the excess of expenditure had been incurred. The Treasurer had already furnished the House with a most excellent return, so far as it went, which purported to have been made in conformity with the provisions of this section, but he had omitted altogether to mention the authority under which the various excesses had been disbursed; in fact, no reference whatever was made, throughout this return, to the authority under which the Treasurer had paid these items of over-expenditure, or any single item of excess. He might explain to the Colonial Secretary that, in asking for this statement, he wished to be furnished with every item in connection with which there had been any overdraft whatever—irrespective altogether of any underdrafts, which may, apparently, have reduced the actual overdraft. He regretted that he should be called upon to move for this return, seeing that it was the plain duty of the Treasurer, according to the Act, to have furnished it. He thought it was incumbent upon the members of the Executive to obey the law and not to evade it—he did not mean to say there had been a deliberate evasion; but it was the duty of the members of the Executive Government to set a good example in this respect, and to carry out the provisions of the law, as the law required; and it was the duty of the representatives of the people in that House, the custodians of the public purse, to see that the public money was expended in accordance with the provisions of the statute in that case made and provided.

THE COLONIAL SECRETARY (Hon. M. Fraser): I would draw attention to the fact that last year was a broken period as regards this Audit Act, which did not come into force until the month of August. I have had a conversation with the Treasurer since the hon. member tabled his motion, and he tells me that all payments from the Treasury, whether in excess of the vote or not, are made under the warrant of the Governor; therefore, I may say the hon. member's question is answered. At the same time, I do not propose to take any objection to the motion, and the hon. member may have his return, although I need hardly say it will involve a considerable amount of clerical work.

MR. S. H. PARKER: If the Treasurer were to take one of the statements already furnished to the House, and to write in the margin the authority under which each item of excess was paid, that would be quite sufficient for my purpose.

The motion was then put and passed.

EXCESS BILL, 1882: REPORT OF SELECT COMMITTEE.

On the order of the day for the consideration of the select committee's report being read,

MR. SHENTON, who was the chairman of the select committee, said they had gone very carefully through all the items of over-expenditure, and they found that on the whole the over-expenditure was necessary for the carrying on of the public service, and they also found that the provisions of the Audit Act had been faithfully carried out. In going through the expenditure connected with the various departments concerned, several matters were brought under their consideration, to which he might briefly refer. The overdraft in the Customs vote was caused principally by extra labor having had to be employed in the bonded stores, and the committee were of opinion that a great deal of this expenditure might have been spared if the buildings were brought together under one roof; but, as a commission was then sitting on this subject, the select committee did not consider it necessary to make any suggestion with reference to it in their report. The next overdraft was "Works and Railways Department, £2081 7s. 4d." Of this amount, £616 was expended in connection with the Northern Railway, in providing new fire-boxes, copper boilers, and other necessities, which were obtained through the Crown Agents; the balance was incurred on the Eastern Railway. On referring to the papers placed at their disposal, the committee found that the Department had asked for £2,500 to be placed on the Supplementary Estimates last year, but that sum was reduced, without consulting the Department in any way, by the late Colonial Secretary, by £1,000, and this overdraft was to a great extent caused in consequence of that reduction, so that no blame attached to the Department, so far as this amount was concerned. The

committee, however, found that there was one item of overdraft which had not been referred to the Committee of Advice, nor sanctioned in any way—a sum of £231 7s. 4d. The next item was that of the "Postal and Telegraph Department, £1,238 9s. 10d.," caused by the extra cost of the conveyance of inland mails. A portion of this expenditure was allowed by the Committee of Advice, but a sum of £628 9s. 10d. had not received their sanction. There was a small overdraft in connection with the Land Titles Department, owing to the services of the officer employed in preparing the index being required for a longer period than provision had been made for. In the Harbor and Light Department there was an over-expenditure of £305 14s. 5d., a great deal of which had been caused by the fact of some anchors and chains, and articles of clothing, having been sent out by the Crown Agents for which no provision had been made on the Estimates, and of this sum £245 14s. 5d. was unauthorised, the Committee of Advice not having been referred to. The overdraft in connection with the Judicial Department was chiefly caused on account of witnesses being brought from long distances to attend the criminal sessions. The Police Vote had been exceeded by £994 14s. 1d., caused to a great extent by the high price of forage, and by reason of clothing being imported from England, funds for which had not been provided. Under the head of "Gaols" there was an overdraft of £993 4s. 4d., of which £393 had not been sanctioned. The overdraft at Rottnest Prison was caused by the large number of native prisoners sent down from the Gascoyne, the number at present on the island being almost double what it was last year. The only other overdraft worthy of note was that under the head of "Miscellaneous," £184 12s., which had not been referred to the Committee of Advice, and a great deal of which was due to the visit of Mr. Fairbairn to the Gascoyne, on magisterial duties, to report on the native question. The select committee's report was now before the House, showing the result of their labors, and he had only to add that the committee went carefully through the minutes of the Committee of Advice, and that the items

he had mentioned had not been referred at all to that committee. He now moved the adoption of the report.

THE CHAIRMAN OF COMMITTEES: It has been the practice in former years for the House to adopt the reports of select committees, but it is an unusual practice in other parliamentary assemblies, and, in fact, a meaningless practice, and I think this explanation might have been made when the Excess Bill itself was brought forward.

MR. STEERE: As there is no mention whatever in this report as to the Water Police overdraft, and as no vote was taken from this House for that service, I should like to know out of what vote the Water Police were paid.

THE COLONIAL SECRETARY (Hon. M. Fraser): If the hon. member will give notice of his question I will reply to it. I am not prepared at this moment to do so.

MR. CROWTHER said it had struck him, as a member of the select committee, and it struck him now, that some of the officers of the public service, the heads of departments, got scant justice at the hands of that House. He believed he was correct in saying—indeed he knew—that, in some instances, had the amounts asked for last year been granted, we should not have had any Excess Bill at all. But men were placed at the heads of departments, and those men made an estimate of what they conscientiously believed would be required, and it had been too much the habit for the Government to cut down that estimate. He thought it was only fair towards the officers conducting these departments that they should know the committee felt this, and knew it. There was also another matter which had not been referred to, and which he did not understand, and that was Mr. Fairbairn's allowance for expenses. It was put down at 15s. per day, whereas he noticed that every item of expense incurred had been charged, and he did not think the Government had put this matter before them fairly. He did not care whether the allowance was 50s. or 15s., but he did think that House, as the trustee of the public funds, should have these things placed plainly before it, so that it might know whether the expenditure had been fairly incurred or not.

MR. S. H. PARKER: I should like to ask the hon. member who has favored us with the financial statement we have just listened to—I should like to ask the Chancellor of the Exchequer—I trust I am not out of order in doing so—whether in the course of his researches among the documents referred to, he discovered any instance of the Governor expending money contrary to the expressed opinions of the Committee of Advice, or, where the Committee having authorised a certain sum to be expended, the Governor had expended more than was authorised?

MR. SHENTON: We had the minutes of the Committee of Advice before us, and the items mentioned in our report appear to have been expended without the sanction of the Committee of Advice in any way.

MR. S. H. PARKER: But, after asking the Committee for their sanction, did the Governor expend any money contrary to the Committee's advice?

MR. SHENTON: No.

MR. S. H. PARKER said he was glad to find that such was the case—so far as the researches of the select committee had gone.

MR. CROWTHER: I may say, as a member of the select committee, that we had before us the minutes of fifteen meetings of the Colonial Secretary and his friends, and that out of fifteen applications made for the sanction of these gentlemen to certain proposed over-expenditure, eleven of the applications were approved in their entirety, one was approved of by all the members of the Committee except Mr. Burt, another was considered necessary, and the other was in connection with a deviation on the railway which the Government considered was advisable under the circumstances, and best for the colony.

MR. S. H. PARKER: The hon. member is referring to the proceedings of the present year. This Excess Bill is for 1882.

MR. CAREY said, though he had been a member of this select committee whose report was under consideration, the first he had seen of the report was when it was presented to the House that evening. He had been unable to attend some of the meetings, and was not present when it was drawn up; had he been, he doubted whether he should have agreed to it,

in its entirety. It would be remembered that the select committee on the Excess Bill, last year, took exception to the travelling expenses of officials, but notwithstanding what was then said, and the promises made, they found the same thing continued. He found that the travelling expenses of one Government Resident, during twelve months, amounted to £141, a very large proportion of which was for hotel expenses, and, although that gentleman was in receipt of two forage allowances, amounting to £100 a year, he charged mileage when he travelled on duty, and when he visited an outlying part of his district, which he did by railway, he got his railway fare. He thought that was rather too much of a good thing. He could not help drawing a comparison between the amount charged by other officers when travelling on duty with the amount charged by the gentleman referred to. The Resident Magistrate at Fremantle, when he went to Perth, charged very differently: his expenses for four days only amounted to 30s., whereas, on the other hand, the expenses of some officials almost came to that much per diem, for hotel expenses alone. In some cases over £6 was charged for three or four days. Another official, a Resident Magistrate at the south, in the receipt of forage allowance,—when he travelled on duty, in addition to his forage allowance, charged in some cases as much as 25s. per diem for the keep of his horses. Here was one instance—and it was only one out of many: on the 28th of March there was a charge of 12s. for horse forage—nothing to do with his hotel expenses, which were very reasonable in his case, but for forage on the road; and, on the same day, some miles farther on, there was another charge of 10s. for his horses, and, in addition to this, there was a further charge, on the same day, for two feeds for the road—making 25s. for the keep of his horses, for one day, although in receipt of forage allowance. He thought it was high time that was put a stop to. Attention was called last session to the expenses incurred by some medical officers, while travelling to attend Government patients. He noticed a charge of £3. 5s. 6d. one month, £4 5s. 6d. another, £6 9s. another, and so on, for

the expenses of a medical officer attending a lady, a member of a Government officer's family. He thought it was high time to protest against these charges, and especially those made by the Government Resident at Geraldton. Again, in the Williams district, he thought it was high time the charges there should be protested against, and he trusted that no such items as he had referred to would appear in any future Excess Bills. He saw no authority for two other charges in this Over-Expenditure Bill—they did not amount to much, but still the principle involved was the same; and although it may have been desirable to reward these officers, he thought the leave of the House ought to have been asked before doing so. He referred to an officer at Northam who received £35 for rendering assistance to the Resident Magistrate at Newcastle, without the slightest authority from the Legislature. Captain Phillips, again, as Staff Officer of Volunteers got a bonus of £25 for special services. They all knew this officer had a salary for the office he held, but no doubt this money was well earned, and, for his own part, he was glad that Captain Phillips got it; but it ought not to have been given to him without proper authority. There was another unauthorised item, which, however trifling, he could not agree with—"Hire of 10 saddle horses for the use of the officers of H.M.S. *Nelson*." The select committee in their report said, that "having carefully inquired into the causes of the excess, they were of opinion that the expenditure incurred was necessary." Now this was an expenditure which he, for one, could not think was necessary, and although he had not added a rider to the report he thought it right and proper he should raise his voice against such charges as these. Before sitting down, he was glad to find that this Excess Bill disclosed no excess whatever in connection with the Survey Department, under the late Surveyor General. They had had Excess Bills, year after year, come before them, but he did not think—at all events he could not remember a single instance in which the vote for the Survey Department had been exceeded. He only trusted that the gentleman who now presided over that Department would take a leaf out of the

book of his predecessor, in that respect, and it would be well if other heads were to follow the same good example of the present Colonial Secretary when he presided over the Survey Department.

MR. S. H. PARKER said it appeared to him it would not be proper for them to amend this report of the select committee; yet, if the hon. member who brought it up moved its adoption, it followed that they had power to amend it, and, certainly after what had fallen from the hon. member for the Vasse, he (Mr. Parker) could not subscribe to this—"that the expenditure incurred was necessary." He had no doubt a great deal of it was necessary, but if they adopted this report, as it stood, they would be virtually admitting that the whole of it was necessary, while in reality a good deal of it was wholly unnecessary and entirely illegal. Under the circumstances, if the hon. member for Toodyay wished to move the adoption of the report, he (Mr. Parker) felt bound to move an amendment in the wording of the report, so as to make it read that the greater portion of the expenditure was necessary.

THE CHAIRMAN OF COMMITTEES: I have already pointed out that the practice which has obtained in the past of adopting these reports is an absurd and a meaningless practice. It is impossible for the House to amend it, for it is then no longer the report of the committee. The proper course for the hon. member to adopt is to move that the Chairman do leave the chair.

MR. S. H. PARKER: I move, sir, that you do now leave the chair.

Question put and passed.

THE SPEAKER took the chair.

EXCESS BILL, 1882.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that the House resolve itself into a committee of the whole for the consideration of the Bill to confirm the expenditure of a sum of £6938 5s. 4d., for the services of the year 1882, beyond the grants for that year.

MR. S. H. PARKER moved, as an amendment, that the Bill be considered in committee that day three months, which, as the committee was aware, was simply the parliamentary form of moving

the rejection of the Bill altogether. Some two years ago, when the Governor and the Government of the day were spending public money illegally, the House at last determined to put its foot upon that practice, and, for some time, it appeared that their action in the matter had resulted in some good. Solemn promises of reformation were made, and the House was assured that "never no more" would they have cause to complain of any unauthorised expenditure, never again would the votes of the Legislature be exceeded. In order to make assurance doubly sure, the Government, at the express wish of the House, introduced an Audit Act, which was to put an end to all illegal expenditure in the future; but what did they find now? They had before them an Excess Bill for over £6,000, and out of that amount they were told by the select committee to whom the Bill was referred that in many cases expenditure had been incurred, and payments had been made, in direct violation of that provision of the Audit Act which requires that no vote of public money shall be exceeded, that no unauthorised expenditure shall be incurred, until the Governor for the time being shall have invited the opinion of the Committee of Advice, or the Finance Committee as some people called it—a committee appointed under the provisions of the Audit Act itself. The committee to whom the Excess Bill had been referred specifically mentioned some of the most glaring instances in which the provisions of the Act, as regards illegal expenditure, had been violated—amounting in the aggregate to a sum of £1,683 7s. 11d. Now that Act was passed for the special purpose of giving the House that full control over the public expenditure which it was alleged—and especially by those in favor of a continuance of the present constitution—the House could have under that constitution. But it was now found that, within five months after the passing of the Act which was to do all this, the Governor who introduced it actually expended, illegally expended, £1,683, contrary to the strict provisions of the Act. If hon. members were determined to see the provisions of the Audit Act carried out in their integrity, if they were determined to do their duty towards the

country as the holders of the public purse-strings, if they were determined to exercise that control over public expenditure which some hon. members asserted we could exercise under the present constitution—now was the time to show it. Now was the time, by refusing to pass the Bill before them, by refusing to legalise this illegal expenditure, now was the time for hon. members to show by their action that they were determined for the future that the provisions of the Audit Act—an Act which they struggled hard for—shall be carried out. If, on the other hand, they passed quietly over these glaring instances of illegal expenditure, if hon. members were prepared to wink at this direct evasion of the Act, all he could say was—any opposition on their part of illegal expenditure in the future would come with very bad grace. As he himself was determined to do what he could to preserve what he might call the constitutional privileges of the House, and as he was desirous there should be no doubt whatever on this point, he now moved, on the ground of this illegal expenditure, That the House should go into committee on this Bill that day six months.

MR. CROWTHER said, if there was the slightest chance, the most remote chance, of getting any of this money back, he should be prepared to support his hon. friend on the right (Mr. Parker) in this matter. If he thought for a moment that the course proposed by his hon. friend would act upon the four naughty boys on the bench opposite with the same salutary effect as a rod in pickle usually acted upon other naughty boys, he should be inclined to go with him. But if the amendment proposed would merely have the effect of prolonging a fruitless discussion, if it meant that they were to continue fighting with this shadow of an Audit Act, to the detriment of the real business of the session, he thought the sooner they dropped it the better. They had now been in session for a fortnight, and what had they done? (MR. BURGESS: Nothing). Oh, yes they had. They had passed a Lunacy Bill, or an Imperial Invalid Discipline Bill, or something of that kind, and he was not at all sure whether some of them ought not to be brought under the operation of that Bill.

He was informed that the day was not far distant when the colony would be in the enjoyment of that panacea for all ills—responsible government, when there would be no more bad seasons, no more drought, and no more illegal expenditure; and, until that happy day arrived, he must say he saw no good in attempting to fight a shadow in this way. He saw no good in riding this Audit Act to death. This question of a change in the constitution would, he was informed, be brought before the House this very session, and, if it should be, he very much doubted if it would not be passed by a majority. If so, hon. members would see the inexpediency of following the course suggested by his hon. friend on the right. What was the use of putting this Bill on one side to-day, to be taken up again to-morrow, and neglecting the real business of the country, for nothing?

THE COLONIAL SECRETARY (HON. M. FRASER) said he could not think the hon. member for Perth was serious when he rose to move this amendment. Ever since he had known him, the hon. member had a notorious penchant for asking for returns and for resorting to what he might call surprise motions of this nature. As to the returns, he was afraid the hon. member really never read them when he got them, and as to these motions they were only some of the hon. member's little jokes. If the hon. member had been on the select committee to which this Bill was referred—and, for the sake of peace and harmony in the House, it was a pity the hon. member was not on it—and, if he had before him all the information which the select committee had before them, the hon. member could not have spoken as he had spoken. The hon. member should recollect that this Audit Act did not come into force until the end of August, last year, and that the Committee of Advice appointed under it was not constituted until September, and many of these items of expenditure which had necessitated this overdraft were incurred before the Act ever came into force. It should also be borne in mind that in closing the public accounts there was always a certain amount of difficulty in regard to balancing the Crown Agent's accounts, and this very often led to an over-expenditure, which could not possibly be avoided. As to

the late Governor being to blame for not consulting the Committee of Advice, such a course was not practicable in many instances, and he could not think the House would be with the hon. member in adopting a course which could have no good result, and which could not be productive of any practical advantage or benefit.

MR. BROWN had much pleasure in supporting the motion of the hon. member for Perth. He looked upon it as an exceedingly important step—one that asserted the privileges of the elected members in that House to check the expenditure of the people's money. The peculiar province of the elected branch of that Assembly was the control given to them under this constitution over the public funds. The good which he thought would result from the motion, which he trusted would be carried, was that it would draw attention to the action of the Government with reference to the expenditure of the people's money. It would draw in the most marked manner the attention of the Secretary of State for the Colonies to the fact that the Government had been doing precisely as it pleased with the public funds of the colony, in violation of the laws of the colony. The Government had no reason whatever to complain. Having passed an Audit Act with which they themselves were satisfied, though that House was not altogether satisfied with it—as the Act was not so stringent as the members of that House desired, in giving them that control over expenditure which they wanted to have—having passed an Audit Act of their own, an Act containing this sixteenth clause, which he himself called the “Governor's clause,”—surely it was the plain duty of the Government to adhere to the provisions of that Act. It was for the Government in all things to see that the law was obeyed. But they had not done so here, and if the House did not mark its sense of the proceedings of the Government in the way in which the hon. member desired they should be marked, he did not know what other course was open to them. If they did not take this course, the Legislature would be letting it go forth to the world that the Government, if they chose, might go on year after year expending

the public funds of the colony in an illegal manner, and, having done so, all they had to do was to come to that House with their Excess Bills, and the House would ratify their illegal action. Up to the present moment what was the attitude of the Government with regard to this question of illegal expenditure? Simply this,—that they did not look upon it as a grave matter at all. No explanation, that he could see, was vouchsafed to that House. In fact, they seemed to think that members were travelling a little too far in daring to question any violation of the law on their part in the expenditure of the people's money. He was one of the members of the select committee to whom this Bill was referred, and he had been almost—appalled, he was going to say, at the reply given by the Colonial Secretary to the questions put to him by the select committee with reference to this illegal expenditure. All that the members of the select committee desired was to find out what had been done, and who was responsible. It was quite true that certain documents were placed before them, so as to enable them to ascertain under what authority, or, rather, to ascertain for what object the expenditure had been incurred. The committee could see that there had been excess somewhere, but it was utterly impossible to find out where, or who gave the authority for it. They saw certain warrants, which had been signed by the Governor, but there was nothing to show whether the Governor had been previously furnished with certificates with respect to the items which those warrants covered. A memorandum was sent by the select committee to the Colonial Secretary, noting amongst others these very items of excess referred to in their report, and stating that it was very evident these sums had been expended and paid in violation of the provisions of the 16th clause of the Act, and that the committee trusted the Colonial Secretary would be able to furnish full information on the subject, and be able to show the committee that these sums had not been illegally expended. The only reply the committee got from the Colonial Secretary was—“I can give no information upon the point.” And there it stood even now. The Government evidently

regarded this system of dealing with the people's money as of very little importance: it did not seem to view this violation of the Audit Act as a matter of grave concern at all. Under these circumstances, and for the sake of asserting the rights of the representatives of the people in that House to exercise a control over the expenditure of public funds, and also for the sake of drawing attention, and particularly the attention of the Secretary of State to the proceedings of the Government in the matter, he most cordially supported the motion made by the hon. member for Perth.

MR. MARMION said, after what had fallen from the Colonial Secretary in respect of this matter, and as he understood the hon. gentleman to state that the greater portion of this over-expenditure had been incurred before ever the Audit Act became the law of the land, and certainly before the Committee of Advice had been appointed or held a meeting, he thought it was hardly fair to blame the Administrator or the Administration of the day, during whose term of office the excess took place. Until a further elucidation of the question took place, and until he was satisfied that this excess was incurred deliberately,—that it was by the deliberate action of the Governor and of the Administration that the items were never put before the Committee of Advice, or if put before them that they were not assented to, but were nevertheless expended in spite of such non-sanction—when he found that this had been the case, he should be most happy to vote for the motion of the hon. member for Perth. But until such time as this was clearly proved to him—though himself a member of the Committee of Advice, he should feel it his duty to vote for the original question, that this Bill be now considered in committee. He noticed, in the report of the select committee, the statement made that many cases of expenditure had been incurred and payments made in violation of the provisions of the Audit Act. He should like to ask the members of that committee whether, when they formulated this charge, it ever struck them what time the Act came into force, and what time the Committee of Advice was in the first place appointed?

MR. BROWN: That point did strike us, and the committee found that the illegal action taken by the Government occurred at the end of 1882, some months after the Audit Act came into force and the Committee of Advice had been called together. They had been called together time after time to advise upon other matters. I think the Colonial Secretary was quite in error in saying that the illegal action complained of had taken place prior to the Audit Act coming into operation or the Committee of Advice being appointed. If it had, doubtless that would have been a complete answer to these charges, so far as they relate to a violation of the provisions of that Act. But it was not the case, and the Colonial Secretary was in error. With reference to what fell from the hon. member for Fremantle, that he could only support the hon. member for Perth in this matter if he thought this illegal action was taken by the Government deliberately, I can only say there probably never was a Governor, or a man occupying a high position of public trust, who would be so low as to do a thing of that kind deliberately and intentionally. But, even if he does it carelessly, without due thought, without due consideration, I hold that a Governor is responsible. It is to the Governor of the colony we look to the due carrying out of the laws of the colony, and I do hold that a Governor is most culpable in a matter such as this for not seeing that he is the very first to show a good example to others, by strictly conforming with the provisions of the Act, and the requirements of the law.

THE COLONIAL SECRETARY (Hon. M. Fraser) said, as the hon. member appeared to think he was in error, he rose to offer a few remarks in explanation. The words he used with regard to expenditure previous to the Act coming into force were that the necessity for such expenditure arose before the Act came into force,—in other words, that it was owing to the expenditure during the first eight months of the year having been in excess, proportionately, of the appropriations allowed for the whole year, the necessity arose for this over-expenditure. The hon. member for the Gascoyne had, from his point of view, stated the particulars connected with the

overdraft, and as the hon. member had gone somewhat into details, it might be as well that he also should refer to the various items in detail. He would ask the hon. member to look at the items particularised in the report of the select committee, the first of which was "Works and Railways, £231 7s. 4d." With regard to this item, the year passed and it was too late to consult the Finance Committee—(Mr. BROWN: No)—when it became evident that this over-expenditure must be incurred. The hon. member said no, but he (the Colonial Secretary) thought he had a right to assume that such was the case. He was not in office at the time, but there was nothing to show it might not have been the case. The next item of unauthorised expenditure referred to by the select committee was that under the head of "Post and Telegraph, £628 9s. 10d." If his memory served him right, it was not until the 28th December—(Mr. BROWN: Twelve clear days before the amount became payable by the Treasury)—it was not until the 28th December that it became known to the Government that this over-expenditure would ensue, and, on the 29th of December, the very next day, the Governor gave orders to consult the Committee of Advice with regard to it, which however, from some cause or other, was not done. But it was not the Governor's fault. And this was by far the largest amount among the items of unauthorised expenditure complained of. As the hon. member for the Gascoyne had spoken rather pointedly of the late Governor, he thought it was only right he should make this statement to the House. The necessity for this over-expenditure, as already said, became apparent on the 28th, and next day the Governor ordered that the Committee of Advice should be consulted with reference to it. The next item was that under the head of "Harbor and Light, £245 14s. 5d." The Crown Agents' accounts would show—and they were not to hand until the end of the year had passed—that this overdraft was in a great measure, if not entirely caused in consequence of that very fact. With regard to all these items, he assured hon. members—some of whom seemed to be imbued with the idea that the provisions of the Act had been resisted, and intentionally resisted—he wished to assure

hon. members that such was not the case. As to the largest item on the list, the Committee of Advice, as he had already said, was not consulted, but it was purely through inadvertence—an act of omission not on the part of the Governor but on the part of the officer who was instructed by the Governor to consult the Committee. As to the hon. member for the Gascoyne being "appalled" at the reply made by him to the select committee, he might say that he was not in office when these items of over-expenditure occurred, and he really had no more knowledge of the circumstances than the other members of the select committee had, when they had before them all the papers which he himself had access to.

MR. RANDELL hoped that, as a member of the Committee of Advice, he might be allowed to shortly state that, from the documents which from time to time were placed before the Committee, the impression created on his mind was that the late Governor intended loyally to carry out the 16th section of the Act. He could not conceive that any member of the Committee of Advice could come to any other conclusion, seeing that in almost every other case of over-expenditure the Governor consulted with the Committee, and received their advice. One item of £628 9s. 10d. appeared to have escaped the Governor's notice, but it had been shown that the fact of this item not having been placed before the Committee was an omission not on the part of the Governor but of the officer whose duty it was to have done so. Some mistakes it seemed were made in adding up columns, which very naturally might escape a Governor's attention,—his attention not having been called to it by the officer whose duty it was to do so. He thought the select committee who sat upon this Excess Bill understood pretty well how, under the peculiar circumstances which existed between the Colonial Secretary and the Governor at the time, it was very likely such an inadvertence would have happened. He thought too much capital altogether had been made by some hon. members with regard to the little sum which through the inadvertence referred to had not been placed before the Board of Advice. Although he was quite in accord with those hon. members with

reference to the principle involved—that if we had an Audit Act its provisions ought to be strictly and literally carried out by all parties concerned—at the same time he thought too much capital had been attempted to be made out of this matter, especially as the amount was so small, and there had been no intention on the part of the Governor to evade the provisions of the Act. They must also bear in mind that these items of excess were incurred—he thought in every instance, or at any rate, it had become apparent they would have to be incurred—before the Committee of Advice was appointed. In almost every case of excess not sanctioned, the excess arose in consequence of articles imported into the colony, beyond the control even of the heads of the departments concerned; and, under the circumstances, all the Committee of Advice could have done was to have sanctioned the outlay, if it had been placed before them. He did not think the hon. member for the Gascoyne himself thought it ever was the deliberate intention of Sir William Robinson to pass over the Committee of Advice; and it appeared to him that, in adopting the course proposed to be adopted by the hon. member for Perth, they would to a certain extent be only delaying the business of the session, and accomplishing no useful purpose. They were not even standing up for a principle, according to his view of the question. If they were, he should be inclined, although a nominee member of the House, to go with the hon. member, if he saw any principle involved in the matter at all. He would also remind the committee of what occurred with regard to another Excess Bill, some few sessions ago, when the House, under different circumstances, refused to pass the Bill. He almost forgot now the exact history of that Bill, but he believed it was brought on again next session, and was passed after all. He thought possibly the more proper course for the hon. member to adopt, if there were any particular items in the Bill to which he objected, and to which proper exception might be taken, would be to select those items from the others and to move their rejection, and thus uphold the privilege for which he was contending, rather than to attempt to reject the whole Bill,—especially in view of the

admission made by the select committee that they were of opinion the expenditure was necessary.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said a great deal of capital had been attempted to be made out of this report of the select committee, by a few hon. members; but, on looking through it, it seemed to him that, after all, the items were very small, especially considering the large extent of territory we had to deal with and the consequent difficulty of communicating with head quarters. He was at a loss to know how the Government could at all times be expected to know exactly the amount of money that was required for every service. Let them take these items as they came: "Works and Railways, £231 7s. 4d."—that had already been explained. "Post and Telegraph, £628 9s. 10d."—that had also been explained. The Governor it appeared did not find out until the last minute that there would be an excess in this vote, and he did all he could in the matter, but, through an act of inadvertence, the necessary step of consulting the Committee of Advice was not taken. If it had, the result would have been the same; the money, he apprehended, would have been spent. Whether they approved or not, it would not have made any difference as to the money being expended. The next item was that of "Harbor and Light, £245 14s. 5d." This it appeared was caused owing to the non-arrival in time of the Crown Agents' accounts. He knew himself there was a great difficulty sometimes in dealing with the Crown Agents' accounts. Money was often provided to meet the accounts, and the accounts perhaps did not come in that year, which would cause an under-draft on that year's expenditure, and the accounts would have to be paid for out of next year's vote, thus causing an overdraft. With regard to the next item "Gaols, £393 4s. 4d.", he could well understand how expenditure in connection with prisoners might be incurred in distant portions of the colony, probably on the responsibility of the Government Resident, in connection with the transport of prisoners, etc., of which the Government at head quarters had no previous knowledge, and consequently they had no opportunity of consulting the Finance Com-

mittee, as to such expenditure. The last item "Miscellaneous £184 12s." was made up of many little charges which were not provided for on the Estimates, and it was caused by some small items of £2 or £3 for which no provision had been made and the necessity for which probably was not found out until the last minute, or until the year had passed. He thought, altogether, looking at the explanations made by the Colonial Secretary, and considering this was the first year—or rather part of a year—during which the Audit Act had been in operation, he thought we might congratulate ourselves that the Act had been so closely observed. He was very pleased to find the Colonial Secretary had taken the opportunity of defending Sir William Robinson from what he (Mr. Forrest) must confess appeared to him an attempt—not only on this occasion—to throw mud at him behind his back; and, as he did not like to see any man abused behind his back, he must respectfully enter his protest. He could assure hon. members, from his knowledge of the late Governor, that no man was more careful than Sir William Robinson was to keep within the Estimates, and he would not, on any account, if he could help it, incur extra expenditure without first obtaining the necessary legal authority.

SIR T. COCKBURN-CAMPBELL thought the hon. gentleman who had just spoken was mistaken as to what the complaints were about. Nobody complained of there being an excess; they were all aware that there must be an excess, and that scarcely a year had passed without one. The complaint was that the votes were exceeded without recourse to the action which the Governor was bound to take under the Act which he (the Governor) himself brought in, and an Act which it was in the highest degree necessary we should see carried out. As to there being no principle involved, he thought it was so much a question of principle that if the hon. member for Perth pressed the matter to a division he should feel bound to vote with him, though the hon. member had not taken the course of action which he himself should have recommended. He thought the better course to adopt in order to bring the matter before the Secretary of State would be to memori-

alise him, after we received the information asked for by the hon. member for Perth, and place before him the fact that this Audit Act had, most unnecessarily he thought, been ignored during the first few months of its coming into operation. One mistake was made, in the defence of the late Governor—he was sure he did not wish to attack the late Governor at all, but it was almost impossible to avoid doing so as regards some of these items: it was stated that the Governor asked the Colonial Treasurer to consult the Audit Committee with regard to one of these items of excess, but he presumed that after giving those orders the Governor must have given his final warrant for the payment of the money, and how did he come to do so without ascertaining whether the Committee had sanctioned it or not? He was under the impression—he had been told—that the form on which the Governor issues his warrant is so worded that he is bound to know whether—[AN HON. MEMBER: No, it isn't.] He was informed that it was. It struck him as a most remarkable circumstance in connection with the payment of such a heavy overdraft that the Governor should not have troubled himself to ascertain whether or not the sanction of the Committee had been obtained, as he had ordered it to be obtained. As he stated before, if the hon. member for Perth pressed his motion, he should certainly feel bound to go with him; but he thought, under the circumstances, it would be better if the hon. member took other action, which might be more acceptable, to the House in general than the action he proposed taking appeared to be.

MR. STEERE said he would advise the hon. gentlemen on the opposite bench (the Treasury bench) to make themselves well acquainted with the provisions of the Audit Act before next session. It was certainly apparent that they were very imperfectly acquainted with them at present. The Surveyor General, in making some excuse why the Committee of Advice was not consulted, gave an instance of an account not being sent in before the 28th December, thereby inferring that only three days would have to elapse before the account became payable, and that consequently there was hardly any time to consult the Com-

mittee. The hon. gentleman appeared oblivious of the fact that no sums were payable by the Treasury, under the Act, before the 10th of the following month. This would give nearly a fortnight's time in which the Committee might have been consulted. If the hon. gentleman had made himself acquainted with the provisions of the Act, he would have known that his excuse was no excuse at all. But, even if the payment of the account had been due on the very next day, the Committee of Advice could have been consulted before the Governor signed his warrant. If the hon. member for Perth pressed his motion to a division, he should feel bound to support him, in his protest against the expenditure of this money without consulting the Committee, or without making the statement which the Governor was bound to make, under the 16th clause, for presentation to the Legislative Council. He said he should feel bound to support the hon. member, but, at the same time, he should himself have preferred to have adopted the plan suggested by the hon. member for Plantagenet, and that the House should move an address to the Secretary of State drawing his attention to the fact that the provisions of the Act had not been carried out, and requesting him to instruct the Governor for the future to adhere strictly to the terms of the Act. It appeared to him they had some difficulty in dealing with this question at the present time, for one or two reasons. In the first place the officers who were responsible for the expenditure of this money, without the consent of the Committee, were no longer in the colony, and consequently the House had to deal with officers who were in no way responsible for the unauthorised expenditure. He did not think there could be any doubt now that this money was spent after the Audit Act came into force. The Colonial Secretary seemed to be under an impression to the contrary, but he would remind the hon. gentleman that he was a member of the select committee which formulated this charge against the Government, and the hon. gentleman had in no way expressed his dissent from the conclusions arrived at by the select committee, as embodied in their report. He concurred to a certain extent with what had fallen from the hon.

member for Greenough, that, the money having been spent, we could not get it back again; but the course which had been suggested would be a protest against illegal expenditure in the future, and it was on that ground, and for no other reason, that he should vote for the motion of the hon. member for Perth, if the hon. member pressed it to a division.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I desire, Sir, to say one or two words, and one or two words only, at this late stage of the discussion, and I can speak with perfect safety, because, whether I understand the provisions of the Audit Act or not, at the present moment, is entirely beside the mark, and I hope after what has fallen from the hon. member opposite (Mr. Steere), that when the time comes for me to offer any opinion or to make any remarks upon that Act, I and the other members of the Government will, I trust, be able, to the best of our humble ability, to understand its provisions as well as hon. members opposite. But with regard to the question before the House, if I am not mistaken, a select committee has reported that certain sums which were expended last year in excess of the sums voted, were necessary to be spent; therefore there is no question involved at all, except that blame is said to attach to somebody. Now let me ask hon. members what is the use of proceeding to attack and blame persons who are now absent, and who are not before us to defend and explain their conduct? It is somewhat painful to me, not having had the privilege of being present on the occasions referred to—on many of those occasions—it is somewhat painful to me to hear attacks, direct and indirect, made upon gentlemen who have occupied a high position in this colony, and who I am persuaded, from my knowledge and experience of public men in the colonies and elsewhere, have endeavored to do their duty towards Her Majesty and their duty towards the colony. I say it is somewhat painful for me to hear these attacks, and the more so when I remember that some of these gentlemen have only just departed from the colony. As has already been pointed out, the House should remember that the Act of Parliament referred to had only just come into force, and it may be that ques-

tions arose which, if they were inquired into—and one or two hon. members opposite have been candid enough to say they will not vote for this motion until they are inquired into—it would turn out that this expenditure arose out of circumstances which took place before the Act ever came into force, circumstances therefore which did not come within the letter or spirit of the Act. Supposing the hon. member proceeds with his amendment, and it is carried, what will be the effect of it? It will merely be—not to see that this Audit Act is carried out properly in the future, because our attention has already been fully directed to that—but merely to lay blame, for something done in the past, upon someone who is absent. I can hardly think that any assembly of men of business will proceed to play—I may say play—with public affairs in that manner. If hon. members have reason to think that those who now occupy seats on this bench are likely to violate the law, let them say so, and bring to our attention such matters as they wish our attention drawn to; but let them not seek to punish us by aiming at somebody else,—which seems to be the intention of this amendment. I trust that this House will not do anything of the kind. This expenditure has taken place, and it is admitted it was necessary expenditure. It is also admitted that, if the provisions of the Act were not strictly adhered to, it was not intentional, it was not a wilful evasion. It has been admitted by one hon. member that he thought such conduct would be impossible on the part of any public man, holding a high position of trust, and that at most it was a mere oversight. That may have been the case; at any rate the thing is past, and the gentlemen who are blamed are not here to defend themselves. If we, who are here, make mistakes, bring it home to us: I, for one, shall be prepared to take my share of responsibility. But you have the Governor absent, the Colonial Secretary absent, the Attorney General absent, and those who now fill their places are in no way responsible for these things. It is our desire, and it is our duty, to see that in future things are done properly, according to law; and if they are not, blame us, and attach any amount of discredit to us, you think fit.

But do not now, I ask you, aim at those who are gone, and so prevent the public affairs of the colony from being carried on smoothly and well. You have said enough to show that you wish to see this Act—so do we—fully and fairly carried out, and I ask in fairness both to us and to those who are not here to defend themselves and to explain their conduct, that hon. members will not press this motion but proceed to the other business of the evening.

The amendment—that the Bill be considered in committee that day three months—was then put, and negatived on the voices, and the original motion adopted.

In committee:

Clause 1—Excess of expenditure confirmed:

MR. S. H. PARKER moved that the item "Works and Railways Department, £2,081 7s. 4d.," be reduced by the sum of £231 7s. 4d. (being the amount expended without authority). The hon. member said they had been told that they had shown a desire to attack persons behind their backs, and to throw mud at an absent Governor. He denied the impeachment. He had never said a word which could be construed into a personal attack upon anybody. He had simply moved the amendment as a protest against illegal public expenditure, and, if the Surveyor General called that throwing mud behind people's backs, all he could say was the hon. gentleman would find a great deal of mud thrown before the session closed, and he was afraid the hon. gentleman himself, if he called that mud, would find some of it thrown at himself. He regretted to hear the hon. gentleman make use of such an expression. If Sir William Robinson or any other Governor was guilty of spending public money illegally, pray were we to say nothing about it because he had gone to South Australia? Were we to allow any illegal action a Governor had been guilty of to pass by, because he was not present? When Sir William Robinson was in the colony he did not occupy a seat in that House, and he could assure the hon. gentleman that he had never cast so much blame upon Governor Robinson since he left as he did while he was here. He hoped the hon. gentleman would acquit him of saying anything

behind Sir William Robinson's back which he would not have said when he was in the colony. He could not admit for a moment that, because a public officer had been guilty of illegal expenditure, the matter should be passed over because that officer had gone away. Were they to have their mouths shut simply because one of the gentlemen occupying a seat on the Treasury bench to-day might not occupy it next session, if in the meantime it was discovered that he had been guilty of expending public funds illegally? If unauthorised expenditure occurred this year, and the Colonial Secretary happened to be promoted to a Governorship—which he was sure the hon. gentleman deserved—were they to say nothing about that unauthorised expenditure when it came before them next session, simply because the hon. gentleman was no longer in the Colony? Were they to be accused of throwing mud at people behind their backs, because they brought home to the Government that they had been guilty of illegal acts? He never accused Sir William Robinson of any deliberate intention to evade the Act. He never accused Sir William Robinson personally of anything. What he did say, and what he still said, was that there had been an evasion of the law, and that the public funds had been illegally expended. Finding that had been the case, it was their duty—their duty to the country—to expose that illegal expenditure. Their duty to the country was paramount to any sentimental consideration for the feelings of absent Governors. Were they to sacrifice the interests of the public to any personal regard for Sir William Robinson? He hoped not. Were they to be charged with a disregard for the respect due to a Governor, absent or present, because, as the representatives of the people, they did their duty honestly and fearlessly, and exposed this illegal expenditure of the people's money? He hoped that was not the hon. gentleman's idea of discharging a public duty. If that was what the hon. gentleman called throwing mud behind people's backs, mud-throwing, it appeared to him, was a very commendable pastime. So far as he was concerned, he was perfectly satisfied with the discussion that had already taken place on this

subject, and he had simply proposed this formal motion in order to enable him to reply to the remarks of the Surveyor General. All he wished was to bring home to the Government and to the public the fact that their representatives in that House had made up their minds that this Audit Act should be carried out. They had been twitted both inside that House and outside it, that this Act was useless, and that, Audit Act or no Audit Act, the Government would spend just what they liked. That remained to be seen. Was it not their duty to take care that the provisions of the Act were adhered to so long as the Act is in force,—which was all he wanted. He had no wish to go into these items of over-expenditure again, but he would point out that the Act provided not only that no excess of expenditure should be incurred, but no money should be paid in respect of such expenditure, without consulting the Committee of Advice; so that, although the necessity for some of these items may have arisen before the Act came into force, the money was not paid until after the Act came into force. He thought it would be admitted by the Colonial Secretary himself that he had never found the Committee of Advice a factious body. (THE COLONIAL SECRETARY: Hear, hear.) He thought the hon. gentleman would admit that the members of it did not hold any ridiculous notions as to their rights or their privileges, but had always shown themselves prepared to work harmoniously with the Government, whenever they considered any expenditure was desirable in the public interests. (THE COLONIAL SECRETARY: Hear, hear.) As he had already said, he had no intention for a moment to press that the item before the committee should be actually struck out; he had simply moved it in order to obtain an opportunity of making this explanation.

The clause was then put and agreed to, and, on the preamble being read,

Mr. CROWTHER said he rose merely to disclaim any intention of being personal in any remarks he had made, and to express his regret that a personal tone had been given to the discussion. If the idea had entered the mind of any hon. member on the Treasury bench that the representatives of the people were to be

"lockjawed," simply because a public officer left the colony, all he could say was the idea was a mistaken one so far as he was concerned.

Preamble and title agreed to.

Bill reported.

SUPPLEMENTARY ESTIMATES, 1883.

On the motion of the COLONIAL SECRETARY, the House then went into committee for the consideration of the Supplementary Estimates for 1883.

Legislative Council, Item £50:

Upon the question being put that this item stand part of the Estimates,

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that progress be reported and leave given to sit again next day.

Agreed to.

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

LEGISLATIVE COUNCIL,

Thursday, August 2nd, 1883.

Replacing Buoy at Lockville—Ecclesiastical Grant: How disposed of—Revenue and Imports and Exports, Vasse district—Fremantle Grammar School Bill: second reading—Excess Bill, 1883: third reading—Supplementary Estimates: Further consideration of—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

REPLACING BUOY AT LOCKVILLE.

MR. CAREY, in accordance with notice, asked the Colonial Secretary, "Why no steps had been taken to replace the buoy at Lockville, Vasse, the removal of which from its moorings, and stranding on the beach, was officially reported to the Government at the time; also, when the Government intended to replace the buoy?"

The hon. member said it came to his knowledge some months ago that this buoy was stranded, and that the matter was reported to the Government, but, up to the present time, no steps whatever that he was aware of had been taken to replace it. It was of great importance, for the purposes of navigation, that the buoy should be in its proper position.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the buoy was originally put down by Government for the express convenience of the W. A. Timber Co., on the clear understanding that the Company should keep it in repair, which they had from time to time done. On the receipt of the report of the stranding of the buoy, the Company were at once communicated with by the Harbor Master.

MR. SHENTON: That fact would not exempt the Government from blame, in the event of a shipping casualty. A case occurred recently in Sydney, where the Government was mulcted in some thousands of pounds owing to a buoy having been removed by the Harbor Authorities.

MR. CAREY submitted that, as the Government had laid down this buoy in the first place, they were responsible for maintaining it in its proper position.

ECCLESIASTICAL GRANT: HOW DISPOSED OF.

MR. CROWTHER said that when he asked the Colonial Secretary the other day to obtain from the various Churches a return showing how the vote for ecclesiastical purposes was expended, the hon. gentleman said if a motion to that effect were tabled, and agreed to by the House, the Government would offer no opposition to it. He therefore now begged to move, "That in the opinion of this Council the Government should request the several Churches to furnish a return showing in detail the expenditure of the money received from the Ecclesiastical Grant; and that such return be placed on the Table of this House."

Motion agreed to, *nem. con.*

REVENUE, AND IMPORTS AND EXPORTS, VASSE DISTRICT.

MR. CAREY, in accordance with notice, moved for a Return showing