

only charged six per cent. was an exceptional case. The money was lent to a religious body. As to no loans having been refused on account of the rate of interest demanded, that was not at all unlikely; no one would apply to the Government for a loan, when it was understood that they charged eight per cent., if the money could be had cheaper from other sources.

MR. STEERE was glad this discussion had taken place, so as to remove the impression which undoubtedly existed outside—and which was entirely confirmed by the report of the Postmaster General—that the Government was in the habit of charging eight per cent.

MR. RANDELL mentioned another case in which the Government had lent money at six per cent., namely to the Perth City Council, which, some time ago, borrowed £2,500 at that rate.

MR. MARMION said that having received the assurance of the representatives of the Government in the House, that in fixing the rate of interest they were always ruled by the state of the money market, he would, with leave, withdraw his motion.

Motion withdrawn.

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

LEGISLATIVE COUNCIL,

Tuesday, 17th July, 1877.

Police Return: Point of Order—Geraldton and Northampton Railway—Pensions Bill: first reading—District Roads Audit Bill: second reading—Imported Stock Act, 1876, Amendment Bill, 1877: second reading—Industrial Schools Act, 1874, Amendment Bill, 1877: second reading—Confirmation of Expenditure Bill: second reading—Extradition Bill, Western Australia, 1877: second reading; in committee—Roads Parties Discipline Bill: third reading—Ballot Bill: second reading.

THE SPEAKER took the chair at noon.

PRAYERS.

POLICE RETURN—POINT OF ORDER.

MR. SHENTON intimated his intention of renewing his motion for a return

showing the names, duties, and salaries of all officers of the police force stationed in the Perth district, inclusive of the Detective department.

MR. SPEAKER: (reading from *May*)—"It is a rule in both Houses not to permit any question or bill to be offered, which is substantially the same as one on which their judgment has already been expressed in the current session. This is necessary, in order to avoid contradictory decisions, to prevent surprises, and to afford proper opportunities for determining several questions, as they arise."

MR. SHENTON: In this case I maintain that the House has arrived at no decision. I asked the Colonial Secretary to lay the return asked for on the Table, and the hon. gentleman replied that it was of a character which required it should be moved for by an address to His Excellency the Governor. I then rose to a point of order, drawing your honor's attention to Standing Order No. 50, and your honor ruled that in this instance an address to His Excellency was not necessary. According to the rule you have read from *May*, when a member of this House asks for a return, or any information, from the Government relating to the public service, it would be competent for the Government, by simply raising a point of order, to virtually shelve the question for the remainder of the session. Such tactics as that would do away in a great measure with the independence and privileges of this House, and our mouths would be shut. I distinctly maintain that no decision whatever has been given to my question of yesterday, because your honor ruled that the answer given by the hon. the Colonial Secretary was not in accordance with the standing order of the House. I have received no reply, yea or nay, from the Government, as to whether the return I have asked for shall be laid on the Table. If the rule which your honor has just quoted is to govern our proceedings in such cases as this, then all I can say is that it seriously infringes upon the privileges of the elected members, who, I hope, will join me in protesting against it.

MR. SPEAKER: Your notice had better be inserted on the notice paper, and in the meantime I shall have time to consider the question.

GERALDTON AND NORTHAMPTON RAILWAY.

MR. BURGESS, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, praying that he will take into consideration, and, if possible, make the necessary arrangements to open the Geraldton and Northampton Railway for general traffic as soon as it is completed, to a spot on the line known as 'Ridley's,' being about half-way to Northampton, and across the heavy and sandy portion of the present line of road." The hon. member said the railway was now in working order for a distance of about fourteen miles, and in the course of another couple of months would extend half-way between Geraldton and Northampton. Were it opened for general traffic, it would be a great benefit to the mining industry of the locality and to the settlers generally. He thought it was a great pity that the line, extending fifteen or sixteen miles across a piece of country that was almost impassable for carts, should lie idle and profitless for the long space of time which was likely to elapse before the other portion of the line would be completed. Some difficulties might possibly arise between the Government and the contractors as to the adoption of the step which he proposed, but he saw no reason why some compromise could not be entered into, so as to render the line available for general traffic.

MR. HAMERSLEY, in seconding the motion, said it appeared to him that all they had heard from the hon. member who had proposed it was so reasonable that it was not likely to evoke any opposition.

MR. BROWN requested that the consideration of the motion be postponed pending his receiving certain information bearing upon the matter from his constituents, which information was in his opinion essential for the House and the Government in arriving at a decision on the point referred to in the resolution. The return which he had been promised would show the number of tons of ore at present raised and ready for being brought down to Geraldton; also the number of tons which it was expected would be raised during the next twelve months—the period which it was

believed would elapse before the completion of the line; and likewise an estimate of the general traffic which would at present be available, and the amount per ton which the mining proprietors and settlers could afford to pay for the transport of ore and produce. This information would probably be received in the course of a few days, and he thought it would be better to postpone the consideration of the motion until it was received, and placed at the disposal of the House and the Government.

MR. CROWTHER concurred. As to any difficulties arising between the Government and the contractor as to the terms of the contract, he thought the contract had been at an end years ago, although no doubt the Government on the one hand and the contractors on the other would adhere to that part of it which best suited their own convenience. He thought the Government should be very careful before taking over any portion of the railway until the whole line had been completed. They might possibly, however, enter into some arrangement with the contractor, giving him a certain right of way over the finished portion of the line upon payment to the Government of a fixed rate of tonnage, as had been done with the contractors of the Hobson's Bay Railway between Sandridge and Melbourne.

Motion postponed.

PENSIONS BILL.

MR. STEERE, with leave, introduced a Bill to regulate and abolish pensions in certain cases.

The Bill was read a first time and ordered to be printed.

DISTRICT ROADS AUDIT BILL, 1877.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy), in moving the second reading of this Bill, said that its object was to enlarge the provisions of the existing District Roads Act, by giving extended powers to auditors, in the event of their finding the accounts or the balance sheet of local Roads Boards incorrect. The 31st section of the present Act provided that once at least in every year the accounts of the board shall be examined and the correctness of the balance sheet ascertained by

auditors duly appointed under the Act; but no provision was made in the event of the auditors discovering a discrepancy in the accounts. It was now proposed, and that was the object of the Bill before the House, to empower the auditors in the event of a deficit appearing in the accounts of the board to sue all persons who had been members of the board since the preceding audit, and to recover from them, individually or collectively, any balance which may have been found against the board. The want of such a provision had been brought under the notice of the Government in a recent case where a Roads Board on taking over the accounts of the board from the secretary discovered a deficit, but the auditors and members of the board found themselves powerless to deal with the matter. The Bill, if it became law, would tend to make the members of these local boards more careful with regard to the expenditure of the funds, which he thought should not be left in the charge of a secretary or any individual member of the board, but held in trust by the board, in their corporate capacity, for the public. In short, the object of the Bill was to protect the public from any misappropriation of their money by these local boards.

MR. STEERE did not rise to oppose the motion for the second reading, but to ask that the further consideration of the Bill be postponed for a day or two, as there was another provision which he thought might be advantageously introduced into the Bill. It had been brought under his notice that a practice existed among some Roads Boards on the eve of retiring from office to enter into contracts for the ensuing year involving an expenditure of a large amount of the funds of the board, so that the incoming members found upon entering office that a large proportion of the funds which, properly speaking, should have been available for disbursement by the new board had already been appropriated by the outgoing members. He thought some provision should be made to guard against this sort of thing.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said he had no objection whatever to postpone the further consideration of the Bill.

MR. CROWTHER thought that before

the motion for the second reading was agreed to, the provisions of the Bill were such as required careful consideration. In the event of any irregularity taking place in connection with the accounts of a Roads Board, and members go out of office, possibly the irregularity might not be discovered for months afterwards, and should any of the members happen to be men of means—though perhaps they had nothing whatever to do with the irregularity in question—they would at once be selected as the victims—a piece of persecution which was likely to debar men of substance from taking office. He could not conceive that such a Bill was at all called for. If the chairman of a Roads Board did his duty, he (Mr. Crowther) failed to see how the board could be defrauded out of its funds; and he believed that chairmen, as a rule, did their duty. The Bill placed the members of the board at the mercy of the auditors in the event of a treasurer doing away with the funds of the board, and, twelve months afterwards, they would be called to account for it and be made to refund the moneys misappropriated by their treasurer. He thought this would be a very hard case, indeed, and he would move, as an amendment, that the Bill be read a second time that day six months.

MR. PADBURY: I myself am in favor of some such measure. I am not going to say there are any dishonest chairmen or members belonging to any of these boards, but I do know that in many instances there is a great waste of money on the part of Roads Boards. I think that these boards, entrusted as they are with spending public money, should be as much under the control of the Government—and that their accounts should be audited precisely the same—as other public bodies. The hon. member for Greenough thinks there would be some difficulty in finding a responsible person to accept the office of chairman of these boards, if the Bill became law. I do not think so myself; it would be of course for the chairman to see that the funds of the board were kept in safe custody and properly spent. To my own knowledge, two instances have happened in which the funds belonging to Roads Boards—which were considered to be in safe custody—have been squandered; but

this was owing to the carelessness of the members. I happen to be a member of a Roads Board, and I do not think any of us would care for such a Bill, for we take particular care that the funds of the board are in safe keeping. I shall support the motion for the second reading of the Bill.

MR. BROWN seconded the amendment. The Bill as at present framed rendered the innocent liable to suffer for the guilty. If the provisions of the Bill merely contemplated the prevention of fraud, the measure would have his hearty support; but it went a great deal farther than that. It rendered an innocent man liable for the fraud of others, as had been very clearly shown by the hon. member for Greenough. The member most likely to be sued in the event of a deficit would not be the most culpable individual, but he who had the means to pay, however innocent he may have been of fraud or misappropriation. If the Bill proposed to render the person guilty of misappropriation responsible, he would not object to such a provision; but the Bill as it at present stood would operate very harshly and unjustly. Nor could he conceive that it would at all affect the intention of the Government. As the law remained at present, any person guilty of fraud could be most severely punished, which ought to be a sufficient protection to the public. He did not think there was any precedent for such a Bill in existence.

MR. BURGESS opposed the motion for the second reading of the Bill in its present shape. No doubt it was necessary to protect the public from a misappropriation of their funds, but not in the way provided in this Bill. He believed they would find great difficulty in obtaining the services of persons of common sense to undertake the duties connected with Roads Boards, if the Bill became law, and they discovered the penalties to which they were liable through no fault or inadvertence of their own. Had it been proposed to make the chairman of the board responsible, there might have been some reason for that; but he could not support the Bill as it stood at present.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said the attention of the Government had been directed to the

necessity of some such measure as that before the House by a case which had occurred some little time ago in connection with the Toodyay Roads Board. The secretary of the board received a lot of money on account of cart licenses, which money he was supposed to deposit in the bank. The secretary died, and it was found that instead of placing the funds of the board in the bank he had appropriated the money to his own use, and the man having died insolvent the loss fell on the Roads Board. He thought provision ought to be made for such cases as these. Hon. members might entertain some objection to the details of the measure, but he hoped the House would so far affirm the principle of the Bill as to agree to its second reading. If they chose to modify the strictness of the Bill it would be competent for them to do so in committee. There appeared to be considerable difficulty in fixing who should be responsible in the event of the funds of the board being misappropriated; but he could not help thinking himself that the parties to whose carelessness the deficiency was attributable should be held responsible. If the members of the board through whose neglect or supineness the misappropriation had occurred were not to be rendered amenable, he would like to know who ought to be? Were the public to be the sufferers, in consequence of the carelessness of those entrusted with the expenditure of the funds? If not, who should be held responsible? From whom should they be empowered to recover, if not from the members of the board? If, when the Bill was considered in committee, it was thought that its provisions as at present framed might work injustice, and were so stringent as to be likely to defeat the very object they had in view, any amendments which would tend to make the measure more just in its operation would receive every consideration at the hands of the Government.

MR. PARKER said he would support the motion for the second reading of the Bill. He did not think it would operate so harshly as some hon. members seemed to think, but he thought, himself, it would be better to make the chairman of the board responsible, for, so far as his experience went, the chairman was the

man who had charge of the funds, and if he should misappropriate them, he (Mr. Parker) thought it very hard that the misconduct of the chairman should fall upon innocent members of the board. This might be altered when the Bill was in committee.

MR. MARMION was disposed to support the amendment of the hon. member for Greenough, for this reason: he did not see why the auditors should be constituted as judges of what was "lawful" expenditure or not. If it were proposed to render the members liable for misapplication of money voted by the board for a certain specific service—and the minutes would show how each member had voted—there might be some show of reason for rendering members responsible. But he thought it would be a great mistake, and one which might have a very injurious effect upon many an innocent man, to constitute the auditors judges of whether the funds of the board had been lawfully expended or not. It might often happen that the men chosen as auditors on these local roads boards were men who were utterly incompetent to decide whether this or that vote had been lawfully expended or not. Altogether, he was rather inclined to vote for the amendment.

MR. SHENTON thought the same provision should be made with reference to auditing the accounts of roads boards as was prescribed in the 130th section of the Municipalities Act, with respect to the auditing of municipal accounts. It was there provided that the auditors shall disallow any expenditure contravening the provisions of the Act, and the individual members of the Council who had sanctioned such improper or unauthorised expenditure were held personally responsible, and liable to be sued for the amount. He could not support the Bill in its present shape.

SIR THOMAS COCKBURN-CAMPBELL thought the measure, as at present framed, seemed slightly alarming, but he acknowledged the necessity of legislation in the direction indicated. Some years ago he was Chairman of the Town Trust at Albany, and he and the Chairman of the Roads Board had the same clerk. No doubt there had been gross carelessness on their part, but when the clerk came to die there was a deficit of about £50.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): Who paid it?

SIR T. COCKBURN-CAMPBELL: Nobody paid the money: the poor clerk paid the last debt of nature. No doubt, as I have already said, there was gross neglect and carelessness on our own parts, but I think some provision should be made to meet such a case as I have cited, and the case referred to by the Attorney General. I shall therefore support the motion for the second reading of the Bill.

MR. RANDELL thought the objections which had been raised to the Bill were such as pointed rather to the desirability of altering the details of the measure than to throwing it out altogether. Possibly it might be very difficult to provide for all contingencies, but he did think that when the public funds are entrusted to a body of men for expenditure, some conditions should be attached thereto. He could hardly conceive such a loose way of transacting business as that indicated in the case referred to at Toodyay, and he thought some protection should be afforded to the public against the recurrence of such a case, and some guarantee that the funds of the boards are properly expended on the roads within their jurisdiction. He would support the motion for the second reading of the Bill, though he might be disposed to support amendments to its provisions in committee. He was inclined to agree with the hon. member Mr. Parker, that the chairman of the board should be the responsible party, for no money belonging to the board should be paid away without his signature. Payments should be made by cheques on a bank; and were this plan adopted there would be very little chance of misappropriation or loss of funds.

MR. BURT thought, from what had fallen from some hon. members, there must be a great deal of laxity on the part of members of Roads Boards in dealing with the public funds entrusted to their charge. How the money went, no one seemed to know, and, from what he had observed, very few seemed to care. He failed to see the injustice of the Bill at all. The funds were entirely within the control of the Board, and the members should be held responsible for the proper expenditure of the money. The hon.

member for Greenough seemed to think the Bill would prevent persons accepting the office of chairman of these boards if so much responsibility attached to the position; but if the funds of the board were payable only by cheque, signed by the chairman himself, he saw no loophole for fraud or occasion for any hardship. With respect to auditors deciding whether the funds have been lawfully expended or not, he thought the hon. member for Fremantle had raised a very interesting question. He was afraid there was a good deal of public money unlawfully expended by municipal and other bodies in connection with receptions and banquets and those sort of things—an expenditure which was as unlawful as it possibly could be. He had heard of the members of a municipal council voting that their photographs should be taken—whether collectively or individually he did not know—and the cost defrayed out of the public funds at their disposal. Such an item as that an auditor would surely strike out, without a moment's hesitation. But, joking apart, he did think, looking at the very limited circle from which auditors are necessarily chosen in country districts, it was rather too much power to invest them with the right to determine what was lawful and what was unlawful expenditure on the part of the board.

Mr. RANDELL said the existing Act provided that one of the auditors shall be the Resident Magistrate of the district.

Mr. BURT said he had not been aware of that provision. He thought the same principle should govern the expenditure of public funds by Roads Boards and Municipal Councils as obtained in that House, whose votes could not be exceeded by the Government.

An Hon. MEMBER: But they are exceeded.

Mr. HAMERSLEY would support the amendment of the hon. member for Greenough. He thought it would be an endless piece of work to lick the Bill into shape, and he thought legislation in this direction should be postponed until a more shapely Bill was introduced. He thought it would be very difficult indeed, especially in country districts, to find persons prepared to accept office as members of Roads Boards under such

provisions as were contained in the present measure.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) was sorry to find so much opposition on the part of some hon. members to the introduction of the Bill. They had not adduced any proof to show that such an injustice as they apprehended would arise; on the other hand, the Government had clearly shown that abuses now existed, and that in the interest of the public a remedy should be provided. He could not conceive that any member of a Roads Board would object to the provisions of the Bill, if he was an honest man; nor show any disinclination to assume the responsibility of the trust reposed in him. He did not ask the House to commit itself to supporting the mere details of the Bill, but simply to affirm its general principle, against which no reasonable opposition could be raised.

Question—That the words proposed to be struck out stand part of the question—put.

Council divided.

Ayes	13
Noes	7
Majority for				6

AYES.	NOES.
The Hon. H. H. Hocking	Mr. Brown
The Hon. M. Fraser	Mr. Hamersley
Mr. Shenton	Mr. Burges
Mr. Burt	Mr. Monger
Mr. Hardy	Mr. Marmion
Mr. Glyde	Mr. Pearce
Mr. Parker	Mr. Crowther (Teller.)
Mr. Padbury	
Sir T. C. Campbell	
Mr. Randell	
Mr. Steere	
Mr. Gale	
The Hon. A. O'Grady Lefroy	
(Teller.)	

The amendment was therefore negatived, and the motion for the second reading of the Bill agreed to.

IMPORTED STOCK ACT, 1876—AMENDMENT BILL, 1877.

This Bill was read a second time without comment, and ordered to be committed on Friday, July 20.

INDUSTRIAL SCHOOLS ACT, 1874—AMENDMENT BILL, 1877.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) in moving the second reading of this Bill, said it had been brought forward to

remedy an evil which had arisen in consequence of a misinterpretation of the objects of the framers of the Industrial Schools Act, 1874, on the part of the certified manager of one of the institutions certified under the Act, with reference to the powers which such managers possess as guardians. In the case alluded to, a child, without receiving any benefit whatever from the institution in question, had been apprenticed by the certified manager, who had exercised the powers and privileges of a lawful guardian over such child. The Bill proposed that no infant voluntarily surrendered, or taken in accordance with the 5th section of the existing Act, into any school, orphanage, or other institution certified under the Act, shall be deemed to be in the custody of the certified manager—nor shall the manager acquire the powers of a guardian over such child,—unless such infant shall either be an actual inmate of the institution; or, being over twelve years of age, shall have been educated as an inmate of such institution for a period of at least three years. The Bill further provided that no indenture of apprenticeship shall be of any force or validity unless the infant is a party to the same, and the Resident Magistrate of the district in which the proposed master lives signifies his approval of the same.

Bill read a second time.

CONFIRMATION OF EXPENDITURE BILL.

This Bill was read a second time without discussion, and the House was asked to go into committee thereon, whereupon

MR. STEERE moved, as an amendment, That the Bill be referred to a select committee, and that such committee consist of the Hon. A. O'Grady Lefroy, Mr. Marmion, Mr. Crowther, Mr. Randell, and the mover, and, with leave, Mr. Brown and Mr. Shenton.

The amendment was agreed to.

EXTRADITION BILL, WESTERN AUSTRALIA, 1877.

This Bill was read a second time *sub silentio*.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2.—“Powers vested in, and acts authorised or required to be done by

a Police Magistrate or any Justice of the Peace in England in relation to the surrender of fugitive criminals, are hereby vested in, and may in the Colony be exercised by, any Police Magistrate.”

MR. STEERE asked why, if any Justice of the Peace in England could exercise these powers, they should here be vested only in Police Magistrates?

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said an ordinary Justice of the Peace had no such power in England, and he was not aware why the words had been introduced into the Bill, which had been sent out from the Colonial Office in its present shape. The retention of the words, however, would do no harm, though it was evident they were superfluous.

Clause agreed to.

Clause 3—agreed to.

Bill reported.

ROADS PARTIES DISCIPLINE BILL, 1877.

Read a third time and passed.

BALLOT BILL, 1877.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), in moving the second reading of this Bill, said he could not help noticing an observation which had fallen from one or two hon. gentlemen with reference to it, and which seemed to indicate a very unfair spirit towards the Governor and the Government. One hon. member (Mr. Burt), in the debate on the Address in Reply to His Excellency's Speech said he did not think the Government were entitled to much credit for introducing this measure, as it had been forced upon them by the House; and the hon. member for Wellington was very glad to re-echo the sentiment. Now, if the Government had come forward to claim any credit in respect of the measure, he could have understood their claim being contested; but it did seem to him an extraordinary proceeding on the part of hon. members, before ever seeing the Bill, to seek to depreciate the action of the Government in bringing it forward and to claim all the credit to themselves, without being even cognisant of the provisions of the Bill. Hon. gentlemen seemed to regard the action of the Government in introducing the Bill, as if they had accidentally blundered into the

course they had adopted, which seemed to him to indicate a very unfair spirit towards the Government. As to the object of the Bill, hon. members were no doubt aware that the intention was to adopt the principle of secret voting at the election of members to serve in that House, and to abolish the system of proxy voting. This latter question was no doubt a very difficult one to deal with. Ever since he had had the honor of a seat in the House, the question had been brought forward, session after session. He did not think any hon. member liked the system, and those who would be inclined to support it looked upon it to a great extent as a necessary evil. The electoral districts in this Colony were so extensive and the population so scattered, and there existed so much apathy with regard to public matters, that very likely the prediction of the hon. member for Greenough—as to the small number of persons who would bother their heads about exercising the franchise under the new order of things—would be verified. But the House could not help that. What they had to consider was the best system of voting, and he could not help thinking that the Government in their proposal to abolish the system of proxy voting would be supported. It would be in the recollection of the House that, on the motion of the hon. member for Perth (Mr. Randell) a resolution was adopted last session requesting His Excellency at the present session to introduce a Bill to limit proxy voting to electors residing more than fifteen miles from a polling place. The Governor—the Government, he might say—had seriously considered the question during the recess, and they found it very difficult to give effect to any such restriction; so they proposed abolishing proxy voting altogether. Hon. members were aware that His Excellency the Governor was empowered to appoint district polling places where he deemed advisable, and it had been found, as the House had been informed in the speech with which His Excellency opened the session, that, by utilising a certain number of police stations and post offices, and about five other selected buildings which might or might not be ultimately employed, nineteen-twentieths of the population would be brought within a radius of not

exceeding fifteen miles from one or other of the proposed polling places. He thought they might fairly consider that a very large proportion of the population would be brought within a very much less radius. Possibly a fewer number of people would vote than when proxy papers were taken round to their doors, but the advantages to be derived from the proposed change would more than counterbalance this drawback. In the first place, they would cease to have Justices of the Peace mixing themselves with elections by endeavoring to secure votes for this or that candidate, and, in the second place, in all probability those who would vote at all under the contemplated arrangements would be persons who took a livelier interest in political affairs than those who only voted when people came with proxy papers to their doors. Hon. members would observe that the third clause of the Bill made a distinction between a "central polling place" and a "district polling place," the former being the place named in the writ as that at which the election is to be held—one of those great centres of population such as York and Newcastle. The district polling places would be the police stations, post offices, and other buildings which it was proposed to utilise for the purposes of the Bill. Under the law, as it at present stood, the Returning Officers were appointed by the Governor, and, according to the Bill before the House, it would be the duty of these officers, prior to the day of election, to appoint some fit and proper person to preside at each of the district polling places, and to make the necessary provisions for taking the poll, such as furnishing each polling station with a copy of the electoral list for the district, also with a proper ballot box, and a sufficient number of ballot papers. The form of these ballot papers would be found in one of the schedules to the Bill, and a reference to it would show hon. members that as much provision as possible was made for illiterate persons voting, the names of the candidates being arranged in alphabetical order on the ballot paper. Attached to the ballot paper would be a counterfoil, in the form also given in the schedule, on which a corresponding number with that of the ballot paper would be printed, thus afford-

ing a means, in the event of its being necessary to trace an informal vote, of identifying it. It would be observed that, in such a case, every possible provision was made for maintaining the principle of secrecy, for the power to examine the ballot papers and counterfoils was confined to the Chief Justice, who, under no circumstances, was to allow them to go out of his possession, or to be inspected or seen by any person whatsoever, other than himself. The sixth clause of the Bill did away with the existing system of nominating candidates on the day of election, and provided that the returning officer shall announce to the meeting the names of the persons from whom he has received notice of their intention to become candidates. The eighth clause was really the all-important section of the Bill; it provided for the necessary machinery for carrying out the principle of ballot voting in its integrity. It was proposed that the returning or presiding officer at any polling place shall, immediately before proceeding to take the poll, exhibit the ballot box empty to the assembled electors, and then lock it and keep the key in his possession until the close of the poll. Every person desirous of voting would have to present himself to the presiding officer and state his name and address; and, if any doubt existed on the mind of the presiding officer that the elector had voted before, he was empowered to ask him certain questions as prescribed in the tenth clause. In framing the present Bill, he had omitted one question which the Returning Officer under the provisions of the existing Act was empowered to ask, namely, "Have you the same qualification now as you had when the electoral register was prepared?" He had done so for this reason—he thought it better in all these cases to accept the register itself as conclusive. The presiding officer on giving a voter a ballot paper would write the voter's name on the counterfoil, and make a mark against the name of the voter on the electoral list. The voter, when he received his ballot paper, would be required to retire to a table apart, and there alone and in private, indicate the name of the candidate or candidates for whom he intended to vote by making a cross within the square

opposite the name of such candidate. He would then have to fold the ballot paper and return it to the presiding officer, who, without opening it, would deposit it in the ballot box. This was a part of the machinery which might be objected to: it might be that it would be better for the voter to drop his ballot paper into the box himself—he believed that was the practice in England. But, then, it might be possible for a man to slip in two ballot papers, and it appeared to him open to no objection if he gave his paper to the presiding officer to deposit in the box. The eleventh clause provided for the mode of procedure at the district polling places at the close of the poll, and the next clause dealt in like manner with the course of procedure to be observed at the central station. Provision was made in the following clause for ascertaining that the same person had not voted at one of the district polling places as well as at the central polling place. In the event of this being the case, the returning officer would have to forward to the Governor a certificate under his hand, showing the name or names of those persons who might appear to have voted more than once, and a copy of this certificate would be published in the *Government Gazette*. The offending party would not escape prosecution, and the penalty provided by the Bill was very severe. A subsequent section provided that certain errors, the result of inadvertence, should not affect the validity of an election, the provisions in this respect being to a great extent identical with those of the English Act. The seventeenth clause prescribed the course to be pursued on a scrutiny being required, in the event of the trial of any petition presented to the Supreme Court relating to alleged bribery and corruption. The remaining sections of the Bill dealt with the offences committed under its provisions, and the last clause repealed certain sections of the existing ordinance necessary for the introduction of the new system of voting. These were the objects of the Bill, the second reading of which he now begged to move.

MR. STEERE: Before the Bill is read a second time, I should like to say, in reply to what has fallen from the hon. gentleman who has just sat down, that there were very good reasons why I

stated that it was the members of this House who deserved the credit of having been instrumental in the introduction of this measure. Statements have been made in the newspapers, and by other persons in public, that were it not for the system of proxy voting many hon. members who now have a seat in this House would not be here, and that therefore those members were opposed to the introduction of any other system, lest they should lose their seats. I do not believe there is any hon. member in the House who would not have been returned had the ballot been in operation. Hon. gentlemen are aware that at the last session a resolution was adopted without opposition by the House, praying His Excellency to introduce a Bill this session to abolish proxy voting, and the measure before the House may be regarded as the outcome of that resolution. It will therefore be seen that I was not far wrong in claiming some credit for this House for the introduction of the Bill. The measure is one that shall have my hearty support, for I think it is a very good Bill indeed. I do not mean to say that I agree with all its provisions, and there are one or two additions which I shall have to propose when we go into committee on it. In the first place, I think some provision should be made for enabling voters residing out of a district to record their votes. This Colony is not like England, with its rapid means of locomotion, enabling persons to travel long distances with facility. Another addition which I should like to see introduced, is a list of the polling places which it is proposed to employ for that purpose. I believe this is done in the Bills adopted in most of the other Colonies, and also in the English Act, and I think it is very desirable that the same thing should be done here, and that the polling places should be specified in a schedule to the Bill. A candidate may happen to have a considerable number of supporters in a neighborhood, and he would naturally wish for a polling place to be stationed there, or *vice versa*. If the polling places were defined in the Bill, they would of course be fixtures, and would not be removed from one part of a district to another at different elections. But this is a matter of detail which may be discussed in committee. The motion for

the second reading of the Bill shall have my support.

Bill read a second time.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved that it be considered in committee of the whole House on Monday, the 23rd July.

MR. BROWN moved, as an amendment, "That the Bill be referred to a select committee; such committee to consist of the hon. the Attorney General, Mr. Burt, Mr. Steere, Mr. Randell, and the mover: and, with leave, that Sir T. C. Campbell and Mr. Shenton be added; the committee to report to the House as soon as possible." The hon. member said the subject was an exceedingly dry one for discussion, but at the same time exceedingly important. He gave the Government every credit which was due to them for bringing in the Bill, which he thought would form the basis of an excellent measure. He noticed that, so far as it went, it was pretty nearly a transcript of the English Act. (THE ATTORNEY GENERAL: No, it is not.) At any rate, it was framed very much on the same principle, though departing from the English Act in some of its main features. That Act had been found to work admirably at home, and no amendment had been sought to be made in its provisions; and before they decided to depart from the main features of such a measure—as the present bill did—he thought it would be better that it should be referred to a select committee. In England, for instance, the official mark placed on the ballot paper was a stamp, which was kept from the knowledge of the voting community, and not the initials of the returning officer, as proposed in the present Bill, which would be known to the majority of the electors, and thus afford facilities for forgery. He thought this was worthy of consideration. Another somewhat objectionable feature in the Bill was that referred to by the hon. the Attorney General, namely, the handling of the ballot papers when filled in, instead of allowing the voter, as in England, to deposit his paper in the ballot box himself. He failed to see that the reason given by the hon. gentleman for departing from this practice had any weight. The "directions to voters," again, were not in strict accordance with the directions at home, and were contrary to the pro-

visions of the Bill itself. He also thought that provision should be made for the removal of persons misconducting themselves at the polling place, as in the English Act, and likewise for the punishment of persons defacing nomination papers. He failed to see why this latter provision had been omitted in the 18th clause, which defined the offences punishable under the Bill. Another most important omission was that no penal provision was made to ensure secrecy on the part of the returning officers, the scrutineers, or the police who were allowed to be inside the polling place when the votes were being recorded. The English Act provided for the summary conviction and imprisonment of any person disclosing any information connected with the voting, and the same provision should be made here. Some provision should also be made in the event of a candidate wishing to withdraw from a contest at the eleventh hour, and for intimating the fact of his having withdrawn to the various presiding officers throughout the district, which in some instances might render an election unnecessary. He did not think the country should be put to the expense of polling when there was no necessity for it. No doubt there were difficulties in the way of providing for such a contingency, but the question was one which should receive consideration. Another omission he noticed in the Bill, was that no provision was made for illiterate voters, who could neither read nor write, recording their votes in secrecy. It might be a matter of opinion whether such a man should be allowed to vote at all, but so long as these persons were not excluded from the exercise of the franchise, some means ought to be provided for them to record their votes. Regard being had to the necessity for making the provisions which he had alluded to, and for otherwise modifying the details of the Bill, he thought the best course to adopt would be to refer it to a select committee.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): I would ask hon. members to consider whether there really exists any necessity for referring the Bill to a select committee. I know the House is very fond of these select committees, but really I do not see why we are not as able to deliberate upon this question in

committee of the whole, as a select committee would be. All the hon. member has assigned for moving that we should adopt the course which he recommends is that there are various points with regard to which the Bill requires amending. I have listened with great pleasure to the hon. member's speech, and I am perfectly willing to admit that several of his suggestions are very important, and I shall be happy to fall in with them. His criticism is very just, and the points he has raised are well worthy of being considered. But why, I should like to know, is a select committee regarded as more competent to deal with such questions than a committee of the whole House? I think it would be far more expedient to adopt the latter course, and I shall therefore move that the Bill be considered in committee of the whole on Monday next, or, if the House wishes it, I shall be perfectly ready to appoint a more distant date.

MR. PADBURY thought the House was quite as competent to deal with the Bill as a select committee, and he would oppose the amendment.

The amendment was negatived, and the Bill ordered to be considered in committee of the whole Council on Monday, July 23.

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

LEGISLATIVE COUNCIL,

Wednesday, 18th July, 1877.

Prevention of spread of Rabbits: select committee—
Inquest relative to the death of John Burns—Police
Force, Perth district: return asked for—Eucla
Telegraph Line—Floating Dock at Fremantle.

THE SPEAKER took the chair at 7 o'clock p.m.

PRAYERS.

PREVENTION OF SPREAD OF RABBITS.

SIR T. COCKBURN-CAMPBELL moved for a select committee to consider the advisability of presenting an address to His Excellency the Governor, request-