

Act. In order to effect this object he would move that the Bill be now re-committed.

Agreed to.

IN COMMITTEE.

Clause 6 reverted to:

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved that all the words before the word "section" in the third line, be struck out, and that the following words be added to the Clause, "and section twenty-one of the said Act shall be and the same is hereby amended, by omitting the words 'or in the name of such person as may have been directed in that behalf.' Provided always, that this last mentioned amendment shall not apply to the case of any application that may have been made before the passing of this Act, to bring land under the operation of the Transfer of Land Act, 1874, in the name of any person other than the applicant."

Agreed to, and clause as amended ordered to stand part of the Bill.

Bill reported.

FOREIGN SEAMEN OFFENCES BILL, 1878.

This Bill was re-committed, and some verbal alterations were adopted without discussion. [*Vide* "Votes and Proceedings," p. 97.]

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

LEGISLATIVE COUNCIL,

Wednesday, 3rd July, 1878.

Colonial Wine Licenses—Messages from His Excellency the Governor—Applications under clause 43 of Land Regulations—House Allowance for Resident Magistrate, Roebourne: Point of Order—Messages No. 1 and 4: Eastern Railway; in committee—Customs Ordinance Amendment Bill: further consideration of, in committee—District Roads Boards Audit Act, 1871, Amendment Bill, 1878—Adjournment.

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

PRAYERS.

COLONIAL WINE LICENSES.

MR. CAREY, in accordance with notice, drew the attention of the Council to the working of the 10th section of the 36th Vict., No. 5 (Wines, Beer, and Spirit Sale Act, 1872), and moved, "That in the opinion of this Council, an alteration in the law as to the free sale of colonial wine, in quantities of not less than five gallons, by vineyard proprietors or lessees, is desirable." The hon. member said he had submitted the resolution with a view to elicit an expression of opinion on the part of the House, with a view to future action in the matter. The revenue derived from these licenses was very trifling indeed. He found there were thirty-six licenses issued this year, bringing in (at £2 each) the sum of £72 per annum. On looking over the names of the licensees he discovered that eighteen of them were wine-growers. It was unnecessary to point out to the House the evils arising from the existence of these wine-shops—they were the source of a great deal more mischief than public houses, being for the most part beyond police surveillance. On the other hand he failed to see why every encouragement should not be afforded to the *bonâ fide* wine grower to dispose of the fruits of his labor, and it appeared to him that to return to the old system would be better than the present law, and far more satisfactory to the grower as well as to the general public. It would be a great boon to the workmen employed on the farm, who, instead of periodically rushing off to the nearest public house—possibly many miles distance—there to spend their substance in riotous living for days or weeks—would be able to have their wants supplied on the spot, within moderation, for no employer would be so regardless of his own interests as to supply his men with quantities that would render them unfit for work. As he had already said, his main object in proposing the resolution that stood in his name was to elicit an expression of opinion on the part of the House as to whether an alteration in the existing system was desirable or not, so that the Government may become possessed of the views of the Council on the subject.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), though not prepared to support the resolution before the House,

considered it was not so objectionable as that of which the hon. member for Swan had given notice the other day. A fundamental objection to the latter was that it would prohibit the sale of colonial wine in retail, altogether, except in public houses. Wine-growing would thus have been greatly discouraged, and vineyard proprietors might as well have given up their business altogether, had such a motion been put and carried. Everyone knew that the present system was open to many objections, one of which—and one which he thought might easily be met—was that which precluded a licensee to sell less than a pint of wine, which in his opinion was a very unwise provision. A man would often be satisfied with half a pint, or even less than that, but, under the existing law, however moderate his requirements might be, the license-holder could not sell less than a pint at a time. With regard to the proposition to render the sale of colonial wine altogether free, that certainly was taking the bull by the horns with a vengeance, and was wholly opposed to the policy adopted with regard to the liquor traffic. He certainly was not prepared to support such a proposition as that. He thought some light might be thrown on the subject by referring to the Acts in force in the other Colonies regulating the sale of colonial wine, of which, as hon. members were aware, a large quantity was sold and consumed. A short time ago he was looking over the South Australian Act, and in that Colony it appeared the sale of wine was allowed with very considerable freedom, and in quantities of half a pint, or even less. So far as his opinion went, he did not think the House was at present in a position to deal with the question in the shape of taking any action in the matter that evening; nor did he think they were prepared to express any decided opinion as to the course which it would desire the Government to take in the matter. At the same time he would be glad to hear the opinions of those members who had an opportunity of observing how the present system worked, but he thought the hon. member for Vasse would act wisely in withdrawing his resolution for the present.

MR. CAREY said he had no desire whatever to press his resolution, his only object being to elicit an expression of

opinion on the part of hon. members conversant with the working of the existing system. If he found that the weight of opinion was adverse to the present state of the law, and in favor of a change, he would himself, in all probability, introduce a Bill to amend the existing Act at the next Session. Personally, he failed to see any greater objection to the free sale of wine by the person growing it than to the free sale of flour by a person cultivating wheat.

MR. HAMERSLEY suggested that the consideration of the motion be postponed for a few days, rather than that it should be withdrawn altogether.

MR. BROCKMAN thought it was pretty well known that the clause referred to in the motion of the hon. member for Vasse had been very much abused, especially in country districts, and he believed a petition setting forth this fact was presented to His Excellency Sir William Robinson—a petition which was very numerous and influentially signed, several Magistrates being among the subscribers to it. He had intended giving several instances in which the clause in question had been abused by the holders of colonial wine licenses, but as several of these licenses had changed hands, and as other offenders had amended their ways, he thought perhaps it would be as well to say no more about it. He considered that the petition which was already in the hands of the Government was quite sufficient to show the working of the section under consideration, and of the abuses to which it was liable. Although he did not agree with the hon. member for Vasse that wine should be sold as free as flour, yet he would rather see that than that licenses should be granted in the manner they are at present granted: workmen then would not be so apt to congregate together for days at wine-shops, and there would be less debauchery than under the existing system.

MR. HARDEY said he had intended, if the Bill had been re-committed, and the House had gone into Committee on the clause which had stood in the name of the hon. member for Swan, he would have been prepared to have moved an amendment. But as the motion for the re-committal of the Bill had lapsed, no opportunity was afforded him of bringing

forward his amendment. As, however, an expression of opinion had been requested, he would say what he had to say with regard to the working of the present system of colonial wine licensing. With reference to the neighboring Colonies, to which allusion was made by the Attorney General, he found, on reference to the enactments of New South Wales on this subject, that upon payment of a fee of £1 any person might obtain a license to sell wine, cider, or perry by retail (but not to be consumed on the premises) provided the person applying for the license occupied premises of a retail value of £10 per annum. There was no limit as to the quantity to be sold, the only proviso being that the wine shall not be consumed on the premises. With regard to our own Act, licensees were tied to sell no quantity less than a pint, which he thought was a mistake; it would be far better to reduce the minimum quantity to half-a-pint, which would satisfy the wants of many a passer-by. The clause which the hon. member for Swan had intended to introduce would have prohibited the small grower from selling any quantity less than twenty gallons, as the Act now stood. He did not think they ought to do that. With the leave of the House he would read the clause which he had intended to move as an amendment upon the section which had stood in the name of the hon. member referred to. It was to this effect: "A colonial wine license shall authorise any licensee residing in a townsite to sell and dispose of any wine, cider, perry, or mead, grown or manufactured in the Colony, in any quantities, but not to be drunk on the premises: the owner or lessee of any vineyard or orchard of less than three acres (in extent) shall on application obtain a license without payment of fee to sell and dispose of any wine, cider, perry, or mead, in quantities of not less than three gallons: the owner or lessee of any vineyard or orchard of more than three acres in extent shall be free to sell without a license in any quantities, but not to be drunk on the premises: provided that nothing herein shall prevent any *bonâ fide* vineyard or orchard proprietor from selling wine, cider, perry, or mead, to the men employed in his service to the extent of not more than one-fourth of their wages." Under the present sys-

tem of colonial wine licensing, everybody had to take out a license; but, for his part, he would certainly do away with all these licenses, except in the townsites;—he did not think it would be fair to the publican to abolish these licenses in the towns. He believed the greater part of the evils attendant upon the present system was in connection with the small vineyard proprietors—men who possessed only a few acres, and in some cases a quarter or half an acre, who bought their wine from others and turned their houses into grog-shops. The clause which he had intended to introduce, had an opportunity offered, would have remedied this evil to a great extent. He had included "mead" in the list of beverages coming within the scope of the Act, though no reference was made to it in the existing enactment. Many hon. members were probably not aware that a great quantity of mead was made in the Colony, and was sold, and he was informed that it was infinitely more intoxicating than ardent spirits.

MR. CAREY said that, with the leave of the House he would withdraw his motion, as he considered the matter had been sufficiently ventilated to answer all present purposes.

Leave given and motion withdrawn.

MESSAGE NO. 2—ACKNOWLEDGING RECEIPT OF ADDRESSES.

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

"The Governor has the honor to acknowledge the receipt of the following Addresses from your Honorable Body:

No. 1.—Expressing the opinion of the Council that the present system of opening mails and distributing letters on Sunday is not at all necessary, and is a great hardship to the officers of the Postal Department, and asking His Excellency to take such steps as he may deem necessary to carry out the wishes of the House.

No. 2.—Notifying the desire of the Council to leave in His Excellency's hands the arrangement of the details of a measure for providing steam communication between the ports of this Colony and South Australia.

No. 3.—Praying His Excellency to ascertain if arrangements cannot be made

with the P. and O. Company whereby the mails should be landed at Fremantle in place of King George's Sound.

No. 4.—Praying His Excellency to place on the Estimates a sum of money sufficient to make a preliminary survey of a suitable route for an extension of the Eastern Railway in a certain direction.

No. 5.—Stating the opinion of the Council that it would be advantageous to the Colony if the Government would in certain cases allow town allotments to be given to immigrants, mechanics, or workmen, in special cases, under certain provisions and restrictions.

No. 7.—Praying His Excellency to place a sum of money on the Estimates to cover the cost of the erection of a Court House at Roebourne.

No. 8.—Praying His Excellency to be pleased to take steps for giving effect to the proposal contained in His Excellency's Despatch, No. 140, of the 27th December, 1877, to the Secretary of State, respecting the raising a loan for expenditure upon roads.

No. 9.—Praying His Excellency to be pleased to place on the Estimates, a sum of money to defray the cost of providing a new Court House in Perth.

The Governor has the honor to inform your honorable House, in reply to:—

No. 1.—That His Excellency has issued instructions, which will be found in the General Order herewith, relieving the Officers of the Postal Department of all Sunday duty.

No. 2.—That His Excellency is gratified by the expression of the confidence the Council places in him, and will do his best to carry out an arrangement in conformity with its wishes.

No. 3.—That His Excellency has taken steps for impressing on the P. and O. Company, and the Governments of the Eastern Colonies, the advantages which would result if such an arrangement as the Council suggests were to be adopted in the new contracts to be entered into for mail services to Australia.

No. 4.—That His Excellency is glad to be able to comply with the request of the Council, and will place the requisite amount on the Estimates.

No. 5.—That the wish of the Council shall, if possible, be complied with.

No. 7.—That His Excellency will place

a sum of money on the Estimates for the object desired by the Council.

No. 8.—That His Excellency will have much pleasure in taking steps to carry out the wishes of the Council.

No. 9.—That His Excellency has had in view the expediency of converting into a Court House one of the Military Buildings which it is understood to be the intention of the Home Government to hand over to the Colony, and that until the building becomes the property of the Colony it would not be expedient to make provision in the Estimates for dealing with it, but that when this is done His Excellency will proceed to carry out the wishes of the House, which he has ascertained can be effected at a comparatively small cost."

Government House, Perth, 3rd July, 1878."

"GENERAL ORDER, No. 10.—*Colonial Secretary's Office, Perth, 7th June, 1878.*—His Excellency the Governor, being desirous of relieving the Officers employed in the Postal and Telegraph Departments from all duty on Sunday, not imperatively required in the public interests, is pleased to direct as follows:—2. The Order of the 24th November, 1877, regarding the Perth Post Office, is hereby cancelled. 3. In future, unless specially ordered by the Governor, no Post or Telegraph Office will be opened, and no Postal or Telegraph Clerk will be employed on any duty connected with his Department between the hours of 12 a.m. on Sunday, and 12 a.m. Monday. 4. If a Mail should arrive at any Station between these hours it will be taken charge of by the Officer of Customs, or by the Police, as may be directed, and kept in their custody until 12 a.m. Monday, when it will be at once delivered to the Postal Authorities at the Station, to be dealt with in the usual manner. 5. The Postmaster General will be pleased to issue such necessary instructions to the Local Postmasters as will ensure that this Order is strictly carried out. By His Excellency's Command, ROGER TUCKERD. GOLDSWORTHY, Colonial Secretary."

MESSAGE NO. 3—ASSENT TO BILLS.

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

"The Governor informs Your Honorable House that he has this day assented, in Her Majesty's name, to the undermentioned Bills passed by the Legislative Council during the present Session:—

"An Act to amend the law relating to Partition."

"An Act to amend the law as to Contingent Remainders."

"An Act to amend the Factors' Acts."

"An Act to amend 'The Waste Lands Unlawful Occupation Act, 1872.'"

"An Act to make provision for the better prevention of the spread of Infectious or Contagious Diseases."

"An Act for the further limitations of Actions and Suits relating to Real Property."

"An Act to confirm the Expenditure for the services of the year One thousand eight hundred and seventy-seven, beyond the grant for that year."

"An Act to amend the Perth Drainage Rate Act, 1875."

"An Act to repeal the Kangaroo Ordinance, 1853."

"An Act to amend the law of Vendor and Purchaser, and further to simplify Title to Land."

"An Act to amend the Trespass Act, 1872."

"An Act to further amend the Wines, Beer, and Spirit Sale Act, 1872."

Government House, Perth, 3rd July, 1878."

MESSAGE NO. 4—RAILWAY ROUTE.

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

"The Governor has had the honor to receive the Address No. 6 of Your Honorable House, dated 24th June, 1878, expressing an opinion with respect to the proposed Eastern Railway, that the Southern route possesses great advantages over that on the North side, and that such a route should be adopted, if it can be procured, presenting no material obstacle to its working in an engineering point of view, and at a cost not incommensurate with its advantages, and stating that Your Honorable House would be glad if His Excellency would inform them within the next few days whether this can be accomplished, and at what cost?

"In compliance with this Resolution the Governor has called upon the Director of Public Works to consider and report whether the wish of Your Honorable House, in respect to the route of the Railway, can be carried out; and, if so, at what cost. His Excellency has now the honor to lay before you a report from this gentleman, with plans supplying the information sought for.

"The Council will perceive that the Director has shown four routes, by which the desired entrance into the City from the South side can be effected. Two of these routes, viz., that by Point Belcher, and the one across the river to Barrack Street, though practicable as engineering works, present great difficulties and inconvenience in their construction, and could not be carried out at a cost commensurate with the advantages sought for. His Excellency has no hesitation in saying that they ought not to be adopted.

"The third route is practicable and not in itself expensive, but it would be worked under disadvantages so great as to render its adoption very undesirable.

"One other route which has been formerly alluded to, viz., that passing under the hill at the foot of the Government Domain, presents such engineering difficulties in its approach to the Central Station, that its consideration has, with His Excellency's approval, been abandoned by the Director of Public Works.

"The fourth route reported on by the Director, together with all the land in the neighbourhood, was carefully examined by the Governor, in company with this officer, before its adoption was decided on; and His Excellency is bound to state that it presents a safe and not inconvenient way of entering and leaving the centre of the City from the South side, and that its construction will not, so far as is known, be attended with any engineering difficulties. Accompanying the plans are, a section of the ground to be passed over, and a plan showing how it will be necessary to work the traffic at the Station in consequence of its being carried in and out of, and not through the station, as is generally done.

"If it be decided to enter the City on the South side, the Governor believes that no better mode of doing this will be found than this now proposed.

"The Director of Public Works states in his report that he estimates approximately the cost of constructing this line at rather over £124,000; and the Governor has every reason to believe that it would not be constructed for less. His Excellency would, however, call the serious attention of the Council to the statement in the report that the mud in the bed of the river is in places much deeper than it has been assumed to be in calculating the cost of bridging it. Contractors, before tendering for the work, would no doubt use their best endeavours to ascertain whether such an opinion was, or was not, well founded, and if they failed to ascertain to their perfect satisfaction that it was not, they would not fail to fix such a price to their tenders as would secure them from all loss in the event of the foundations of the bridges proving to be more difficult and costly than has been assumed.

"It appears, from the former report of the Director of Public Works, that the estimated cost of constructing the line altogether on the North side of the river will be £87,098. The route now proposed will certainly not cost less than £124,000, and it is now for the Legislative Council to inform His Excellency whether it desires that it shall be carried by the latter route, at an additional expense of £37,000.

"Government House, Perth, 3rd July, 1878."

MR. BROWN moved that message No. 4 be taken into consideration with message No. 1.

Agreed to.

APPLICATIONS UNDER CLAUSE 43 OF LAND REGULATIONS.

MR. CAREY, in accordance with notice, moved for a return of the applications received by the Commissioner of Crown Lands under clause 43 of the Land Regulations, and others, if any, for blocks under 20 acres, in the Sussex and Nelson Districts, during 1876 and 1877; such return to give the applicant's name, date, and approval, or otherwise.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser), in laying the return asked for on the Table, said he could not conceive it could possibly be of any interest to anybody other than the hon. member himself.

HOUSE ALLOWANCE, RESIDENT MAGISTRATE, ROEBOURNE.

POINT OF ORDER.

MR. CAREY, in accordance with notice, notified his intention of drawing the attention of the House to the "Votes and Proceedings" of the Council, as shown by the Minutes of 14th August, 1877, and 18th June, 1878, so far as they related to the Roebourne Residency, with a view to move a resolution thereon.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) rose to a Point of Order. He would like to take Mr. Speaker's opinion as to whether the hon. member was in order in initiating a subject for discussion, without at the same time setting forth the terms of the resolution which he proposed to move. He would call attention to the 42nd Standing Order, which provided "That no member shall make any motion initiating a subject for discussion, but in pursuance of notice openly given at a previous sitting of the Council, and duly entered on the Notice Paper." He thought it was perpetuating a very bad practice to adopt the course which the hon. member proposed adopting in this instance. The House had no idea of the nature of the resolution which he intended submitting, and he (the Attorney General) did not think it was competent for any hon. member to initiate a subject for discussion without giving notice openly of the precise terms of the resolution which he proposed to move. He was aware that the same course had been adopted on previous occasions, and that no demur was made; but he thought it would be as well that their proceedings should be conducted in accordance with their Standing Rules and with parliamentary practice. To that end he would ask Mr. Speaker to rule whether the hon. member was in order or not.

MR. SPEAKER said that according to *May*, p. 240, "every member is entitled to propose a question, which is called 'moving the House,' or, more commonly, 'making a motion': but in order to give the House due notice of his intention, and to secure an opportunity of being heard, it has long been customary to state the form of the motion on a previous day, and to have it entered in the Order Book or Notice Paper." But, in *May*, p. 249, it was laid down that "It is not

necessary that the notice should comprise all the words of the intended motion: but if the subject only be stated in the first instance, the question, precisely as it is intended to be proposed should, if possible, be given in some days before that on which it stands in the Order Book; or, at least, it should be printed at length with the Votes of the morning. But it is not necessary to give notice of the express terms of resolutions intended to be proposed in Committee of the whole House." Under these circumstances, he (Mr. Speaker), could not rule the hon. member to be out of order.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he had simply raised the question because it appeared to him a very inconvenient course to pursue, and not to interpose any obstacle in the way of the hon. member carrying out his intention. What he (the Attorney General) went by was Standing Order No. 42, which appeared to him to be in conformity with the practice of the House of Commons, as laid down by *May*, who said that "the question precisely as it is intended to be proposed should if possible be given in some days before that on which it stands in the Order Book, or, at least, it should be printed at length with the Votes of the morning:" that was to say, in order that members should see it in print, and thus know precisely what they were asked to affirm. Here, all they had was a vague intimation of the hon. member's intention to move a resolution.

MR. SPEAKER: No doubt it would be better that the House should be in possession of the express terms of resolutions intended to be proposed, but I cannot rule the hon. member out of order.

MR. CAREY then pointed out that, on the 14th August, 1877, the House negatived a resolution brought forward in favor of granting a house allowance of £50 to the Resident Magistrate at Roebourne, until new quarters were erected for that officer; whereas, according to the Colonial Secretary's reply to the hon. member for the North on the 18th June (during the present Session), the Government, in the face of that resolution, had actually granted a house allowance of £50 to the officer in question. He did not wish to move any formal resolution on the subject, unless he was compelled

to do so. He was sure the existence of the resolution of the 14th August, 1877, had been overlooked by the Government, otherwise they would not have granted the allowance in the face of a refusal on the part of the House to sanction it. His sole object was merely to draw the attention of the Government to the matter, and having done so he felt that he had performed his duty. If the House had any power at all, it was over the public purse.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said it was quite true he had overlooked the resolution referred to, and had *Hansard* been before him when the matter was referred to him, he certainly would not have recommended the allowance, in direct opposition to a resolution of the House. Under the circumstances, he must ask the House to confirm what had been done in the matter, or to veto it: there was no desire whatever on the part of the Government to act in opposition to the expressed wish of that honorable House.

MR. CAREY said that, so far as he was concerned, he readily accepted the explanation of the hon. gentleman. He was free to admit, and had done so from the first, that there had been no intention on the part of the Government to depart from the votes of the House. Under the circumstances, he would not move the resolution of which he had given intimation, but would withdraw it.

MESSAGES NO. 1 AND 4.—EASTERN RAILWAY.

MR. MAITLAND BROWN, in committee, said: When the House was last in Committee on the subject of the projected railway, a resolution was passed requesting His Excellency to take steps to ascertain whether a route on the southern side of the river could be procured presenting no material obstacle to its working in an engineering point of view, and at a cost not incommensurate with its advantages. The information sought has now been furnished in the message which it is now proposed to take into consideration, in conjunction with the previous message from His Excellency on this railway question. Hon. members will perceive that His Excellency's message is accompanied by a report from the Director of Public Works, and also by a plan showing four different routes. I

have not had an opportunity of fully considering the Director's report, or of closely examining the plan, and I presume all hon. members are in the same position, but I observe that there are four practicable routes laid down on the south side, and it will be for the Committee to say whether they are prepared to accept any of these routes or to be content with the northern line. The fourth route, which has been personally examined by the Governor, presents, in His Excellency's opinion, a safe and not inconvenient way of entering and leaving the centre of the city from the south side, and is moreover a route that, so far as is known, will not be attended with any engineering difficulties. The other routes do not seem to possess this essential advantage. We are informed by the Director of Public Works that he estimates approximately the cost of constructing this line at rather over £124,000, being an additional expense (as compared with the estimated cost of constructing the line on the North) of £37,000. This is a considerable sum of money for a Colony like this; at the same time, what we have to consider is, whether it would not be better for the Colony to adopt this southern route, even at the additional cost which it would entail, or, on the other hand, to accept that recommended by the Government on the North side. I would like hon. members, in arriving at a conclusion on this point, to bear in mind the relative advantages presented by each route, and I would also ask, is every hon. member in this House satisfied that the Northern line is only going to cost £87,000? If not, the difference in the cost of constructing the two lines may possibly be very considerably reduced—perhaps, in point of fact, the difference between the two, instead of being £37,000 would not be £15,000. For myself, I must say that I do not accept the figures in connection with the Northern line as conclusive,—neither do I those on the Southern line; but I think we ought to take this into consideration in reviewing these Estimates, namely, that the Government have shown a decided penchant towards the line on the North, and adopted a very strong line of action indeed with reference to it. In fact, they went so far as to adopt it without any consultation with this House, and pressed

it upon the Secretary of State: the Director of Public Works has, so to speak, fathered that line, and is it at all likely that the Government and the Director, in examining another route which is placed in competition against their own, are likely to place the lowest possible estimate upon the cost of constructing the rival route? I think, to say the least of it, it is very improbable, under the circumstances, that Mr. Thomas would under-estimate the cost of construction. I think the House should not hurry through this matter, although I am perfectly aware that the country is howling at the Council, and is exceedingly disgusted that we do not jump at the northern route as offered to us by the Government. I say the country howls at us because we do not accept the Government line without question, and, from the moment we decided to deal cautiously and deliberately with the claims of the rival routes, immense pressure has been brought to bear upon hon. members, with a view to induce them to accept the northern route. And why? Because—so they say—unless we accept that, we shall get nothing—unless we take the north side of the river, as offered to us by the Government, we shall get no railway at all. As for myself, I have taken a very different view of the subject, and I believe other members have done the same, and that the Government, finding that their views on the question are not in accord with those of the majority of hon. members in this House, will be ready—have, in fact, expressed their readiness—to meet the views of the majority. I believe in the honesty of the intentions of the Government in this matter. The House, as yet, is in this strong position—we have the settlement of the whole question in our own hands: we have not given up the northern route, and if every member is of my opinion, we will not let go of it until we get a firm hold of the other. What we have to do is this—to decide whether we wish that the railway shall go on the south side, even at an increased cost as compared with the proposed line on the north. If we do so—if we decide affirmatively—it will be for the House to say on what conditions? Shall it be at the cost of a lengthened delay—a delay of six months or twelve months, or any

such delay as would be likely to occur from a further reference of the matter to the Secretary of State? I don't know whether hon. members' minds are made up on this point, but mine is, and I say, No, decidedly no. I am strongly in favor of the southern route, but I want no further reference in any way to official despatches on the subject. I do however want to know whether the Secretary of State is inclined to give us a voice in the consideration of our own affairs. I do not think the question is one of such pressing emergency that we ought to jump at once to a conclusion in favor of the northern route, without waiting a few days for the reply to the telegram which it is proposed to send to the Secretary of State on the subject. I think we may very properly wait a reasonable time, until our views are telegraphed home, and a reply is received from the Colonial Office. We shall then know whether the Secretary of State will allow us to go on with the line on the south without further delay. Supposing he declines to allow this until he is in possession of every detail, I ask hon. members whether, in that case, they will not be in a better position to know how to deal with this country in future than if they quickly accepted the northern route at once, without further investigation. I say it is our duty—it is the duty of all those who conceive the Government to be *bonâ fide* in its desire to meet the wishes of the House, to give it an opportunity of proving its *bona fides*; and not only our duty to the Government but also our duty to the country, in view of the great question—a question of much greater moment than even that under consideration—which must come on before us this Session. I allude to the question of a change in the constitution. Supposing this southern line did cost £37,000 more than the line on the north, the question is whether it would not be better for the country that the increased expense should be incurred, seeing that the more costly line admittedly possesses many advantages over the rival route. Hon. members are aware that I do not possess any local knowledge on the subject, but I have taken some trouble to ascertain what amount of extra traffic there would likely be on the south side as compared with the north, and the

result of my inquiries has been—inquiries made from the most reliable sources—that, were the southern line to cost vastly more than £37,000 in excess of the northern, I would unhesitatingly vote for the former. [The hon. member then quoted from a return which he had in his possession, showing the estimated traffic in timber, sandalwood, hides, bones, etc., via the Canning, showing, according to the estimate, a revenue from this source amounting to between £4,000 and £5,000 a year.] Even if we get £4,000 (he continued), I think we ought not hesitate to accept the more expensive line. The interest on £37,000—the estimated difference in the cost of the rival lines—would not be £2000 per annum, and the extra cost for maintenance and working expenses would be a great deal more than met by the remaining £2000. I dare say some hon. members, on behalf of the Government, may argue that if we are going to spend this extra £37,000, it would be better to run a branch line from the Canning to Fremantle, but I cannot agree in the wisdom of that course. If the line goes on the north, no extra traffic whatever would accrue to the Canning line, and the railway would be running over extra distances for nothing. Some of the Canning traffic would require to go into Perth, and *vice versa*, but this could not be effected without having a bridge across the river—a work which we would not be justified in undertaking unless we have the railway on the southern side to Fremantle altogether. The subject is one of such great importance, that I think it would be as well to delay coming into any final decision with regard to it this evening,—I believe that is the general feeling among hon. members—and, in order to place myself in order, I would now move that progress be reported and leave asked to sit again to-morrow.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) seconded the motion. He regarded the subject as one of the utmost importance not only to the districts immediately interested, but to the country at large, and one requiring the calm and deliberate consideration of the House before arriving at any definite conclusion with reference to it.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): Before

the motion is put, I should like to offer a few remarks. I think the hon. member for Geraldton has been somewhat inconsiderate in the prefatory remarks he made to the speech with which he has favored the House, more especially with regard to the figures of the Director of Public Works, the correctness and reliability of which the hon. member seems inclined to doubt, as regards the cost of constructing the southern line. The hon. member forgets that His Excellency the Governor—himself a distinguished engineer—expresses his opinion that the Director's estimate may be taken as a very fair one. With regard to the discrepancy between Mr. Thomas' figures and those of Mr. Gregory, as to the estimated cost of the line on the north—£87,000 and £93,000, respectively—the difference merely amounted to five per cent., which is always allowed in the profession as engineer's margin. If you can get the contractors to come within five per cent. of an engineer's estimate, that engineer may congratulate himself that his estimate has been very approximately prepared. I do not think the hon. member was justified in casting any slur upon the estimates of the Director of Public Works, or in throwing out an insinuation that his figures could not be regarded as reliable. I believe myself that the greatest care had been exercised—so far as practicable within the short time at his disposal—to frame the estimates as correctly as possible, and the House may rely upon it, if the Government can carry out the work at the sum estimated, no effort on its part will be wanting to do so, without any necessity for resorting to the neck-or-nothing policy foreshadowed by the hon. member. Without wishing in any way to interpose any obstacle in the way of progress being reported, with a view to the adjournment of the debate until to-morrow, I would at the same time beg hon. members to bear in mind that the longer we are in deciding what steps shall be taken in the matter the greater will be the delay in arriving at any definitive solution of the question.

MR. BROWN: I would like, in the first place, very much to be informed where the hon. gentleman finds that His Excellency the Governor states that he concurs in Mr. Thomas' estimate with reference to the northern route—and my

remarks were applied to that route: I made no reference whatever, I cast no aspersions whatever upon the Director's estimate of the southern line to-night. I am perfectly aware that His Excellency—who is a far higher authority on such matters than any hon. member in this House—I was perfectly well aware that His Excellency had vouched for the approximate correctness of the estimate for the southern line, but I am not aware that he has done so with reference to the estimate of the northern line, which is placed in competition with the other. Far be it from me to cast any slur upon the Director of Public Works, for I can only judge of his abilities from a common-sense point of view—not from a professional stand point—and I have often said that in my opinion he is the right man in the right place; but like every other man he is liable to err, and I must say I cannot look upon his estimate of the cost of constructing the southern line in the same light as I regard his estimate for the construction of his own favorite line—that on the north. The hon. gentleman opposite (the Commissioner of Crown Lands) would have us assume that £87,000 represents the total cost of the northern line, if we adopt it; but I would remind the hon. gentleman that the sum named was the estimate of the cost of the line as first surveyed, having the metropolitan station in Weld Square. But no one, either inside this House, or outside it, would be satisfied with that line, with the city terminus at Weld Square. There would be as loud a howl at the Government if they had the Perth station there, as there has been at this House for not accepting, without demur, the propositions of the Government. When the metropolitan terminus of this northern line is brought to a central part of the city, we shall have a great many thousand pounds to add to the original estimate of £87,000. It is quite possible that in my hurried remarks this evening, made on the spur of the moment, I may have created the impression that I have advocated what the hon. gentleman terms a "neck-or-nothing" policy; but I should be sorry to be so hare-brained, so scatter-brained as to advocate any such thing. Nor do I think that, in advocating the claims of the southern line, I have laid myself

open to such a charge. My only object is to ensure the matter receiving careful consideration at our hands, and if, after giving it that calm and deliberate consideration which its importance deserves, I happen to differ from the Commissioner of Crown Lands, I do not think that, for that reason, I am fairly chargeable with advocating a "neck-or-nothing" policy.

MR. MARMION: My desire as an individual member of this House was that the plans and the report of the Director of Public Works should have merely been laid on the Table this evening, and the discussion postponed until to-morrow, so as to enable hon. members to have an opportunity of grasping the subject, and to weigh the reasons given by the Government in favor of their own line. I think hon. members have been somewhat moved to bring on this debate this evening in deference, possibly, to the crowded state of the galleries. Be that as it may, the hon. member for Geraldton has spoken warmly on the subject; but warmly as he has spoken, I, at any rate, fully concur in all he has said, and I do not think it can be said by the Government that during the time I have had the honor of sitting in this House I have ever advocated or supported a "neck-or-nothing policy," as the Commissioner of Crown Lands is pleased to term it. It will be my desire at all times to advocate those measures which I consider will be beneficial not alone to my own constituents but to the community at large; and, in advocating the southern line, I have taken the course which appeared to me to be most advantageous to the community generally. It appears to me that the difficulties surrounding this question have been to a great extent removed by the papers presented to the House this evening. It has now come to what I said it would come: the engineering difficulties surrounding the question have been removed, and the matter now resolves itself into a question of pounds, shillings, and pence. It is from that point of view that we have now to regard the subject. There is no longer anything impracticable about the matter, from an engineering point of view, and the only question now is the question of cost, which amounts to this: We are told that the line on the north will cost £87,000; at the same time, it

has been stated by the Director of Public Works that another line on the south, but branching off into Perth and crossing the river at the Causeway would cost £99,000. Now we have another line on the south, referred to in His Excellency's message, which is estimated to cost £124,000. It is difficult to grapple with these figures in so short a time as we have had at our disposal, but it does appear to me strange that this last named line should cost £25,000 more than the second line referred to, simply because it provides a central station for Perth, in lieu of Weld Square. Attention has been drawn to the discrepancy between the estimates of the Director of Public Works and those of Mr. Gregory, the English engineer, with respect to the northern line, and I think it is worthy of notice, in this connection, that whereas Mr. Thomas estimates the cost of the line on the north, inclusive of rolling stock, at £100,000, Mr. Gregory calculates the cost at £115,000. I suppose it is just a question between the respective abilities of Mr. Thomas and Mr. Gregory; but assuming the latter to be correct we have it that no less than £115,000 be required to reach Weld Square from Fremantle (on the north side of the river). Now if to this we add the additional cost of having the station in William Street, say £6,000, we have a total expenditure of £121,000 for the cost of the northern line, thus reducing the difference between that line and the one recommended in His Excellency's last message—that referred to as the fourth route, on the southern side—to £3,000 only. We have been told a great deal of late by the Director of Public Works about the doubtful nature of the bottom of the river, which may increase the estimated cost as furnished by him in his report; but I would ask why this did not strike him before, and why he did not ascertain whether his estimates were correct and reliable before placing them on the Table of this House, and before sending them home. He ought to have made himself as much acquainted with the difficulties on the south side as he did with the difficulties on the north. The question has been before the country for two or three years. Has he not had time and means at his disposal to have ascertained the difficulties on both sides of the river? If he has, it ap-

pears to me it was his duty to have done so. It has been pointed out by the hon. member for Geraldton that the extra cost of the line on the south would only entail an additional burden (in the shape of interest) of about £2,000 a year, and the question for the consideration of the House now is, whether we are prepared, in view of the superior advantages which that line admittedly possesses over the northern route, and the engineering difficulties having been removed—I say the question is, are we prepared to accept the more costly line? As I have already pointed out, the actual difference in the cost will after all be but trifling, if we are to accept the figures of Mr. Gregory as reliable. That gentleman estimates that the construction of the northern line, with the station at Weld Square, would involve an expenditure of £115,000, to which must be added the additional cost of having the station in William Street, which would amount to another £5,000 or £6,000, thus bringing the cost of the line on the north to £120,000 or £121,000, whereas the estimated cost of the line on the south, as approved by His Excellency, is only £124,000.

MR. SHENTON said it was evident from the report of the Director of Public Works, whose opinion in this respect was endorsed by no less an authority than the Governor himself, that the southern line, as now proposed, would cost £37,000 more than the line on the north. In addition to this, the House should not lose sight of the statement in the Director's report—to which the serious attention of the Council was called by His Excellency in his message—that the mud in the bed of the river is in places much deeper than it has been assumed to be in calculating the cost of bridging it. Contractors, before tendering for the work, would, as His Excellency remarked, no doubt use their best endeavors to ascertain whether such an opinion was, or was not, well founded, and—to quote the words of the Governor's message—"if they failed to ascertain to their perfect satisfaction that it was not, they would not fail to fix such a price to their tenders as would secure them from all loss in the event of the foundations of the bridges proving to be more difficult and costly than has been assumed." Hon. members would do well to bear this in

mind, in considering the probable relative cost of the two lines. He thought, under the circumstances referred to, that the difference in the cost would not be less than £40,000, and, without speaking in the interests of any particular constituency, but of the Colony at large, he must protest most strongly against incurring this extra expenditure of £40,000, bearing in mind that it put off indefinitely the extension of the line eastward beyond Guildford. This sum of £40,000 would enable them to construct at least ten or twelve miles of additional railway in the direction of the Eastern districts, and, if the line went by the Swan Valley, would embrace some excellent agricultural country. Supposing, on the other hand, it were decided to take the line by the Helena Valley, that twelve miles would carry the railway into the timber country, and create a large traffic not only in timber but also in firewood and building-stone. The hon. member for Geraldton had referred to the probable increased traffic from the Canning which would be developed if the line went on the south, but the hon. member had failed to show how this traffic was to be brought from the Canning Bridge to the railway—a distance of about eight miles. In the first place, he (Mr. Shenton) was sure that sandalwood would not be brought down that way, and he questioned whether there would be any appreciable traffic in the other commodities calculated upon by the hon. member. He was afraid that this increased traffic, which was expected to accrue from the construction of the line on the south, and which looked very well on paper, would in reality dwindle down to a very small quantity. As to the relative working expenses of the two lines, the balance was decidedly in favor of the north, for by adopting that route the railway would run direct into the central city station, whereas, if they went on the south, the line would be a most tortuous one, requiring more men to attend to crossings, and otherwise increasing the working expenses very materially, to say nothing of the wear and tear of the line itself, in running the engines along this zigzag route, all of which would be obviated on the northern line. The hon. member for Geraldton found fault with the estimates

of the Director of Public Works with respect to the line on the north, and expressed an opinion that the cost of the railway on that side would be a great deal more than estimated by Mr. Thomas: but surely the same argument applied to the estimated cost of the southern line, and the ratio of increase would be the same on that side as on the other. It appeared to him it was a matter of the gravest consideration whether they would be justified in expending an additional £40,000 in the construction of a southern line; it was a very large sum bearing in mind the short extent of the railway; nor did he think there were any commensurate advantages likely to accrue therefrom. As he had already said, he did not speak in the interests of any particular constituency, but of the community at large, and he hoped the House would pause before committing the country to this increased expenditure, which appeared to him unnecessary and uncalled for.

Mr. BURT said there was one matter he would like to allude to before entering upon the question of the railway route, and that was the practice which was gaining ground among the members sitting on the Government benches of addressing moral lectures to other hon. members, even when such observations were uncalled for. This, he thought, was the case with the remarks which fell from the Commissioner of Crown Lands when replying to the speech of the hon. member for Geraldton, in which he (the Commissioner) took the hon. member to task because the prefatory remarks of his speech were not altogether palatable. He really thought hon. members ought not to be in a position to have to submit to these moral lectures from the occupants of the Government benches. If the hon. member for Geraldton was thus to be called to order because his speeches were not acceptable to the official members, what might not the lesser luminaries of the House expect? He always thought that the hon. member for Geraldton took a broad and liberal view of matters, but it appeared his views were broad and liberal only when they harmonised with the views of the Government; and in advocating the claims of the southern route the hon. member's views were anything but broad and

liberal, according to the estimate placed upon them by the hon. the Commissioner of Crown Lands. With regard to this question of route, he would ask the House to bear in mind, in the first place, that the Secretary of State, in his despatch referred to by Mr. Gregory, in no way mentioned either the northern or the southern route. It must also be borne in mind that His Excellency himself, in his despatch to the Secretary of State, acknowledges the superior advantages possessed by the southern line over that on the north—that it has easier gradients, and that from it branches might be run into good agricultural country, with timber, firewood, and stone. His Excellency, in summing up the relative advantages of the two routes, said that the balance of the advantages was so greatly in favor of the southern as to make its selection a matter of duty, the only serious drawback being that it afforded an inconvenient entrance to Perth. He (Mr. Burt) would ask the House to bear in mind that when His Excellency wrote this despatch the site of the city station was then intended to be at the Commissariat Store or near the Causeway. Since then another route had been found, affording—to quote His Excellency's own words in the message now under consideration—"a safe and not inconvenient way of entering and leaving the centre of the city from the south side." The "serious drawback" to the southern route, referred to in His Excellency's despatch, had thus been removed, but the balance of advantages in favor of the south side still remained, and was equally as great as when His Excellency stated that, but for the drawback alluded to—which no longer existed—the selection of the southern route was "a matter of duty." It had been said in the course of the debate that the country was "howling" at the House with reference to this railway question, and that a certain amount of pressure had been brought to bear upon individual members. So far as he was concerned, no pressure had been brought to bear upon him. He would like to ask whose duty it was to decide this matter—that House, or the outside public? How many, outside that House, had had an opportunity of seeing the Director's plans and reports, and been in communi-

cation with him and with His Excellency on the subject? What did "the country" know about it? What did "the country" send representatives to that House for? What was the cause of the "howling" of which they had heard that evening? Simply this—people were afraid they would not get a railway at all unless the House accepted that offered to them by the Government. These men did not care one straw where the railway went so long as money was spent and circulated, and he thought the House should ignore the "howling" of people of that class, and, giving the matter careful and deliberate consideration, decide upon the route which in their opinion would best serve the interests of the Colony at large. It was impossible for hon. members, on a mere cursory perusal of the report and plans placed before them that evening, to arrive at that conclusion, and although he was at present strongly in favor of the southern line, it might be that on further consideration, and after maturer reflection, he might come to regard the north side as that more calculated than the other to serve the best interests of the country. For this reason he thought that an adjournment of the debate would be advisable, and to that end he would support the motion to report progress.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he could not altogether pass over the remarks which had just fallen from his hon. friend on the right (Mr. Burt). He would beg to remind the hon. gentleman that he was a nominated member of the Government, and had not been elected to a seat in that House by the suffrages of the electors. Yet the hon. member was bound to admit that no pressure had been brought to bear upon him in this matter by the Government, to induce him to give his vote either on one side or the other. So far, then, the hon. member might be said to be independent; on the other hand the reflections cast by the hon. member upon the occupants of the Government benches were not such as one would expect to emanate from a nominated member of the Government. Hon. members were aware of the old adage which said that it was an ill bird that fouled its own nest, and he thought the hon. member Mr. Burt had done his best to bring

the Government (of which he was a nominated member) into disfavor with the elected representatives. He did not think this was a right course to pursue. The Government were simply actuated by a desire to elicit an expression of opinion on the part of the members of that House, and he thought that after what had passed between the leader of the elected members (Mr. Brown) and himself (the Colonial Secretary), it would have been better if his hon. friend had refrained from passing the remarks which had fallen from him in prefacing his speech. He did not wish to dictate to the hon. gentleman, but it did appear to him that in his position as a nominee member he had done what he ought not to have done.

MR. CAREY said they had yesterday, in the course of the debate on the Transfer Duty Bill, a singular exhibition of inconsistency on the part of the Government, but he thought there was a still more glaring example of inconsistency on the part of some members of the Government in connection with this question of the railway route. The Commissioner of Crown Lands, for instance, in the course of the debate which took place on the same subject last year, expressed a diametrically opposite opinion to that which the hon. gentleman had expressed this Session; his remarks last Session, as reported in *Hansard*, were so entirely in accord with the views which he (Mr. Carey) now held, that he thought he could do no better than quote them. "The Commissioner of Crown Lands"—he was quoting from *Hansard*, p. 46—"expressed himself in accord with what 'had fallen from the hon. member who 'had just sat down (Mr. Marmion), 'and for other reasons than those 'pointed out by that hon. gentleman. 'He was in favor of this route (the "'alternative' route, on the south side 'of the river), because it proposed to 'cross the river at Perth and not at Fremantle." Again: "Another argument 'in favor of the southern route was the 'fact that there already existed on the 'north side of the river an excellent 'macadamized road from Fremantle to 'Perth, and, on the other hand, an 'excellent road on the south side from 'Perth to Guildford." Those roads, he (Mr. Carey) believed were still in exist-

ence. "Hon. members would remember"—continued the Commissioner—"that a rough map of a somewhat similar route was prepared by Mr. Victor last year when he carried out a preliminary survey. This, he might say—to use a schoolboy phrase—was a 'crib' from his (the speaker's) original plan, and it was satisfactory to find it now supported by the opinion and recommendation of the Director of Public Works. Looking at the fact that the contemplated railway would be the grand trunk line of the Colony, they must not consider too closely the question of a few thousand pounds." This was just the argument which the advocates of the southern line put forward in the course of the present debate. Continuing, the Commissioner went on to say that "with reference to the starting point at Fremantle, they could not well determine that question until the question of harbor works had been definitely settled." He (Mr. Carey) had yet to learn that any definite settlement of the harbor question had yet been arrived at. He had read enough of the hon. gentleman's speech to show how entirely, last Session, he was in accord with the advocates of the southern line, and how utterly inconsistent had been his conduct in the matter under discussion. With regard to increased traffic likely to accrue by carrying the line on the Canning side of the river, he held in his hand an estimate, furnished to him by a gentleman who was fully competent to form an opinion on the subject—[The Commissioner of Crown Lands: Name.] Mr. Mason, than whom he did not suppose there was any one in the place more qualified to give an opinion, or who would give a more honest opinion. [The Commissioner of Crown Lands: Hear, hear.] Mr. Mason estimated the increased traffic on the southern line, between the Canning, Perth, and Fremantle, at £4,570 per annum. Even accepting the figures of the Director of Public Works as to the probable cost of the northern line being only £87,000, thus showing a difference of £37,000 in favor of that line as compared with that on the south (referred to in the message under consideration, the estimated cost of which was £124,000), the interest on the difference would only be £1,890,

leaving a balance in favor of the southern line of £2,680. If on the other hand they accepted Mr. Gregory's estimate of the cost of the northern line (£93,000), the balance in favor of the southern route would be correspondingly greater. He had no desire to make any attack upon the Director of Public Works, but it was worthy of consideration whether, if in an amount of £87,000 he was £6,000 out, he might not be £9,000 out in an estimate involving an expenditure of £124,000.

MR. MARMION called attention to the discrepancy between the estimate furnished by the Director of Public Works and that prepared for the Fremantle Municipality by Mr. Victor, C.E., more especially with regard to the cost of bridges and viaducts. He had no desire to question the accuracy of the Director's estimates, nor did he for one moment suggest that they were unreliable, or doubt that he was capable of framing an estimate which the House might depend upon: he had merely quoted the figures given by Mr. Victor, as other hon. members had quoted Mr. Gregory's figures, to show that if there were any hon. members who did doubt the correctness of the Director of Public Works' estimates, they had very good grounds for doing so.

Progress was then reported, and leave obtained to sit again on the following day.

CUSTOMS ORDINANCE, 1860, AMENDMENT BILL, 1878.

On the motion of THE ATTORNEY GENERAL (Hon. H. H. Hocking), the House went into Committee for the further consideration of this Bill.

Clause 8, reverted to: "Masters of vessels laden with cargo proceeding to Perth, or unloading without permission of Landing Waiter, to be fined."

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he had received a letter from the Collector of Customs at Fremantle, from which it appeared that boatmen did not depend upon the courtesy of the Landing Waiter for a "permit" after office hours: there were Customs regulations which rendered it incumbent upon that officer to discharge the duties appertaining to his office at any time when called upon to do so, by a

boatman, the only condition being, and very properly too, that if his services were required after office hours he was entitled to a small fee. The difficulty alluded to by the hon. member for Toodyay (Mr. Shenton), as to the procuring of "permits" after office hours, would thus appear to be without foundation.

MR. SHENTON was under the impression that there was no Customs regulation rendering it compulsory upon the Landing Waiter to attend after office hours, but that he did so merely under instructions issued by the Collector of Customs. What was wanted was that the Bill should provide for such a contingency, and that the matter should not depend upon the option of the Collector of Customs for the time being.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) would only say that if no regulations of the nature referred to were in force, the Government would take care that such regulations were framed, for the Government were quite alive to the necessity of affording boatmen the means of obtaining "permits" at any hour.

MR. SHENTON suggested that when such regulations were made they should be published in the *Government Gazette*.

The clause was then agreed to.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved the insertion of a new clause as follows: "This Act shall come into operation on the 1st January next."

Clause agreed to, and ordered to stand part of the Bill.

Schedules and preamble agreed to, and Bill reported.

DISTRICT ROADS BOARDS AUDIT ACT, 1877, AMENDMENT BILL, 1878.

MR. CAREY moved the second reading of a Bill to amend the District Roads Boards Audit Act, 1877. Hon. members were aware that under the provisions of that Act all the members of a local roads board were rendered individually and collectively responsible for any balance which might be found by the auditors against the board. The result of this was that a great deal of difficulty was experienced in getting members to serve on these boards: in the Wellington district some of their

best members had declined to accept a seat in consequence of the arbitrary provision referred to. The present Bill proposed to amend the existing Act, by leaving out the words which enacted that the members of a board shall be individually and collectively liable for any overdraft or deficit in the accounts of the board in its corporate capacity.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, as an amendment, That the Bill be read a second time that day six months. The hon. member might just as well repeal the Act altogether as amend it in the way proposed in the present Bill. These boards were placed by the public in a position of responsibility, and he thought the House was bound, in the interests of the public whose money they spent, to exact from them some security that they would not overstep certain limits of expenditure and saddle future roads boards with debt. If any hon. member could suggest any amendment in the existing Act by which the public might be protected without at the same time rendering members of the board personally liable, he should be very happy to accept such amendment; but he failed to see what course could be devised to prevent them from what was popularly called "over-running the constable" other than rendering them individually and collectively responsible. He certainly would oppose the striking out of the words proposed to be struck out by the present Bill, unless some other means were provided to induce the members of these boards to be careful stewards of the public money entrusted to them.

MR. SHENTON seconded the amendment. The matter was thoroughly discussed last Session, when the hon. member for Vasse was not in the House, and the existing Act was passed by a large majority. The same provision was made in the Municipal Institutions Act, the 130th section of which rendered members individually liable to be sued by the auditors, and he failed to see why the same principle should not be extended to Roads Boards.

MR. S. S. PARKER said he also would support the amendment. He failed to see that any sufficient reason for altering the existing Act had been shown, nor could he understand why

there should be any objection on the part of members to serve on local roads boards. He himself was a member of the board representing one of the most extensive districts in the Colony, and he certainly did not dread the provisions of the Act in any way,—provisions which tended to ensure the careful and judicious expenditure of the public funds entrusted to the boards.

MR. CROWTHER said that had the present Bill not been brought forward he would not have introduced it himself, but, on the same grounds as he had opposed the existing Act last Session, he now felt bound, now that the Bill had been brought forward, to support it. Members of these boards might be honest and careful to-day, but to-morrow one or more of them might retire, and their successors might not be so honest or careful, and yet the retiring members would be responsible for any irregularity on the part of their successors, provided that irregularity was committed before the audit next ensuing after the retirement of the old members. He was not averse to the adoption of some steps to ensure the careful expenditure by these boards of the public funds, but he thought it was very unfair to make any man responsible for the actions of another.

MR. BROWN would support the motion for the second reading. He thought the fact that the innocent was liable to be made to suffer for the guilty was of itself enough to condemn the present Act. If that was a correct principle to apply to Roads Boards it was equally so to Governments. He did not see why the members of Roads Boards should be made individually liable for the defalcations of other members of the board, when the Government, who was likewise entrusted with public money, was not expected to be so liable for the defalcations of any of its servants. It would be sheer nonsense to apply such a principle to Governments,—and woe betide the Executive if it were—if for instance they were individually liable to be sued for the amount of the annual overdraft.

MR. MARMION said he had voted against the Bill last Session, and for the reasons he had then given he would now vote for the present amendment Bill.

He would vote for the second reading, but not for going into Committee on the Bill that evening; possibly something might be substituted in lieu of the words which it was proposed to strike out, for he could quite see that if the words referred to were expunged they might as well repeal the whole Act. Possibly, if the Government would withdraw their opposition to the second reading, the details of the Bill might be satisfactorily settled in Committee.

MR. CAREY said he would be glad to adopt that course, provided the occupants of the Treasury benches were agreeable.

Cries of "Divide."

Question put—"That the Bill be now read a second time," upon which a division took place, with the following result:—

Ayes	11
Noes	6

Majority for ... 5

AYES.

Mr. Brown
Mr. Brockman
Sir T. C. Campbell
Mr. Crowther
Mr. Hamersley
Mr. Harper
Mr. Marmion
Mr. Monger
Mr. S. H. Parker
Mr. Pearse
Mr. Carey (Teller.)

NOES.

The Hon. R. T. Golds-
worthy
The Hon. M. Fraser
Mr. Glyde
Mr. S. S. Parker
Mr. Shenton
The Hon. H. H. Hocking
(Teller.)

The amendment was therefore negatived.

Bill read a second time.

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

LEGISLATIVE COUNCIL,

Thursday, 4th July, 1878.

Incorporation W.A. Bank Shareholders Bill—Colonial Passengers Amendment Ordinance, 1868, Explanation Bill, 1878: first reading—Duty on furniture and baggage of His Lordship Bishop Parry—Mechanics' Institute, Fremantle—Messages Nos. 1 and 4 (Eastern Railway)—Third Readings—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.