

REMISSION OF PENALTIES AMENDMENT BILL.

Recommittal.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be recommitted for the further consideration of clause 1, and the inclusion of a new clause.

Question put and passed.

In Committee.

Clause 1—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the following words be added to the clause:—

In case any such penalty be remitted in whole or in part, the party to whom the same was payable in whole or in part as aforesaid shall be entitled only to such portion or share of the portion of the said penalty as may not have been remitted.

Amendment agreed to.

Clause, as amended, agreed to.

New clause—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the following stand as clause 2:—

In all cases in which any fine or penalty is inflicted under any Act or Ordinance by which such fine or penalty is made payable in whole or in part to parties other than the Crown, the Justice or Justices inflicting such fine or penalty shall, in case such fine or penalty be paid, retain the same, and shall not pay over any part thereof to any person entitled thereto, until after the expiration of one calendar month from payment of the same.

New clause agreed to.

Bill again reported, with amendments.

RAILWAY FROM FREMANTLE TO GUILDFORD.

Select Committee Report.

Mr. MARMION brought up the report of the select committee appointed to consider and report on proposals which had been made to the Government by certain individuals to make a railway from Fremantle to Guildford, being the first section of a line to the eastern districts.

Report received, read, and ordered to be printed.

The Council adjourned at 3.15 p.m.

LEGISLATIVE COUNCIL,

Friday, 31st December, 1875.

Lamps, Legislative Council—Geraldton Light-house—Assistant Judge, Supreme Court—Railway Supplementary Loan Bill: third reading—Assent to Bills: Message from the Governor, No. 5—Trespass Act, 1872, Amendment Bill: recommittal: in committee—Remission of Penalties Amendment Bill: third reading—Railway from Fremantle to Guildford: select committee report—Explorations: in committee—Standing Orders suspension.

The SPEAKER took the Chair at 7 p.m.

PRAYERS.

LAMPS, LEGISLATIVE COUNCIL.

The SPEAKER said that constant applications had been made to him for the use of the Legislative Council lamps upon occasions of public banquets and balls, but as he had no authority in the matter the applications had been refused. He said he would be glad of the sense of the House on the subject.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved the following resolution:—

That this House is of opinion that the lamps connected with the Council Chamber should not be lent.

Question put and passed.

GERALDTON LIGHTHOUSE.

Mr. MARMION, in accordance with notice, moved the following resolution—

That this Council approves of the lighting apparatus imported for Geraldton lighthouse and now in store at Fremantle—it being unsuitable for the purpose it was originally intended—being utilised as a light for Arthur's Head, Fremantle, in lieu of the present light, provided the work in connection with the erection of a suitable tower for it can be undertaken by the Convict Department.

Mr. SHENTON seconded the motion, which was agreed to.

ASSISTANT JUDGE, SUPREME COURT.

Mr. BROWN, pursuant to notice, moved the Council do express its opinion that the time had now arrived when the appointment of an Assistant Judge of the Supreme Court should be made, and that the House trusted that, during the interim between the present session and the next, the subject would receive the consideration of the Government.

Mr. T. BURGESS seconded the motion, but expressed a belief that the establishment of a court of appeal would be still more advantageous to the colony.

Mr. PADBURY was, personally, entirely satisfied with the present administration of the law by His Honor the Chief Justice, but no doubt the learned Judge himself would be glad enough of assistance. He did not think one Assistant Judge would be of any use; if we increased our judicial staff at all we must have two additional judges. Then it came to a question of pounds, shillings, and pence; but if it could be shown that the colony would save anything by such an arrangement he would vote in favor of increasing our present staff. He thought, however, the matter might be safely left in the hands of the Government. He would therefore move, as an amendment upon the resolution before the House, that this Council trusts that, during the recess, the question of increasing the judicial staff of the Supreme Court will receive the consideration of the Government.

Mr. SHENTON seconded the amendment. He thought the appointment of an itinerant assistant judge would result in a saving to the colony, looking at the immense cost of bringing witnesses and prisoners from remote districts to the metropolis.

Mr. W. BURGESS said if they wanted to have the law administered honestly and fearlessly, as it ought to be in every British colony, they must have a court of appeal. He would not give a penny for a second judge, unless they had three.

Mr. BURT agreed in the opinion that it would be a great advantage to have a court of appeal in the colony, presided over by three judges; but the question for consideration was whether the country could afford such a judicial luxury, for he apprehended that each Judge would receive from £1,000 to £1,500 a year. He hardly thought the business transacted in the Supreme Court at present warranted such an expenditure. Looking at the Blue Book for 1874 he found there had been only four special jury cases tried; the number of cases tried before the Chief Justice without jury was 12; the number of bills filed in equity was three; and the number of appeals from decisions of inferior courts was the same. From this return it was evident that the business done in the Supreme Court in its different jurisdictions was very limited indeed, and hardly called for another Judge. But he was free to confess he would be very pleased indeed if a court of appeal were established, for he had frequently felt the want of one. He

could not, however, support the resolution in favor of the appointment of merely one Assistant Judge.

Mr. STEERE hardly thought there was any necessity for increasing our judicial staff, looking at the paucity of the business now done in the Supreme Court.

Mr. CROWTHER was of a different opinion.

The ATTORNEY GENERAL (Hon. H. H. Hocking) could not support the original motion, but would give his adhesion to the amendment, because he believed that the question of increasing the judicial staff was one quite worthy of the consideration of the Government; and if the amendment were affirmed, no doubt it would receive very careful consideration between this session and the next, especially after the expression of opinion given in the House that evening. It appeared to him that if any increases were made in our judicial staff we must have three judges and not two, as contemplated in the resolution of the hon. member for Geraldton. Looking at the great cost of bringing witnesses and prisoners from distant parts of the colony to Perth—the average cost of bringing a witness from Nickol Bay was £40, and from Champion Bay £20—he believed that the appointment of two puisne judges, to go on circuit, might be an actual saving to the colony on the score of expense. The duties of these judges need not necessarily be limited to the disposal of criminal business. The existing organisation of our Small Debts Courts required revision, and the civil business now transacted at these courts might advantageously come under the jurisdiction of the puisne judges.

Mr. MARMION did not think there was any necessity for increasing the judicial staff, and resented the idea that there existed any general feeling of dissatisfaction with regard to the administration of justice in the colony. He believed the majority of colonists would be opposed to the increased expenditure which the addition of even one more Judge, much less two, would involve.

The original motion having, with leave, been withdrawn, the amendment was affirmed.

RAILWAY SUPPLEMENTARY LOAN BILL.

Third Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

ASSENT TO BILLS.

Message from the Governor—No. 5.

The SPEAKER announced the receipt of the following Message from 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 of the Legislature:—

"An Act to make further provision for the Conservation and Improvement of Roads in the several Districts of the Colony."

"An Act to make further provision for the regulation of the Pearl Shell Fishery."

"An Act to make provision for the higher Education of Boys."

"An Act to regulate the Execution of Warrants of Arrest."

"An Act to enable the Trustees of the Fremantle Lodge No. 1033 of Freemasons to raise money on Fremantle Town Lot 870."

"An Act to declare valid a certain rate made by the Perth City Council on the Twenty-eighth day of June, One Thousand Eight Hundred and Seventy-five, and commonly called the Drainage Rate."

"An Act to appropriate the sum of One Hundred and Fifty-eight Thousand Eight Hundred and Sixty-three Pounds Three Shillings and Twopence out of the General Revenue of the Colony for the Service of the year One thousand eight hundred and seventy-six."

Government House, Perth,
31st December, 1875.

TRESPASS ACT, 1872, AMENDMENT BILL.

Recommittal.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be recommitted for the further consideration of Clause 2.

Question put and passed.

In Committee.

Clause 2—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that after the word "The" in the first line, the words, "thirteenth and," be inserted; that the word "section," in the same line, be struck out, and the word, "sections," inserted in lieu; and that the word "is," in the line aforesaid be struck out, and the word "are," inserted in lieu.

Amendments agreed to.

Clause, as amended, agreed to.

Bill again reported, with further amendments.

REMISSION OF PENALTIES AMENDMENT BILL.

Third Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

RAILWAY FROM FREMANTLE TO GUILDFORD.

Select Committee Report.

Mr. MARMION moved the adoption of the report of the select committee appointed to consider the proposal to construct a railway from Fremantle to Guildford, and in doing so recapitulated the various statements embodied in the report.

Mr. PADBURY seconded the motion, in the belief that the Government would not be called upon to pay a penny of the guaranteed interest. Even if such were not the case, the scheme was one deserving of the favorable consideration of the House. He was free to confess that at one time he had looked upon the project with distrust, but having carefully gone into the statistics of traffic he was now inclined to believe that the scheme was well worthy of support, and one which no unbiased or disinterested person could fairly oppose.

Mr. SHENTON opposed it, however, on the ground that, in his opinion, the most desirable line of railway would be one running from Guildford to the eastern districts. Moreover, he had no faith in the statistics upon which the estimated revenue and expenditure had been calculated, believing they were altogether unreliable. Not only that—the Geraldton and Northampton railway fiasco should be a warning to the House not to rush into any other railway scheme without very grave consideration.

Mr. T. BURGESS likewise expressed himself more in favor of a line to the eastern districts than the line here proposed. Looking at the cost of the northern railway, he believed the cost of constructing the contemplated line would not be less than £5,000 a mile. He was, however, glad to see such a proposal submitted for consideration.

Mr. BROWN did not see that the adoption of the report before the House would in any way militate against the construction of a line from Guildford to the eastern districts. The proposal which had been made to the Government in the matter appeared to him a most liberal one, and one deserving of the favorable consideration of the House.

Mr. STEERE concurred. He believed that a line between Fremantle, Perth and Guildford would do more towards the extension of railway communication than any other line that could be constructed in the colony. On principle, he was not in favor of such works being undertaken by private companies upon guaranteed interest, believing that the Government of a country could carry them out cheaper itself; but the proposals of the promoters of this scheme were really so liberal that he was induced to waive his objection to the principle involved, and to give his adhesion to the project.

Mr. BURT also spoke in favor of the scheme, which he would support with all his heart.

The ATTORNEY GENERAL (Hon. H. H. Hocking), intended to vote for the adoption of the report, although he did not at all regard the project in the same *couleur-de-rose* light as its promoters, whose statistics the hon. and learned gentleman characterised as a tissue of absurdities, which the select committee had very wisely ignored. He, however, would support the motion for the adoption of the report, because he believed that otherwise the whole question would be indefinitely shelved. He thought that before rejecting so favorable a proposal an opportunity should be afforded the House to further consider the question at a future session.

Mr. CROWTHER maintained that the data upon which the select committee had based their calculations were most reliable, and the hon. member proceeded to review the statistics in support of his contention. He looked upon the proposal as one of the very best bargains ever offered this country, and he was sure it would commend itself to the common sense of the House.

Mr. W. BURGESS, while prepared to adopt the report, did not believe that the line could be constructed for anything like the amount estimated.

Mr. RANDELL thought the matter might be safely left in the hands of the Government, being sure that the Commissioner of Works would not risk his reputation upon such a crude and ill-digested scheme. He could not, however, conscientiously vote for the adoption of the report, inasmuch as he was convinced that the data upon which the committee had arrived at their decision were utterly unreliable and unworthy of credit, as time would show.

After some further conversation, the report was adopted.

EXPLORATIONS.

In Committee.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) read a communication from Mr. Ernest Giles, relative to the exploration of the unknown country lying between the Murchison and the DeGrey, and moved that the offer made by Mr. Giles to the Government be accepted by the House, and that His Excellency be authorised to expend such sums as might be necessary for carrying out the proposals made.

After some conversation,

Mr. CROWTHER moved, as an amendment,—That this House sees no reason for accepting the offer of Mr. Ernest Giles, looking to the fact of the late expenditure for exploration voted by this Council.

Amendment agreed to.

Motion, as amended, agreed to.

SUSPENSION OF STANDING ORDERS.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved the suspension of Standing Order No. 2 with a view that the Council would be enabled to meet at 12 noon, on Monday 3rd January, 1876.

Question put and passed.

The Council adjourned at 12 midnight.