

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it would be in the recollection of hon. members that the question was raised, in the course of the debate which had already taken place upon this clause, as to whether it was possible to fix a man with the knowledge that infection had broken out among his sheep. He proposed now to introduce an amendment dealing with this question, and he intended dealing with it in this way—that the sheep-owner, when informed against, should be compelled to prove to the satisfaction of the Magistrate that he had no knowledge of the existence of disease among his flock. To this end, he would now move, That all the words between the word “depastured,” in the 12th line, and the word “such,” in the 16th line, be struck out, and the following words be inserted in lieu thereof:—“And if the owner of any sheep “which have become so infected shall “neglect or omit to give such notice as is “hereby required, upon information being “laid by any inspector of such default, “if the Justices before whom the case “shall be tried shall be of opinion that “such sheep had been infected for a “longer period than ten days to the “knowledge of the owner, and that the “notice hereby required to be given was “not given within the time above specified.”

This was agreed to, without discussion, and the clause, as amended, was put and passed.

Clauses 8 and 9 were agreed to *sub silentio*.

Preamble and title agreed to, and Bill reported.

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

LEGISLATIVE COUNCIL,

Monday, 1st August, 1881.

Messages from His Excellency the Governor—Offensive expressions in the Report of the Director of Public Works—Sharks Bay Pearl Fishery—Barristers Admission Bill—Message (No 3): Remission of Duties paid by Bunbury Jarrah Timber Company—Adjournment.

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

PRAYERS.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

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

MESSAGE (No. 1): THE FINANCE COMMISSION AND THE AUDIT BILL.

“The Governor understands that an impression prevails that the Finance Commission appointed by him in December last sent in their Report without having taken into consideration, as the Governor promised they should, the provisions of the Audit Bill which had previously been before the Legislative Council.

“The Governor therefore submits to Council the accompanying papers upon the subject, and desires, in doing so, to place on record his thanks to the members of the Commission for the great care which they bestowed on the important duty assigned to them, and for the valuable suggestions contained in their Report.

“Government House, Perth, 29th July, 1881.”

[Enclosure.]

HIS EXCELLENCY THE GOVERNOR,—

‘In reply to Your Excellency’s questions I beg to state that the reason why no reference was made in the Report of the Finance Commission, of which I was chairman, to the Audit Bill presented to the Legislative Assembly, was that that Bill was not specially referred to in your Excellency’s instructions, as published in the *Government Gazette* of 7th December, 1880, which constituted our appointment.

‘The Bill was, however, alluded to in Your Excellency’s letter to two of the members of the Commission; and it was before us, as will appear from the accompanying extract from the minutes of our Commission. It was considered and

'discussed by us, together with other documentary material, to aid us in carrying out the end for which we were appointed.

'For the Commission,
'A. R. THOMPSON, A.C.G.,
'Chairman.

'Perth, 27th July, 1881.'

MESSAGE (No. 2): MINUTES OF FINANCE COMMISSION.

"In reply to your Address No. 4, the Governor forwards, herewith, the Minutes of Proceedings of the Finance Commission.

"Government House, Perth, 30th July, 1881."

MESSAGE (No. 3): PETITION FROM THE BUNBURY JARRAH TIMBER COMPANY.

"The Governor forwards to the Honorable the Legislative Council a petition addressed to the Governor by the Bunbury Timber Company, praying for a remission of the duty paid on their Saw Mill Machinery, amounting to £118 12s. 10d.

"If Your Honorable Council thinks proper to recommend the prayer of the Petition, the Governor will place an amount on the Estimates to meet the same.

"Government House, Perth, 1st August, 1881."

MESSAGE (No. 4): TANK ENGINES FOR THE EASTERN RAILWAY.

"In compliance with the request contained in your Address No. 1, of the 27th ultimo, the Governor forwards, herewith, a copy of the indent sent to the Crown Agents for two Tank Engines for the Eastern Railway; also the specification of the two engines that were sent in accordance with such indent.

"Government House, Perth, 1st August, 1881."

THE COLONIAL SECRETARY (Lord Gifford) moved, That Message No. 3 be taken into consideration after the Orders of the Day.

Question—put and passed.

OFFENSIVE EXPRESSIONS IN THE REPORT OF THE DIRECTOR OF PUBLIC WORKS.

MR. STEERE, in accordance with notice, called the attention of the House

to the following paragraphs in the report of the Director of Public Works presented to the Council by command of His Excellency the Governor. "With regard to this extension (that of the Eastern Railway beyond Guildford), I must reiterate my regret that a great public work—the most important undertaking in the Colony—should be deliberately injured by Legislative enactment, by preventing the line passing through Stirling Square at Guildford. I have had a great deal to do with railways during a long professional career, both in Europe and the colonies, and I unhesitatingly assert that never have I witnessed so great a blunder perpetrated, a blunder that will be felt more and more as the line extends to the Eastward; and whether I am here to see my predictions verified or not, I am sure that the Colony will hereafter give me credit for doing my utmost to prevent such a gross mistake being made. In persistently opposing this, I have had no interests to serve beyond that of the Colony at large; it is not my money that is to be thrown away, and had I but consulted my own ease and comfort, I should have let the matter rest; but in so doing, I should have rendered myself unworthy the position I hold. It will always be a source of gratification for me to know that I saved the Colony, on a previous occasion, from making two great blunders,—that of taking the first section of this line on the South side of the river, and in the selection of a site for the station at Fremantle,—and the people now see that in both these cases I was right." The hon. member said he was sure the House would believe him when he stated that in bringing forward this matter he was in no way actuated by any animus, or personal feeling whatever; but he did not think he should be worthy to occupy the position which he did in that House if he were to allow such remarks as were contained in Mr. Thomas's report to pass without taking any notice of them, for he considered that, to say the least, such comments were disrespectful towards the House. Hon. members would recollect that the subject of the deviation of the railway at Guildford evoked a great deal of discussion, and a great deal of conten-

tion last Session,—so much so that the proceedings of the House were almost brought to a standstill by the opposition offered by the Director of Works to the wishes of hon. members in this matter, and that a Select Committee of the House was appointed to proceed to Guildford to inspect the locality in question, the result being that the House determined to insert a clause in the Railway Bill prohibiting the Commissioner from taking the line through Stirling Square. This determination, he might say, had been arrived at after careful consideration and deliberation on the part of the members of that House, and yet they found the Commissioner, in an official report which he must have known would in due course be presented to the Council, and form a portion of the records of the House, penning these offensive remarks, and accusing the Council of having, by Legislative enactment, deliberately injured a great public work. He could hardly conceive words more unbecoming—he might almost say insulting, for, if they meant anything they meant that, in legal phraseology, the Council had with malice prepense committed this injury to the country. Such language was most unbecoming on the part of any Government officer, and still more so, coming from a member of the Executive Council. There was one thing, however, which he gave the Commissioner credit for, and that was—he had the courage of his convictions, for he not only flew at such humble game as the members of that House, but indirectly censured His Excellency the Governor himself. Mr. Thomas declared that this great public work had been “deliberately injured by Legislative enactment;” and he (Mr. Steere) need hardly remind the House that no “Legislative enactment” had the force of law until it had received the assent of His Excellency the Governor. As he had already said, he had no personal feeling to serve in this matter, nor was he actuated by any other feeling than a desire to assert and uphold the dignity of the House, and he thought the best way of doing that was by moving, as he now moved, the following resolution: “That the Council has observed with regret that the report of the Director of Public Works contains observations

“reflecting upon the conduct of the
“Legislature, which are highly improper
“and unbecoming on the part of any
“person holding office under the Govern-
“ment, and more especially so when that
“officer is a member of the Executive;
“and that it be an instruction to the
“Printing Committee to expunge from
“the printed papers attached to the
“‘Votes and Proceedings’ of the Council
“the two paragraphs in the report
“of the Director of Public Works,
“commencing ‘With regard to the ex-
“tension,’ and ending with ‘I was
“right.’”

MR. VENN regretted that he was in no way able to support the resolution submitted by the hon. member for Swan; he regretted it all the more because of the position which that hon. member occupied as the leader of the elected side of the House. In the first place, he could not agree with the hon. member that the step which he proposed to take tended in any way to uphold the dignity of the Council; on the contrary, he thought they were degrading the dignity of the House by taking notice of any such language, emanating from the Commissioner of Railways. In the next place, he thought it was unmanly, and not at all characteristic of the proverbial love of Englishmen for fair play, to attack a man for honestly expressing his opinion, and for sticking to that opinion when he conscientiously believed it to be right. Moreover, that opinion was not expressed to the members of that House, but to His Excellency the Governor, in an official report, which—holding the views which the Commissioner did on the subject—he was perfectly justified in expressing to his chief. If the object of the resolution was, by attacking the Commissioner, to reflect indirectly upon the Governor for presenting this report to the House, let the object in view be sought in a less roundabout way, and he might be prepared to give it his consideration; but to attack the Commissioner in the manner here proposed, was, in his opinion, not only improper and unbecoming, but also derogatory to the dignity of that honorable House, and he, for one, should certainly not follow the leader of the elected members on the present occasion, though he much regretted being unable to do so.

MR. MARMION was very much inclined to agree with what had fallen from the hon. member for Wellington. Possibly the hon. member who had tabled the resolution was under the impression that, in doing so, he was putting forward the views of the majority of hon. members, but he (Mr. Marmion) was not aware that the views of hon. members had been consulted in the matter at all. He did not think they had, and he believed when hon. members came to consider the wording of the paragraphs in the Commissioner's report to which the hon. member for Swan took such exception, they would see that, after all, there was very little in them,—nothing, at all events, to render them worthy the attention of the House, and to necessitate hon. members going out of their way to (as it were) pass a vote of censure in the first instance upon the Commissioner of Railways for having dared to express an opinion contrary to that expressed by this House, and also, in the next place, reflecting indirectly upon the Governor of the Colony for having presented to the Council a report containing remarks which were considered to be offensive to the feelings of the members of that Council. The subject was a pretty old one now, and pretty well worn, and this was not the first occasion upon which Mr. Thomas had expressed a very decided opinion with regard to it. In March last, when the House was in Session, the Commissioner thus addressed His Excellency the Governor on the subject: "Holding the position I do, I should fail in my duty did I not point out that the deviation proposed is, in my opinion, a grave engineering mistake, one which I am sure would not have received the sanction of the professional advisers of the Colonial Office, and I therefore desire to record, most respectfully, but at the same time emphatically, my protest against it, as being a step in the worst interests of the line." That was pretty strong, and the letter containing this remark was forwarded for the consideration of the House at the time, as the deliberate opinion of the professional adviser of the Government. On the 23rd June, 1880, Mr. Thomas wrote another minute on the same subject, in reply to a memorial from the inhabitants of Guildford, in

which, after protesting against the proposed deviation, he said: "I am, of course, prepared to carry out the line in whatever way I am instructed; but, for my own reputation's sake as an engineer, I must place my opinion on record, that the Government would be making a great mistake in doing what the memorialists require, as the line suggested would be more costly, of greater length, far more expensive and dangerous to work, and disfigure the town to a far greater extent than if the line was carried out as originally surveyed." There was another very strong minute also from the Commissioner, presented to the House last Session, in which he said that he felt so strongly that a great blunder was about to be committed by the action of the Legislature, that, in the event of its being determined that the proposed change should be made, he would wish to sever his connection with the work, feeling as he did that the responsibility hereafter would not rest with the members of that House, but with him, as the professional adviser of the Crown. Hon. members would see that the Commissioner had, all along, persistently adhered to the opinion to which he had somewhat forcibly given expression in the report presented to the House again this Session. The hon. member for the Swan said the Commissioner had the courage to fly at higher game than the Legislative Council, and that his remarks cast a reflection upon no less exalted a personage than His Excellency the Governor, inasmuch as no legislative enactment had the force of law until it had received His Excellency's assent. The hon. member's remarks would lead one to suppose that the Governor had concurred in the views expressed by the House, and endorsed its action in introducing a clause into the legislative enactment in question, forbidding the Commissioner from taking the line through Stirling Square. But he (Mr. Marmion) would draw the attention of hon. members to the message which His Excellency forwarded to the House on that occasion, showing as it did that His Excellency at the time fully understood the position in which he himself was placed, as regards the Commissioner, as well as that House. His Excellency, in his message of the

31st March, said: "The Governor has always considered, so far as he has been able to judge of the engineering difficulties involved, that no sufficient reason has been shown for taking the line through the square. At the same time," His Excellency added, "it will be the Governor's duty to place the protest of the Director of Public Works before the Secretary of State, and if the professional advisers of the Colonial Office should concur with Mr. Thomas, Your Honorable Council must be prepared to have the Bill sent back for amendment." The Bill, he believed, had not yet been returned, and therefore they were not in possession of the views of the Colonial Office on the subject; but he thought he had shown that, although His Excellency had assented to the measure, he had done so conditionally, as it were. After all, it appeared to him that the remarks which had given such offence to the hon. member for Swan simply amounted to a reiteration of an expression of regret on Mr. Thomas' part that the Council should, after mature consideration, determine upon a step which, in his opinion, could not fail to injure a great public work. He defied any hon. member to make anything more of it than that; and he really did not think such an expression of opinion could be regarded as calculated to lower the dignity of the House, especially when it was borne in mind that the report in question was addressed to the Commissioner's Chief—His Excellency the Governor. Hon. members would, he hoped, understand that he was in no way prepared to defend Mr. Thomas' language, but he had probably penned these words thoughtlessly, and without any intention to assail the dignity of the House, or to show any disrespect towards its members. Not only was he unprepared to defend the Commissioner's language, he was also unprepared to defend his opinions, and particularly had this been the case when the question as to which side of the river the first section of this Eastern Railway should run. At the same time, he did not allow this difference of opinion to prevent him from expressing his regret that a public servant, who had no opportunity of defending himself in that House, should have a deliberate slap in

the face given him by the Council,—unless there were much stronger grounds for giving it than what had yet been made out by the hon. member for the Swan.

MR. S. H. PARKER said it appeared to him there was no occasion for hon. members, in discussing this resolution, to travel outside of it, and to bring His Excellency the Governor on the scene. The House had this before it—Mr. Thomas when he wrote this report knew perfectly well that it would be presented to the Council by His Excellency, together with the reports of other heads of departments. The report was carefully and he might say ably written, after mature consideration, and they might safely assume that when the Commissioner wrote these words he did so deliberately, and with a full appreciation of their weight and force. And what did he accuse the Council of? Not of unwittingly or inadvertently injuring a great public work, but of knowingly, wilfully, and deliberately doing so. The Commissioner's words meant this, if they meant anything at all, and the question was—whether that House should suffer such a reflection upon its members to pass unnoticed. He did not think the Council should be too sensitive, or too "touchy," in respect of such attacks; and possibly, had this matter been left to himself, he should never have troubled himself about asserting the dignity of the House. But as the remarks of the Commissioner had been pointedly brought to their notice, and as there appeared to him to be no justification for such offensive observations, he thought it was the duty of the House to protect itself against such attacks. It must be borne in mind that the language complained of, and justly complained of, did not emanate from some subordinate officer, but from the head of an important public department, and a member of the Executive Council to boot, and he thought it was the bounden duty of the House to resent such language. There was one passage in the paragraphs which it was proposed to expunge which was certainly amusing. He alluded to that in which the Commissioner posed as the saviour of his country, on a former occasion. Surely the Commissioner's modesty must be on a par with his

obstinacy. "It will be a source of gratification for me," he complacently remarked, "to know that I saved the Colony, on a previous occasion, from making two great blunders—that of taking the first section of this line on the South side of the river, and in the selection of a site for the station at Fremantle." He (Mr. Parker) had always been under the impression until now that the question as to which side of the river the railway should go had been decided by the votes of the members of that House, and not by the Commissioner; and, as one of the majority who voted in favor of the northern route, he thought he was much more entitled to take credit for saving the Colony from committing a "great blunder" than Mr. Thomas, who never had a vote on the subject. Nor could it be justly said that the opinion expressed by the Commissioner on the subject had influenced one solitary vote in that House, for every hon. member knew just as much about the relative merits of the two routes as the Commissioner did, and based their votes upon opinions formed from their own observation, uninfluenced in any way by what Mr. Thomas had said. Under these circumstances, it certainly was amusing to witness the Commissioner posing before the public as the saviour of his country. He had much pleasure in supporting the resolution before the House.

The resolution was then put, and declared to be carried on the voices, whereupon a division was called for, with the following result:—

Ayes	...	...	8
Noes	...	...	8

AYES.	NOES.
Mr. Burges	Lord Gifford
Mr. Burt	The Hon. A. C. Onslow
Sir T. C. Campbell	The Hon. M. Fraser
Mr. Randall	Mr. Hamersley
Mr. Shenton	Mr. Higham
Mr. Steere	Mr. Marmion
Mr. Stone	Mr. S. S. Parker
Mr. S. H. Parker (Teller.)	Mr. Venn (Teller.)

The numbers being equal,

THE SPEAKER said: I rather regret that it devolves upon me on this occasion to give my casting vote, but I cannot shirk my duty. I vote with the Noes, and for this reason—I consider it would almost be beneath the dignity of this House to take notice of anything that

Mr. Thomas may write or say in this matter.

The resolution was consequently negatived.

SHARKS BAY PEARL FISHERY.

MR. SHENTON, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether the Government intend taking any steps for the conservation of the Pearl Shell Beds at Sharks Bay; also, whether it is the intention of the Government to levy an export duty on the Shells or Pearls that are exported from there." His reason for asking the question was because he thought the time had arrived when some steps should be taken by the Government for framing regulations for the preservation of these beds, which were being very seriously injured by the reckless and exhausting system of dredging which was carried on year after year. If the same system were continued much longer, the beds would be practically destroyed, and he thought some precautions should immediately be taken to prevent such a serious result, either by closing some of the beds, and preserving them for spawning grounds and nurseries, or by some other arrangement. Up to the present time, the Government had derived no revenue from these fisheries, although the exports of shells and pearls amounted to some thousands of pounds annually. In other countries possessing pearl shell fisheries—Ceylon for instance—a very large revenue was derived from this source, and he thought we might very well follow their example in this respect.

THE COLONIAL SECRETARY (Lord Gifford), in reply, said the Government had not lost sight of the matter referred to by the hon. member, but that owing to the great expense which must necessarily be entailed in collecting the revenue, it was not the present intention of the Government to levy an export duty on Sharks Bay Shells. As to the conservation of the beds, the hon. member was aware that last year a commission was appointed to report on the subject, and, among other recommendations made, was, that certain places should be periodically closed, in order to prevent the system of continuous dredg-

ing now going on from year to year. The Government were gradually giving effect to the recommendation of the commission, and it was their intention shortly to carry out the suggestion with regard to closing a certain portion of the Bay for a time, as embodied in clause 3, section 7, of the report of the Pearl Shell Commission, dated 29th July, 1880.

BARRISTERS ADMISSION BILL.

The House then went into Committee for the further consideration of this Bill, when the new clause introduced by Mr. Stone was reverted to. (*Vide p. 167, ante*).

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it would be in the recollection of hon. members that when this clause was under consideration the other evening, he had suggested that its provisions should be somewhat extended. The intention of the framer of the clause was to prohibit unqualified persons from preparing conveyances, or other written documents, in expectation of receiving any fee, gain, or reward; but, good as that intention was, he (the Attorney General) hardly thought it went far enough, and that it ought to comprise within its meaning all sorts of dealings with the administration of the law, and that unqualified persons should not only be prevented from drawing or preparing any legal documents in writing, but also that such persons should be prevented from leading people astray by professing to give them legal advice or counsel. In order to carry out this intention, he would move an amendment upon the clause as it now stood, to the effect that (in addition to the present provisions of the clause) no unqualified person shall, in expectation of fee or reward, "perform any work in connection with the administration of law."

MR. HIGHAM asked whether the amendment would not interfere with Justices of the Peace in the discharge of their duties. He had known instances in which honorary Justices had received remuneration, even from the Government, for "performing work in connection with the administration of the law," and it struck him that this clause would apply to Justices of the Peace as well as other people.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Certainly it would. I

think it is a most improper thing that Justices should give advice or opinion on legal matters, for gain or reward.

MR. HIGHAM: I mean in the discharge of their magisterial duties.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): I cannot conceive the possibility of the position contemplated by the hon. member.

MR. MARMION said it had also struck him that the wording of the amendment was somewhat vague, and capable of being construed in a very wide sense.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) repeated that he was really at a loss to conceive under what possible circumstances a Justice of the Peace, honorary or otherwise, could give a legal opinion, or draw up a legal document, or do anything in connection with the administration of the law, for fee, gain, or reward.

MR. MARMION: If the hon. gentleman is satisfied I am.

MR. SHENTON pointed out that the principle underlying this clause was already in operation as regards the medical profession, and he saw no harm in placing the same restriction upon non-professional persons with regard to giving legal advice, or dabbling in legal matters.

The amendment was agreed to.

MR. MARMION then moved the following proviso, to be added to the clause as amended: "Provided always that "nothing herein contained shall extend, "or be construed to extend, to prevent any person or persons drawing or "preparing any will, or any agreement "not under seal, or letter of attorney." He thought this would remove some of the objections raised to the clause by some hon. members the other evening: it certainly made it more acceptable to himself.

MR. RANDELL said the proviso would have his support. He thought it very essential that wills should be exempted from the operation of the clause, and that it should not be unlawful for other persons than lawyers to prepare such documents. Circumstances might arise in which it would be impracticable for a dying man to secure the services of a legally qualified practitioner to make his will, for, as a general rule, people

had an aversion to having their wills made until they thought they were on the point of death; and he believed it would be conceded, even by his legal friends, that it would be better that a man should leave a defective will than none at all, as, however imperfectly drawn out, the document generally afforded some idea as to how the testator wished to dispose of his property. He therefore thought the proviso was one which would commend itself to the good sense and judgment of the House, not only as regards wills but also the other documents exempted from the operations of the clause, and which he thought might be allowed to be prepared by non-professional persons, who, if they possessed the skill to draw them up, were, it appeared to him, entitled to be recompensed for their services. He was glad, therefore, that to this extent at any rate the stringency of the clause had been relaxed, though he was inclined to think it was still somewhat too severe. He thought that in measures of this kind dealing with legal matters, the House was too ready to be led away by the legal gentlemen who had seats in it—he was going to say he was sorry they had so many of them in the House—and who, it was but natural to expect, would take care that any legislation affecting their profession should not injuriously affect their own interests. The amendment of the hon. member for Fremantle, in so far as it relaxed the stringency of the clause as it originally stood, had his cordial support.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it was not his intention for one moment to oppose the amendment, but in all seriousness he wished to say that he could not agree with the remark which had fallen from the hon. member Mr. Randell, who seemed to think that a defective will was better than no will at all. He had no intention of entering upon a lengthy dissertation upon so lugubrious a subject, but he felt bound to say this,—a defective will usually led to litigation, whereas, on the other hand, where there was no will at all, the simple result was the granting of letters of administration to the persons most interested in the intestate's estate.

MR. S. H. PARKER said that so far as his own professional experience went, the public suffered more by reason of informally drawn wills than from any other class of document usually prepared by non-professional persons, and he therefore thought it would be a great mistake to exclude wills from the operation of the clause under consideration. It was only that very day that a case had come to his knowledge in which the lawyers concerned had found it impossible to get a title to a piece of land which had been bequeathed to a devisee, because the intention of the testator could not be carried out in consequence of the singular manner in which the will had been prepared by a non-professional person. He thought himself that the proviso introduced by the hon. member for Fremantle would have this effect: if people found that they could have their wills prepared by any non-professional person who may be at hand, the probability was that, instead of going to a lawyer and having their wills properly drafted while they were yet in sound health, and in possession of their faculties, they would be putting it off until the last moment, and the result would be that there would be a continuance of the blunders now committed, which could not fail, as at present, to lead to litigation, and the persons intended to be benefited by a will would probably lose what they otherwise would have enjoyed. So far as the profession was concerned, it appeared to him that the whole of the clause, from beginning to end, would do the profession harm rather than good. It was by reason of these ill-drawn documents, these irregular testaments, that so much litigation was caused, and if legal instruments were always properly drawn, by professional men, the profession itself would be losers instead of gainers. At present much needless litigation was created in consequence of legal documents being prepared by non-professional men, and the present clause, if it became law, would do away with a great deal of that needless litigation.

MR. BURT said the present Bill had met with that reception which he had always anticipated it would at the hands of some hon. members, who, seeing that it was introduced by a member of the legal profession, immediately conceived

the unworthy idea that it must necessarily be brought forward in the interests of the profession. But, as he conceived that the measure was introduced in the interests, and for the protection, of the public, he felt it his duty to say a word or two in its favor. As a matter of fact, the Bill was brought forward to prevent the ignorant and the unwary from being duped by unprincipled persons, who did not hesitate to swindle their unfortunate clients, by making a pretence to serve them by undertaking legal business for them, when in reality they had no other object in view but to serve themselves, at the expense of their too confiding patrons. So far from the measure being one which was calculated to add to the income, or to afford increased protection to the members of the profession, he had no hesitation in saying that, if it was the wish of the Council that the Bill should lapse, or be withdrawn, every member of the profession having a seat in the House would be found to vote for the proposal. If the public, as represented in that House, preferred that the present state of things should continue, and that ignorant and innocent people should be victimised by unprincipled rogues and pretenders, by all means let the public, as represented in that House, say so. There was no novel principle involved in the measure; similar enactments were in force in almost every other colony of the group, and also in the mother country and elsewhere, and, if passed into law here, the result would be the removal of a great public scandal.

MR. MARMION said, if he thought that the introduction and adoption of this proviso was going to have the result contemplated by the hon. member for Perth—that of inducing people to postpone making their wills until the last moment, he should be sorry to press it. But he could hardly think it would have that effect. On the other hand, lawyers were not always available, especially in remote country places, and it would be very hard if a man could not have his will made by a non-professional person, who might be quite capable of preparing such a document, and, being capable of doing so, ought to be rewarded for his services.

The question was then put—That the words proposed to be added to the

clause be inserted, when, upon a division, there appeared—

Ayes	...	...	...	5
Noes	...	...	...	10

Majority against ... 5

AYES.	NOES.
Mr. Higham	Lord Gifford
Mr. Randell	The Hon. M. Fraser
Mr. Steere	The Hon. A. C. Onslow
Mr. Venn	Mr. Burgess
Mr. Marmion (Teller.)	Mr. Burt
	Mr. Hamersley
	Mr. S. S. Parker
	Mr. Shenton
	Mr. Stone
	Mr. S. H. Parker (Teller.)

The amendment was therefore negatived, and the clause agreed to.

Preamble agreed to.

Title read:

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the following words be added to the title of the Bill:—
“and to prevent unqualified persons from taking fees in consideration of the performance of conveyancing, and of work connected with the administration of the law relating to real and personal property.”

Agreed to.

Bill reported.

REMISSION OF DUTIES PAID BY BUNBURY JARRAH TIMBER CO. (MESSAGE No. 3).

MR. MARMION, referring to the petition forwarded with Message No. 3, (*Vide* p. 171, *ante*), moved the following resolution:—“That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to remit certain duties paid by the Bunbury Jarrah Timber Company on certain machinery imported by them into the Colony.”

MR. S. H. PARKER moved, as an amendment, To strike out all the words after the word “That,” and insert the following in lieu thereof:—“The Committee having considered the prayer of the petition, deem it inadvisable to recommend His Excellency the Governor to place any sum on the Estimates for the purpose of refunding to the Bunbury Jarrah Timber Company the duties paid by them on machinery.” He could not himself imagine duty more legitimately charged than the duty imposed upon the machinery of trading

corporations imported to enable them to carry on their operations, and thereby secure for themselves large profits. If the House were to remit the duties paid by this particular company, anybody else who went to the expense of importing machinery would have an equal right to have the duty therein remitted. Why should not the miller have the duty imposed upon his sacks remitted, or the steamboat proprietor the duty upon his engines? This company had not been started for the purpose of benefiting the Colony, but for the gain and profit of those connected with it. He did not mean to say that their operations would not indirectly tend to benefit the Colony, but their primary object was self-interest, and he should like to know where they were going to stop if they acceded to the prayer of this petition.

POINT OF ORDER.

MR. MARMION rose to a Point of Order. With the permission of the Chairman of Committees he was sitting down engaged in writing his motion, and, while so engaged, the hon. member for Perth rose to propose an amendment. He wished to know whether he (Mr. Marmion), and not the hon. member for Perth, was in possession of the House?

MR. S. H. PARKER said that, so long as an hon. member was standing up, addressing the House, he was undoubtedly in possession of it, but when an hon. member resumed his seat, whether for the purpose of writing out a motion, or having finished what he had to say, he surely could not be considered as being in possession of the House. As a matter of fact, he had commenced writing out his own motion before the hon. member for Fremantle got up to address the Committee at all. Surely the House was not to be kept waiting while hon. members were preparing their resolutions.

MR. MARMION: I only wish to know, as a precedent for future occasions, whether the mere fact of a member who was addressing the House sitting down to write the motion which he is going to propose, deprives him of the right of continuing his remarks, or whether he is still in possession of the House?

THE CHAIRMAN OF COMMITTEES said, as the hon. member had in this instance asked to be allowed to sit down

to write his motion, and had obtained permission to do so from the Chair, he thought the hon. member might be regarded as being still in possession of the House; but, as a general rule, such a thing would not be in order, and, strictly speaking, no hon. member could be considered as being in possession of the House after he resumed his seat, whether for the purpose of writing out a resolution or for any other purpose. But in this particular instance, the hon. member having, before sitting down, obtained permission from the Chairman to sit down to write his motion, the hon. member, he thought, was entitled to resume his remarks.

DEBATE RESUMED.

MR. MARMION said he had nothing to say beyond that he had submitted his motion merely out of courtesy to the hon. member for Wellington, who, he understood, now wished the matter postponed until to-morrow.

MR. S. H. PARKER, continuing his remarks, said if the House took upon itself to advise His Excellency to remit these duties, they should have petitions from all parts of the country, praying for the same concession. Where was the revenue to come from, if they were going to remit duties in this way,—duties legitimately imposed? How was the Government of the Colony going to be carried on? He thought it would be most unwise on their part to comply with the prayer of this petition.

MR. SHENTON would support the amendment, on the ground that if they were to remit the duties paid by this particular company, there were other people and other companies who would have quite as much claim to consideration. Mr. Sloan's was a case in point. A very few weeks after the new tariff came into operation, Mr. Sloan imported some very expensive machinery, and he had just as much right to ask the House to remit the duty which he had paid in respect of that machinery, as this company had.

MR. VENN moved, That Progress be reported, and leave given to sit again next day.

The motion was negatived.

MR. BURT said it appeared to him the question of remitting these duties

was a question which ought never to have been brought before the House. This petition was addressed to the Governor and not to the Legislature, and he failed to see why it should not have been dealt with by the Executive.

MR. VENN said he knew very little about the petition, or its merits, but, as the representative of the district where the company carried on its operations, he would have been glad if the Committee had agreed to report Progress, in order to enable him to ascertain from the petitioners what they conceived to be the grounds which they had for asking for a remission of the duties. He did not think the House was acting properly in treating petitions sent for its consideration in the cavalier manner in which some hon. members seemed inclined to deal with this memorial.

MR. MARMION wished to add that, for his own part, he had no intention of supporting the motion. He had simply moved it out of courtesy towards the hon. member for Wellington.

Question put—That the words proposed to be struck out, be struck out.

Aye.

Question put—That the words proposed to be inserted, be inserted.

THE COLONIAL SECRETARY (Lord Gifford) moved, as an amendment, To strike out all the words after the word "That," and insert the following in lieu thereof:—"This Council having considered Your Excellency's Message No. 3, regret that they cannot entertain the prayer of the Petition which it conveys, as it is a precedent that this Council would rather not recommend."

This was agreed to, and the House resumed.

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

LEGISLATIVE COUNCIL,

Tuesday, 2nd August, 1881.

Oyster Fisheries Bill: first reading—Despatch relative to employment of Crown Agents—Papers relative to the claim of Messrs. Beaver & Co.—Ecclesiastical Grant, How disposed of—Protection of Immature Sandalwood: Report of Select Committee—Brands Bill, 1881: referred to Select Committee—Scab Act Amendment Bill: re-committed—Adjournment.

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

PRAYERS.

DESPATCH RELATIVE TO EMPLOYMENT OF CROWN AGENTS.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to furnish, for the information of the House, a copy of a Despatch received in the year 1870 by Governor Weld from Lord Kimberley, then Secretary of State for the Colonies, informing him that upon the adoption of a Representative Constitution, such as that which the Colony at present possesses, the Government of Western Australia would be at liberty to employ any other agency in lieu of the Crown Agents." Hon. members were aware that there was an idea abroad that, for business purposes at home, it was absolutely necessary that the Colony should employ the Crown Agents, but he was aware, as a matter of fact, that a despatch which reached the Colony in 1870 informed the then Governor that when the number of the elected members of the Legislature exceeded that of the nominated members, there would be no necessity for us either to send the public accounts home for audit or to employ the Crown Agents—although Lord Kimberley stated as his opinion that we could not employ a better agency. He believed that these gentlemen were universally considered to be very good managers of financial affairs; New Zealand, he believed, although it possessed Responsible Government and had its own Agent General at home, still employed the Crown Agents in matters of finance. But we had reason to believe that in other matters of business they were not so successful, and, as a matter of fact, the