

would be much to be deprecated if they did not educate the people of the Colony up to the commercial principles upon which the English law is based.

MR. SHENTON said no promissory note could be negotiated unless it was duly stamped, and, as pointed out by the hon. member for Greenough, it mattered not to the Government who paid for the stamps.

MR. S. H. PARKER said it happened often that when a creditor got a bill of exchange or a promissory note into his possession he might be very loth to part with it, or send it back to a debtor, in case he might never see it again, and as the Bill now stood the holder of the bill, though a *bonâ fide* holder, could do nothing with it, nor could the Treasurer even stamp it. He thought special provision might be made that any party to a bill may stamp it.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said there must be a great deal of the "give and take" principle introduced in the working of a measure of this kind, and the law must necessarily wink at a great deal done, under such a measure. How, for instance, was it to be proved that it was the creditor and not the debtor who stamped the note or bill? A good deal of this sort of thing would, of necessity, be done behind the law (as it were); but he thought they ought to insist upon the principle that these bills of exchange or promissory notes must be stamped by the person executing them, in the first instance.

MR. BURT pointed out that under the next clause the stamp upon a bill may be cancelled by any party thereto; why not extend the same principle to stamping it? So far as he was concerned, he should not have the slightest hesitation in placing a stamp on a bill and then cancelling it. This Act did not contemplate that the Government should be constantly tracking people up, for every petty breach of it; but the only question was whether the House should not recognise the principle which governed this clause. If the law winked at it, well and good; and no doubt it would wink at it occasionally.

MR. CROWTHER said the hon. member might look upon the matter as a very light one, but he assured him the bankers did not do so, and were very

particular indeed as to who stamped a bill.

MR. MARMION pointed out that it would be a very easy thing to tell at a glance whether the proper party had cancelled a stamp, from the handwriting.

MR. CROWTHER moved that the further consideration of this clause be postponed, until the remaining clauses had been dealt with.

This was agreed to.

Clause 41.—Stamp upon a bill of exchange or promissory note may be cancelled by any party thereto:

MR. S. H. PARKER suggested that the same provision should apply to affixing the necessary stamps on these instruments.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) thought it would be a great pity if we were to lose the benefit of the decisions of English courts of law upon these matters, and for that reason he thought we should endeavor to have the Bill framed as near as possible on the lines of the Imperial Act. He therefore hoped the hon. member would not press his suggestion.

The clause was then agreed to.

Clauses 42, 43, and 44:

Agreed to, *sub silentio*.

Progress reported.

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

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## LEGISLATIVE COUNCIL,

Friday, 8th September, 1882.

Coastal Steam Service trade with Bunbury—Eastern Railway Extension Bill: Report of Select Committee; adoption of—Charges against officers of Railway Department, at Fremantle—Industrial Schools Act, 1874, Amendment Bill: first reading—Railways Act Amendment Bill: in committee—Brands Act Amendment Bill: further considered in committee—Municipalities Act: in committee—Estimates, further consideration of, in committee—Adjournment.

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

PRAYERS.

COASTAL STEAM SERVICE: TRADE  
WITH BUNBURY.

MR. VENN, in accordance with notice, asked the Colonial Secretary to be pleased to lay on the Table "a return showing the number of times the steamers under contract have called in at the port of Bunbury to and from Albany, during the last twelve months; the hour of arrival and departure; the amount of goods aboard each trip for that port; the amount landed; the amount taken on beyond its destination; the number of passengers booked for the port of Bunbury and not landed; the number of passengers booked at the port of Bunbury and not taken on." The hon. member said the object he had in view, in asking for the return, was to obtain the information sought, for the merchants and people of Bunbury, in order to back up, as it were, the complaints which were frequently heard in connection with the manner in which the coastal service was performed, so far as regards that port.

THE COLONIAL SECRETARY (Lord Gifford) said it would be impossible, at so short a notice, to furnish all the information which the hon. member asked for, especially as regards the goods and passenger traffic, but he was prepared with a return showing the time of the arrival and departure of the steamers from January 1st, 1882, to August 9th, 1882, which was all the information he could at present supply.

EASTERN RAILWAY EXTENSION BILL:  
REPORT OF SELECT COMMITTEE.

MR. S. H. PARKER, having moved that the House should now take into consideration the report of the Select Committee to whom the above Bill was referred, and the motion being agreed to, the hon. member submitted the following resolution:—"That the House agrees with the report of the Select Committee appointed to consider the Eastern Railway Extension Bill, and humbly requests His Excellency the Governor to take such steps as he may deem necessary to carry out the recommendations contained in the report." The hon. member said the reason why he considered it necessary to move this resolution was because the report contemplated that the position of the

terminus at York shall be decided by the final survey, and the Select Committee recommended—without fixing upon any particular site—that the Commissioner of Railways should ascertain, by survey, the relative value of certain lines which would enable the terminus to be established in a convenient position, and without entailing any heavy claims for compensation. The Committee also recommended that, at the next Session of Council, the Government should bring forward an amending Bill for fixing the terminus in a central position, as far as possible, with reference to the town of York. It therefore appeared to him necessary, if the House wished these recommendations to have effect, that they should adopt some such resolution as that which he had just moved, otherwise the Government would have nothing to go upon.

The motion was agreed to, without discussion.

CHARGE AGAINST OFFICERS OF RAIL-  
WAY DEPARTMENT AT FREMANTLE.

MR. S. H. PARKER, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid upon the Table of the House the Report or Reports of the Commission or Commissions which have recently been considering certain charges brought against some of the Officers of the Railway Department at Fremantle, together with the evidence taken before such Commissioners." The hon. member said he need not enter into any explanation: the Government knew very well what he wanted. He had asked for it informally once or twice, but with no practical result, and he thought the best thing to do was to move an Humble Address to the Governor. He might then probably get what he wanted.

The motion was agreed to.

INDUSTRIAL SCHOOLS ACT, 1874,  
AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in accordance with notice, moved the first reading of a Bill to

amend "The Industrial Schools Act, 1874."

Motion agreed to.

Bill read a first time.

#### RAILWAYS ACT AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it would be remembered that, when this Bill came on for its second reading, a question arose as to the condition of the English law as regards the payment of costs in arbitration cases, where a dispute had arisen as to the value of land resumed for railway purposes. The hon. and learned member for Murray and Williams said the English law in such cases was the same as the law as it exists at present in our own statute book, but he (the Attorney General) took leave, on that occasion, to differ from the hon. member, and maintained that, under the English law, the question of costs in arbitration cases was entirely in the hands of the arbitrators. He had now to state that each of them was right. According to one Imperial Act under which land could be taken for railway purposes, the law was as stated by the hon. member for Murray, but under another Imperial Act the law was as he (the Attorney General) had said it was, and the question of costs was left absolutely in the discretion of the arbitrators. He told the hon. member for Perth, when the subject was under discussion the other day, that he would be prepared to accept an amendment of the law as it exists here so as to bring it in conformity with the English law, but he was not then aware of the true state of the Imperial law on the subject; and, after a reconsideration of the question, he trusted the House would allow him to withdraw the promise he had then made, and to test the feeling of the House upon the Bill as it now stood. Apart from the fact that the English laws on the subject were conflicting, he did not think that in a Colony like this it was to be expected that questions of compensation in these cases should be adjudicated on the same principle as in England. He could not help thinking that here, where our railways are not worked by private companies, for private gain, but by the State, in the public interest, the State should not be mulcted in such heavy costs as private corporations are in England,

where railways are promoted absolutely and entirely—not by the Government, for public purposes, but by private companies for their own purposes and in furtherance of their own interests. He thought there was a vast difference between the two systems of working railways, and he did not think he would have much difficulty in persuading the Council that the State here ought to be protected more from paying costs in these cases than private companies are in England. As an illustration of how the Bill would operate, he might state a case as follows: a man claims £150 for his land, resumed for railway purposes, and the Commissioner offers him £100; the question in dispute would be referred to arbitration, and the costs of the arbitration would be decided on the following principle,—if the arbitrators should award any sum not more than £100 (the amount offered by the Commissioner) or any sum less than £100, the whole of the costs would be borne by the claimant; if the arbitrators should award any sum between £100 and £125, the costs would be divided in equal proportions between the Commissioner and the owner of the land; but, in the event of the arbitrators awarding any sum between £125 and £150, the whole costs of the arbitration would have to be borne by the Commissioner. He really could not see anything unfair about that. It was a rough and ready way of deciding the question, no doubt; but he thought the equity of the case would be fairly balanced between the parties in dispute. He now moved that the House should go into Committee on the Bill.

MR. S. H. PARKER moved, as an amendment, that the House should go into Committee that day month. When this subject was discussed on a former occasion, the principal argument relied upon in support of the Bill was, that the Government was in a different position as regards this matter to that of a private suitor in a court of justice. But, for his own part, he failed to see why the Government should be placed in a better position than a private citizen, in this respect. If it went to law, it had to abide the event like any other suitor, and if it failed to establish its case it would have to pay the costs; and why should it thus seek to secure for itself greater

rights under the statute than a private individual possessed? The position of affairs, if this Bill became law, would be this: if the Government takes a man's land for railway purposes, and he asks £150 for it and the Commissioner offers him £100, and they go to arbitration—if the owner of the land is awarded £125 he still has to pay his own costs, although he gets £25 more than the Commissioner offered him, whereas, under the ordinary rules of law and in accordance with their English idea of justice, if a man recovered more than was offered to him by the defendant he got his costs. This Bill would be a premium to the Government not to offer a man the full value of his land or the amount of compensation he was fairly entitled to.

MR. BURT seconded the amendment. As to there being any difference between private companies and the State taking land for railway purposes, he failed to see that it made any difference whatever, so far as the question affected the owner of the land, or the amount of compensation he was entitled to. The value of the land, and the damage done, would be the same whether it was resumed by the Crown or taken by a private company; and as the present Bill provided otherwise, he felt bound to oppose it.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the hon. member's argument was all very well so far as it went, but it could not be gainsaid that there was a strong disposition, an unconquerable disposition, to look upon the Government as being better able to pay compensation than a private person; and that was the broad principle underlying the difference between the compulsory taking of land by the State and the taking of it by private persons.

MR. CAREY referred to the heavy expense attendant upon references to arbitration, and the large amounts paid as solicitors' costs, and, in support of his statement, called attention to the return he had asked for the other day.

MR. S. H. PARKER said the solicitors' costs would be found to include the amount of the award, and in many cases the arbitrators' fees.

The amendment, on being put to the House, was negatived, and the Bill committed.

#### IN COMMITTEE.

Clause 1.—Repealing the section of Act now dealing with the question of costs of arbitration:

Agreed to.

Clause 2.—Declaring the basis upon which costs shall be apportioned:

MR. BURT moved that the clause be struck out; but the motion was negatived on the voices, and the clause adopted.

MR. SHENTON asked the Attorney General whether some provision could not be made in the Bill for the resumption of the land which would hereafter be required for the purposes of the proposed branch line of railway or tramway from Clackline to Newcastle. If the matter were left until three or four years hence, the Government would probably have to pay four or five times as much compensation for the land as they would now.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) was afraid it would hardly be advisable to provide for that, in the present Bill. This was a measure applying to railways generally, and he did not think it would be in keeping with such a Bill to introduce a clause dealing with a specific area of land, in respect of any particular line or tramway.

MR. SHENTON said he had merely mentioned the matter in order to save expense hereafter. The land would sooner or later have to be resumed, and compensation would have to be made, as nearly the whole of the land through which the proposed branch line would run was alienated land, and no doubt if it were resumed now, the amount of compensation claimed would be considerably less than it will be when the railway is constructed to York, and the branch line is about to be commenced.

The clause was then agreed to, as also the remaining clause (Short Title), and the Bill reported.

#### BRANDS ACT AMENDMENT BILL.

On the Order of the Day for the further consideration of this Bill in Committee, Mr. BROWN's new clause (*Vide* p. 311 *ante*) was agreed to without discussion.

Preamble and title agreed to.

Bill reported.

MUNICIPAL INSTITUTIONS ACT  
AMENDMENT BILL.

IN COMMITTEE.

Clause 1.—Title of Bill:

Agreed to.

Clause 2.—“Every person liable to be rated in respect of property, whether consisting of one or more tenements, of the rateable value of £20 at the least, in any municipal district shall, subject to the provisions of the Municipal Institutions Act, 1876, be qualified to hold the office of councillor of the municipality, but so long only as he shall continue to hold such qualification:”

MR. RANDELL moved an amendment making the qualification in Perth and Fremantle £50, and in all other municipalities £20.

MR. MARMION asked whether it was intended that the rateable value of the property should be £20 a year, or whether it was proposed to apply to the actual value of the property; in other words, whether a man would have to pay rates amounting to £20 annually, or whether it was only intended that the rental of the property should not be less than £20 a year.

MR. SHENTON presumed it would be the latter; so that if the qualification was £20, and the rates were five per cent., a man would have to be paying taxes to the extent of £2 10s. per annum before he would be qualified to hold the office of councillor in Perth or Fremantle; but, in country districts, with a £20 qualification, any man who paid £1 a year in rates would be qualified. The clause had been copied from the Act in force in one of the other colonies.

MR. BURT thought the hon. member in charge of the Bill (Mr. Shenton) was in error as to the interpretation to be put on this clause, and that it meant the annual rateable value.

MR. MARMION said if that was the case he would certainly oppose the amendment. He thought the qualification was too high altogether. It would be very unwise, in the early days of our municipal institutions, to make them too exclusive, and to shut out useful and deserving citizens from serving as councillors, which would be the case if we had a high property qualification. He was not in favor of radical ideas, but at the same time he was opposed to too

much conservatism, in connection with local bodies of this kind, as it would only tend to lessen their usefulness.

MR. SHENTON agreed that it was too high if it applied to the annual rateable value of property.

MR. S. H. PARKER said the qualification would be higher than that required even for a member of the Legislative Council, which was only £50—the value of the property in fee and not its annual rateable value.

MR. RANDELL thought it would be admitted that they wanted a good class of men to serve as municipal councillors, and he considered they ought to have a reasonable property qualification. An annual rateable value of £50 was certainly not a high qualification as rents went in Perth and Fremantle now. A man renting a three-roomed cottage might pay £20 a year,—not that he (Mr. Randell) meant to say the occupier of a three-roomed cottage would necessarily be unfit to serve as a town councillor; but, if they were going to have a property qualification at all, they ought to have a reasonable one. He thought his proposition would meet the views of the ratepayers generally, and also receive the approval of municipal councils generally.

The Committee divided on the amendment with the following result—

Ayes	...	...	3
Noes	...	...	10

Majority against ... 7

Ayes.	NOES.
Mr. Burges	The Hon. A. C. Onslow
Mr. S. S. Parker	Mr. Carey
Mr. Randell (Teller.)	Mr. Glyde
	Mr. Hamersley
	Mr. Higham
	Mr. Marmion
	Mr. S. H. Parker
	Mr. Steere
	Mr. Venn
	Mr. Shenton (Teller.)

The Clause was then agreed to as printed.

Clauses 3, 4, and 5—relating to a declaration to be made by municipal councillors, and providing penalty for acting as councillor if incapacitated; also giving power to summon special meetings—were agreed to without discussion.

Clause 6.—“No councillor shall vote upon or take part in the discussion of any matter in which such councillor has directly or indirectly, by himself or his partners, any pecuniary interest: any

"councillor offending against this provision to be liable to a penalty not exceeding pounds."

MR. SHENTON suggested that the maximum penalty be fixed at £10.

MR. BURT considered that would be utterly inadequate. A councillor might be interested to the extent of hundreds or even thousands of pounds in a question under discussion, and, with a large sum like that at stake, £10 would be no penalty at all. He should certainly make it £25.

MR. MARMION said the question was this—where did a man's pecuniary interest begin and where did it end? It might be said that every councillor, being a ratepayer, was pecuniarily interested in almost every question brought under discussion, even to the levying of rates. If the clause were made to refer to contracts or contractors it would be a different thing, and he could understand it; but to say that any man who directly or indirectly had any pecuniary interest in a subject under discussion, should not be allowed to vote, was to leave the section so vague that it appeared to him it would be dangerous for any one to sit and vote as a councillor at all. He thought it would be most unwise, where the choice of men to serve as councillors was already limited, to make it still more so. There was considerable difficulty, even now, in inducing people to accept a municipal office,—a position that very often led to abuse of, and ill-feeling towards, the office-holder, without any compensating advantage.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) did not think the difficulty raised by the hon. member for Fremantle was a substantial one; but, in case such a difficulty should arise, it might be obviated by the insertion of such words as "other than as one of the general public," which would be quite enough to exempt a councillor from penalty in the case of his voting upon the question of rates, for instance. This might be a very necessary provision, perhaps, as regards Perth and Fremantle, but he feared that in country districts it would be very difficult indeed to find councillors who were not directly or indirectly interested pecuniarily in questions brought under discussion at municipal council meetings, and it

might lead to a very serious difficulty in getting members to come forward at all to accept any municipal office.

MR. SHENTON said the clause was copied word for word from an Act of one of the other colonies; and, if there was any great objection to it, possibly the object in view would be met by the 27th clause of the present Act, which renders any person ineligible to hold municipal office who shall have any interest in any contract with the Council of which he is a member.

MR. STEERE hoped the clause would be allowed to stand. He failed to see how it was going to lead to such a difficulty as that apprehended by the hon. member for Fremantle. The same principle was in operation as regards parliamentary representation. No hon. member of that House was at liberty to vote upon a question in which he was directly or indirectly pecuniarily interested, but surely that did not preclude him from voting upon a question involving taxation, or a change in the tariff.

MR. CAREY considered the clause a very proper one. The section referred to by the hon. member for Toodyay in the present Act did not deal with many cases that might arise in which a man was pecuniarily interested, without his being a contractor.

MR. SHENTON formally proposed that the penalty be £25.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) proposed that it be £50. This was agreed to, and the clause passed.

Clause 7.—All moneys of the council amounting to £20 and upwards to be paid into the bank within three days after it comes into the municipal treasurer's hands:

MR. S. H. PARKER thought the time was too short, in the case of municipalities where there might be no bank in the district, and moved that "seven" days be inserted in lieu of "three."

Agreed to.

MR. RANDELL moved an amendment to the effect that no person shall at one and the same time hold the office of chairman and treasurer of any municipal council.

The amendment was adopted, and the clause agreed to.

Clause 9.—Fire engines and other ap-

pliances for preventing and extinguishing fires, to be included among the works and undertakings for which municipal councils may borrow money:

THE ATTORNEY GENERAL (Hon. A. C. Onslow) believed the municipal council of Perth would not be unwilling to become possessed of an organ for the Town Hall, which would certainly be a very desirable acquisition as regards that civic edifice; and, if he thought the House would not object to it, he should like to see organs included among the things which municipal authorities may obtain by means of borrowed money.

MR. SHENTON said probably it would be as well, as they were amending the Bill in this respect, to provide for such a contingency as that referred to. No doubt the time would arrive, sooner or later, when an organ would have to be procured for the Town Hall, and, if so, he apprehended it would have to be purchased out of loan funds.

MR. RANDELL thought it very desirable indeed that our civic hall should be embellished with such an instrument, and the proposal would have his cordial support.

MR. BURT pointed out that there might be other municipalities who, although musically inclined, could not afford to go in for a costly organ, but might wish to possess themselves of a less expensive instrument; and, in order to meet these circumstances, he would move that the words "organs and other musical instruments" be added.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): A Jew's harp, for instance.

MR. S. H. PARKER doubted whether musical instruments would be regarded as coming within the category of "permanent works and undertakings," for which alone municipal councils were authorised by the Act to borrow money.

MR. SHENTON said it could not be done, in any case, without the consent of the ratepayers, and there could be no harm in adding the words to the clause.

The amendment was then agreed to, and the clause adopted, as were also the remaining clauses relating to the resignation of councillors, and the investment of sinking funds in the joint names of the Colonial Treasurer and of the municipality (as required by the principal Act).

MR. S. H. PARKER intimated that at another stage of the Bill he would move its recommittal, in order to strike out the Colonial Treasurer altogether. He failed to see what the Colonial Treasurer or the Government had to do with the investment of municipal funds, or in controlling the financial operations of these local bodies. If left to the discretion of the municipal authorities, the money reserved for providing a sinking fund would probably be invested in mortgage of land, and bring in 7 or 8 per cent. interest, instead of 3 per cent. when invested, as the Act now requires, in the purchase of consols or in Government stock by the Colonial Treasurer.

MR. BURT said he thought it would be very gratifying to the citizens of Perth to hear that the residents on the South side of the river were anxious to attain to the full rights of citizenship, and, in order that they should do so, and have a voice in municipal affairs, before they entered upon the enjoyment of that higher citizenship contemplated by the advocates of constitutional change, he begged to move the following new clause: "The boundaries of the 'East Ward' of the City of Perth shall comprise and include the boundaries of 'South Perth, as described in the 'Schedule A to 'The Municipal Institutions Act, 1871,' in addition to the boundaries which are described in the 'Schedule A to 'The Municipal Institutions Act, 1876.'"

The clause was agreed to.

Preamble and title agreed to.

Bill reported.

#### ESTIMATES.

The House then went into Committee for the further consideration of the Estimates.

*Judicial Department, Item £9,495:*

MR. CROWTHER asked whether the Government intend doing anything in the way of appointing a public prosecutor to attend courts of quarter sessions, where such courts are held at places within communication by steamer. At present the committing magistrate had to act as public prosecutor and judge, with no one to assist him, and with all the available legal talent of the place probably arrayed against him. The hon. member referred to a recent case in which

he said there had been a flagrant failure of justice, in consequence of there being no one in attendance to represent the Crown, all being left to the unaided efforts of the presiding magistrate, who not only had to conduct the prosecution, cross-examine the witnesses, but, afterwards, adjudicate upon the case. He thought the least the Government might do was to render these magistrates the assistance of a legal gentleman to prosecute, and thus remove the anomaly of a man being committing magistrate, prosecuting council, and judge in his own person.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it was not the intention of the Government to appoint public prosecutors throughout the Colony. He did not think the time had yet arrived rendering such a step necessary. He could not agree with the hon. member,—although he was aware it was being constantly stated—that there was any serious anomaly between the practice obtaining here and the practice obtaining at home. It was said it was not right—it was not in accordance with the English law—that the same person should act as judge and prosecuting counsel. All he could say, and he said it with all due deference, was that the thing was done in England every day. At quarter sessions at home, nothing was more common than to see the chairman conducting the prosecution; and that was all that was done here. There was absolutely no anomaly about it, though a great deal of nonsense had been talked and written with reference to it. He could, however, understand the difficulty experienced by a magistrate who had received no legal training being opposed by a professional man employed to defend a prisoner; but, he must say, there was nothing anomalous or repugnant in the practice obtaining in our courts of quarter sessions. On the other hand, he should be glad to see the time when we shall have three Judges here, going on circuit; and he could only express a hope that this was one of the good things we are told we may expect to enjoy when the Colony takes upon itself some of the responsibilities urged upon it by the hon. and learned member for Perth. The hon. member for Greenough said that in a recent case there had been a

signal miscarriage of justice, consequent upon the practice referred to. He knew what case the hon. member alluded to; it had been referred to him (the Attorney General), to look into it, and he did not think there had been any signal miscarriage of justice,—though he believed there was a general impression that the man (McConkey) was guilty of a very serious offence,—that of perjury.

MR. CROWTHER said he had not referred to that case at all.

THE COLONIAL SECRETARY (Lord Gifford) said he proposed to add £300 to the Estimates, for a stipendiary magistrate for the Kimberley District. What the Government proposed doing was this: if they sent up a police staff, without the services of a magistrate being available, it would be useless, and it was the intention of the Government to appoint one or two Justices of the Peace in the district, if they could manage it. But, as hon. members were aware, the country as yet was very sparsely populated, the settlers being scattered over an immense area of territory, and at present the Government did not know any person who would be able to undertake magisterial duties; but they were making inquiries on the subject. In the event of their not being able to appoint honorary justices, it was proposed to provide £300 for the salary of a stipendiary magistrate, and £75 for his forage allowance, which the noble lord hoped would meet with the approval of the Committee. The Committee would understand that they did not propose to expend this money in the event of their being able to enlist the services of an unpaid magistracy in the district; if the Government could secure such services, they would avail themselves of it.

MR. BROWN said that at an earlier stage of the Session he had spoken on this very question, and he felt so strongly upon it, that if they had not been informed by the leader of the Government that it was proposed to appoint a magistrate for the Kimberley District, he should have done his best to oppose the vote for providing the district with police, as policemen would be of very little use without a magistrate. He was exceedingly pleased to find that the Government had adopted his views on this



point; but he did not think £300 was at all sufficient to secure the services of a first-class man, and, in his opinion, they ought to have one of the best magistrates in the Colony to occupy this position,—a man of sound common sense, and good attainments. Regard being had to the discomforts of a residence in such a climate as that of Kimberley, the salary proposed, no matter how little the man might have to do, was inadequate, and he should like to see it increased to £500. In his opinion, £500 a year over and above his expenses, was as little as any magistrate worth his salt ought to get in such a district as this, and it struck him the best arrangement the Government could make would be to give this officer a stated salary and to provide him with horses.

MR. BURT was quite in accord with the hon. member for Geraldton; £300 or £375 was altogether inadequate pay for a magistrate in a district situated as this is. He thought the country would watch with considerable interest how the Government filled up this appointment, for upon it depended in a great measure the success of the attempt to colonise the district. There were gentlemen now occupying the position of Justices of the Peace whose appointment as Government Resident in the Kimberley District would be most disastrous to the welfare and progress of this new country.

MR. MARMION thought the salary suggested by the hon. member for Geraldton (£500) would be quite little enough for a man upon whose sound judgment and discretion the Government could rely for filling such an important appointment with credit to himself and success to the district. He hoped, as the gentleman who would be first appointed to the office would in all probability hold it for some years to come, the Government would exercise an unusual amount of discretion in the selection of this officer.

THE COLONIAL SECRETARY (Lord Gifford) said it would probably be some considerable time, after the commencement of next year, before the Kimberley survey party and the magistrate and police would be able to start, so that this £300 would probably suffice to cover the magistrate's salary for 1883. The Government reckoned he would only be there for about nine months next year, so that

in reality the annual salary attached to the office would be about £450, with £75 forage allowance; and quarters would also have to be provided.

The vote for the Judicial Department was then agreed to.

*Gaol Department, Item £6,040:*

THE COLONIAL SECRETARY (Lord Gifford) said hon. members would observe it was proposed to vote a larger sum under this head than in past years, the vote for 1882 being £5,655, and some of the items required an explanation. It would be seen that £120 was put down for the Assistant Gaoler at Perth, whereas his salary this year was only £100. A most peculiar arrangement had been in force in connection with the payment of this officer, who it appeared, owing to some misunderstanding, was in the habit of being paid £20 a year by the Head Gaoler. It was proposed to put an end to that arrangement, and hence the substitution of £120 for £100. There was also an increase in the vote for warders' salaries, with a view to secure and retain the services of really good men.

MR. STEERE asked for some explanation with reference to the new item under the head of "Gaoler, £15," at Roebourne, York, Newcastle, Bunbury, and Busselton. He understood the work at these stations was performed by the policeman in charge.

THE COLONIAL SECRETARY (Lord Gifford) said that was so, and these men had hitherto performed these extra duties for nothing, but it was considered by the Government they were entitled to some remuneration.

MR. STEERE failed to see what claim these men had to anything beyond their ordinary pay, seeing that they were only doing what must be regarded as part of their duty. At any rate, he thought £10 a year would be quite enough, and he would move that the items be reduced from £15 to £10.

This was agreed to.

*Rottnest Prison Department, Item £2,472:*

Agreed to.

*Printing Department, Item £1,936 6s.:*

Agreed to.

*Inspection of Sheep Department, Item £1,412:*

MR. MARMION asked if there was any intention to appoint an Inspector for

the Kimberley District? He apprehended it was proposed to tax sheep in that district, and if so, he failed to see why flock owners should not have the benefit of the services of an Inspector.

THE COLONIAL SECRETARY (Lord Gifford) said no sheep contribution was levied at the North-West, and it was not proposed to do so in the Kimberley District.

The vote was then agreed to.

*Educational and Registry Department,*  
Item £9,820 :

THE COLONIAL SECRETARY (Lord Gifford) said hon. members would observe that provision was made on the Estimates for the appointment of an Assistant Inspector of Schools. He thought it would be generally recognised that the Education Act now worked satisfactorily, and, regard being had to the number of schools lately started, and the great distance which the Inspector had to travel, it was impossible for one man to examine all the schools of the Colony, for results, as it ought to be done, and the Central Board of Education had recommended the appointment of an Assistant Inspector, to whom it was proposed to give a salary of £200 a year, and £50 forage allowance.

MR. S. H. PARKER called attention to the item "Secretary of Education Board and Registrar General, £200." This officer had a great deal of hard work to perform, especially in connection with registration under the Brands Act, and the admirable system which he had introduced, all of which, he believed, did not cost this Colony more than £168 a year, as this gentleman was in receipt of an Imperial pension. It would be no use increasing his salary, but he saw no reason why a bonus should not be placed on the Estimates as an honorarium for his extra services, especially in view of the saving which was effected, so far as colonial funds were concerned, by reason of the present holder of the office being in receipt of a pension from the Imperial Government.

THE COLONIAL SECRETARY (Lord Gifford) said no doubt the gentleman referred to was a most valuable officer, and if the Council thought he should have some additional remuneration, the proper course to adopt would be for the House to move an Address to the Gov-

ernor to sanction a bonus being allowed him.

The vote for the Education and Registry Department was then agreed to.  
*Poor Relief Department, Item £5,560*  
12s. 6d. :

Agreed to.

Progress reported.

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

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## LEGISLATIVE COUNCIL,

*Monday, 11th September, 1882.*

Concessions to Jarrahdale Timber Co.—Special Occupation Leases and Lessees—Stamp Duties Bill: further considered in committee—Trespass, Fencing, and Impounding Bill: further considered in committee—Industrial Schools Act, 1874, Amendment Bill—Adjournment.

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

PRAYERS.

### CONCESSIONS TO JARRAHDALÉ TIMBER COMPANY.

MR. CAREY, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether the Government had called for any report from the Director of Public Works, or other official, as to the proposed extension of the Jarrahdale Railway; and, if so, that the same be laid on the Table, so as to assist the Council in arriving at a decision as to the advantages, or otherwise, that would accrue to the Colony from this proposed extension." The hon. member said he presumed the Government, after the discussion that had taken place in the House the other day, would have called upon the Commissioner of Crown Lands and the Director of Public Works for an expression of opinion as to the merits of the proposal put forward by the company, and, if so, such opinion would be