

proper that the Government should only ask the House to give Mr. Foss's convictions the same validity as if he had been a Resident Magistrate,—which was all the power they intended vesting in him. That being the case, he thought it would have been inconsistent on their part to have invited the House to have gone beyond that, and to legalise convictions which they never contemplated empowering Mr. Foss to make. He said again he thought they had acted very wisely and properly in this respect, and he congratulated His Excellency the Administrator on his astuteness and discernment. For years past these Resident Magistrates, although they had no power whatever to do so, had been passing sentences of three years all over the Colony, and His Excellency might fairly say that, in the same way as he kept in confinement other native prisoners illegally sentenced to three years by other Resident Magistrates, so he might with equal show of reason, if not of legal right, detain those sentenced by Mr. Foss, leaving it to some philanthropic person to move the Supreme Court to release them,—not only those sent down from the Gascoyne, but also all others illegally sentenced, in various parts of the Colony.

The motion for the second reading was then agreed to, and the Bill committed.

#### IN COMMITTEE.

Clause 1—Mr. Foss's convictions confirmed, as if they had been made by a Resident Magistrate duly appointed in that behalf.

Agreed to *sub silentio*.

Preamble: "Whereas by divers Acts of Council a Resident Magistrate is empowered to convict and sentence certain offenders being aboriginal natives of the Colony of Western Australia," etc.

MR. BURT: Under what Act?

THE ATTORNEY GENERAL (Hon. G. W. Leake): I apprehend merely the 27th Vict. No. 17, which gives a Resident the power of two Magistrates. Of course I do not propose to argue the matter now as if we were arguing it upon a writ of *habeas corpus* to release the natives.

Preamble agreed to.

Title: "An Act to give validity to certain summary convictions of aboriginal natives of the Colony:"

MR. S. H. PARKER suggested that a more appropriate title would be "An Act to ante-date the appointment of Mr. Charles Denroache Vaughan Foss as Resident Magistrate."

THE ATTORNEY GENERAL (Hon. G. W. Leake) hoped the hon. member would not press his amendment. It would only mar the symmetry of the Bill. The title was then agreed to, and the Bill reported.

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

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### LEGISLATIVE COUNCIL,

Tuesday, 17th April, 1883.

Presentation of the Address in Reply to His Excellency the Administrator—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

#### PRESENTATION OF THE ADDRESS IN REPLY.

At a quarter past 12 o'clock, the Council adjourned, during leisure, in order to present the Address in Reply to His Excellency's Speech, for which purpose Mr. Speaker and hon. members proceeded to Government House. On re-assembling,

THE SPEAKER announced to the Council that the Address to His Excellency the Administrator had been presented in accordance with the Resolution of the House, and that His Excellency had thanked the Members for the same, and said he would instruct the Colonial Secretary to afford to the Council every information that it was in the power of the Government to give.

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

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