

present Act was a fence capable of resisting both cattle and sheep.

THE COLONIAL SECRETARY (Hon. M. Fraser) said when he recollected the laborious work of last session in connection with the consolidation and amendment of the law on this subject, he thought, apart from any other ground, it would be impolitic to proceed at once to undo what the House had taken so much pains to do so recently—more especially as the amendments now proposed were only intended to meet the requirements of one particular district. It might be said that the circumstances of the various districts of the colony varied in this as in other respects, and that what might be deemed a sufficient fence in one district was not a sufficient fence in another district; and no doubt it was so. But it appeared to him that in dealing with a question like this, they must endeavor to put an interpretation upon the Act that would meet the circumstances of the colony generally, and not the peculiar requirements of any particular district. Apart from this, he did not think it was expedient, at this time, for the House to seek to undo that which had been thoroughly done last session. He thought it was very questionable whether the proposed amendments would do any good generally,—although possibly they might be acceptable in the district which the hon. member who brought in the Bill represented. But they were there to legislate for the whole colony, and not for any particular part of it.

The motion for the second reading of the Bill was then put and negatived, on the voices.

BOAT LICENSING BILL.

Read a third time and passed.

FREMANTLE GRAMMAR SCHOOL BILL.

This Bill passed through committee without discussion or amendment.

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

LEGISLATIVE COUNCIL,

Monday, 6th August, 1883.

Colonial Surgeon's Report on condition Native Prisoners at Rottnest—Repairs of Government House—Message (No. 13): Roads Blackwood District—Message (No. 14): Despatches re Immigration; Irish and Maltese—Hunbury Court-house—Land held by Timber Companies in Wellington District—Fencing Government reserves in the city of Perth—Volunteer Bill: in committee—Election of Committee of Advice under Audit Act—Eastern Railway Terminus Bill: referred to Select Committee—Pearl Shell Fishery Regulation Bill: second reading—Exemption of Justices from Juries Bill: second reading—Reply to Message (No. 12) re Appointment of Puisne Judge—Supplementary Estimates: further consideration of—Adjournment.

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

PRAYERS.

REPORT OF COLONIAL SURGEON ON CONDITION NATIVE PRISONERS.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid upon the table the Colonial Surgeon's Report on the condition of Native Prisoners at Rottnest, and, in doing so, stated that after this session it was the intention of His Excellency the Governor to appoint a Commission to inquire into the state of Rottnest Prison, and also into the whole question of the safe keeping, treatment, and employment of our Native Prisoners. His Excellency would appoint the Commission at once; but that, as a visit of some duration to Rottnest would be necessary, and as he hoped to have the services of some of the members of the Legislative Council on the Commission, it seemed desirable to wait till the close of the session.

REPAIRS TO GOVERNMENT HOUSE.

THE COLONIAL SECRETARY (Hon. M. Fraser), with leave without notice, moved that a committee be appointed to visit Government House, to consider the report of a committee thereon, and to advise what expenditure should be provided in connection with the house and grounds on the Estimates for 1884; and that such committee consist of Mr. Steere, Sir T. Cockburn-Campbell, Mr. S. H. Parker, Mr. Wittenoom, and Mr. Grant.

MR. BROWN said he was not cognisant of the report of any committee, nor of the appointment of any committee,

who had visited Government House, and he thought it was highly desirable, before the House proceeded to act upon such report, that it should know something about it. He should like himself to be on the proposed Select Committee, as he had always been of opinion that the accommodation at Government House was quite insufficient. At the same time, he should first like to know something about this other committee, who it appeared had already visited Government House and made some report on the subject.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he should be happy to add the name of the hon. member for the Gascoyne as a member of the proposed Select Committee, if the hon. member wished. The report of the other committee would be placed in the hands of the Select Committee immediately it was appointed, and commenced its labors.

MR. BROWN said if hon. members had no objection to taking this leap in the dark, it was not for him to cavil at the appointment of this committee. But the whole question appeared to him to have been sprung upon the House—not intentionally of course—and they were asked to take a step with regard to which they were at the present moment completely in the dark.

The motion for the appointment of a Select Committee was then agreed to, Mr. Brown's name being added to the list already named.

MESSAGE (No. 13): REPAIR ROADS
BLACKWOOD DISTRICT.

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:—

"The Governor has the honor to inform the Honorable the Legislative Council that he will have much pleasure in complying with the requests contained in their Addresses Nos. 11 and 14, of the 31st of July, respecting the provision of certain sums for the repair of roads in the Blackwood District.

"Government House, Perth, 6th August, 1883."

MESSAGE (No. 14): DESPATCHES RE
IMMIGRATION: MALTESE AND IRISH.

THE SPEAKER also announced the receipt of the following Message and

enclosures from His Excellency the Governor, relating to the introduction of Irish and of Maltese immigrants:—

"In further connection with his Message No. 10, respecting the question of Immigration, the Governor has the honor to lay before the Honorable the Legislative Council a Circular Despatch (dated the 20th of November last) from the Right Honorable the Secretary of State for the Colonies, and a letter (dated the 26th of May last) received from Mr. De Cesare, Commissioner for the Maltese Government.

"These communications relate to the introduction of Irish and Maltese immigrants, and the Governor will be glad to learn the views of the Council thereon.

"Government House, Perth, 6th August, 1883."

This Message was ordered to be taken into consideration at the same time as His Excellency's previous Message (No. 10) on the subject of Immigration.

BUNBURY COURT HOUSE.

MR. VENN asked the Colonial Secretary, "Whether the Government have taken any steps to carry out the necessary alterations in the Bunbury Court House, with a view to give increased accommodation for carrying out the business of the Court?" The hon. member said he had not thought it would have been necessary for him to ask such a question until he saw the Supplementary Estimates for this year, as he made sure provision would have been made for carrying out this very necessary work. But as he noticed no sum had been placed on the Supplementary Estimates, he wished to know before moving a resolution on the subject, whether the Government intended taking any steps in the matter.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the Government were perfectly well aware of the extremely inconvenient state of the present building, and, on the Estimates for 1884, provision would be asked for making the necessary enlargements and alterations.

LAND HELD BY TIMBER COMPANIES
IN WELLINGTON DISTRICT.

MR. VENN asked the Commissioner of Crown Lands to place upon the table

of the House, at an early date, a colored chart showing the amount of land held by timber companies in the Wellington district, and the area of timber forest still available between the Collie and the Blackwood. The hon. member said his object in asking for this chart was to enable hon. members to see for themselves the extent of forest already alienated and the area still available, in order that they may be in a better position to form a judgment as to the desirability of constructing a railway from Bunbury to these timber ranges,—a question which would be submitted for their consideration in the course of the session, and which he hoped would be decided in the affirmative.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the chart asked for should be prepared as soon as possible.

FENCING GOVERNMENT RESERVES IN THE CITY OF PERTH.

MR. SHENTON asked the Colonial Secretary, "Whether it is the intention of the Government to provide, in the Estimates for 1884, a sum sufficient to clear and fence the Government reserves in the city of Perth?" The hon. member said his reason for asking the question was that some correspondence had taken place between the City Council and the Government on this subject, and the reply received by the corporation from the Government was that they had no funds at their disposal for the purpose, as no provision had ever been made for it on the Estimates. That was the excuse which the Government put forward when asked by the Municipal Council to clear and fence these public reserves. Now, as under the provisions of the Municipalities Act, owners of private property were obliged to do this, and as the provisions of the Act, in this respect, were being strictly enforced in the case of private owners, he thought the Government ought to show a good example, and carry out the requirements of the law, the same as private citizens had to do.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the hon. member should bear in mind that there were other municipalities in the colony besides Perth, who no doubt would feel them-

selves justified in putting forward the same claim upon the Government, and if a sufficient sum were placed on the Estimates to enable the Government to do the same thing in every municipality, he was afraid it would not meet the support of that House. It had not been the practice in the other colonies for Government to undertake the clearing and fencing of public reserves until the land was required for certain purposes, and his reply to the hon. member's question must be that it is not the intention of this Government at present to ask a vote for the purpose referred to.

MR. SHENTON said that, in other colonies, the Governments pay the municipalities the same rates as owners of private property, or the municipalities receive an annual endowment from the Government, so that the corporations themselves may perform this work.

VOLUNTEER BILL.

On the order of the day for going into committee on the Volunteer Bill,

MR. S. H. PARKER said he desired to say a few words with reference to the Bill before the House went into committee. It would be seen by the report of the Select Committee to which the Bill had been referred that they had suggested very few alterations in its provisions, and he thought he might congratulate the Government upon having introduced a measure which had been so favorably received. He thought it necessary, however, to say a few words with reference to the scope of the Bill, as he was afraid a mistaken impression had got abroad with regard to it. He noticed it had been alleged in a public print that the measure was one which was calculated to inflict much hardship upon our volunteers, and that under it they would be subject to all sorts of serious penalties, including imprisonment for a term of seven years. This was altogether wrong. The Bill provided no penalties as regards volunteers, unless they were called out on active military service. In that case, he was sure the volunteers themselves would admit the necessity of there being some power to maintain proper discipline in the force. But so far as their ordinary duties as volunteers were concerned,

the men would not be subject to any more penalties or punishment than they are now. He thought we might congratulate ourselves upon the fact that, although the volunteer force had been in existence here for the last twenty years, it was such a well-regulated body that—although it might be said there had been no Act in force empowering discipline to be maintained by law,—there had been no disorder or serious misbehaviour on the part of the men. There had, of course, now and then, been cause for complaint against individual members of the force while in uniform, but he believed the volunteers as a body would rejoice that a proper means should be provided for the punishment of a man who brought disgrace upon his cloth. He had felt bound to make these observations in order to dispel the misapprehension which existed as to the scope and intention of this Bill, which he thought was a very necessary Bill, and one which would be appreciated by the volunteers themselves. They were told the other day by the hon. member for the North (Mr. Grant) that volunteering was only an amusement. No doubt that in a great measure it was an amusement or a source of recreation, and he thought we ought to be grateful that our volunteers viewed it in that light, and not as a task, which they expected to be paid for. In the other colonies their volunteers cost them very large sums of money, and he thought Western Australia was to be congratulated on the fact that her volunteer defence force cost such a very small sum to maintain, and we ought to be very thankful to think that the men themselves regarded their military duties in the light of an amusement, rather than a labor to be paid for out of public funds.

The House then went into committee on the Bill.

Clauses 1 to 8:

Agreed to *sub silentio*.

Clause 9.—“The acceptance of a commission other than on the permanent staff in the Volunteer Force, by a Member of the Legislative Council, or by any Member of the Council of a Municipality, shall not render his seat in such Council vacant:”

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that this clause be struck out. He did so in pursuance of the recommendation of the Select Committee to whom the Bill had been referred, the committee being of opinion that as the clause contained a provision which might be considered as affecting the status of a member of the Legislature, it would thus involve an alteration of the Constitution, which would necessitate the Bill being laid before the Imperial Parliament for thirty days before it could be assented to by the Secretary of State, on her Majesty's behalf.

The clause was thereupon struck out.

Clauses 10, 11, and 12:

Agreed to without discussion.

Clause 13.—“Any volunteer may, except when on actual military service, quit his corps, on complying with the following conditions, namely—

“(1.) Giving to the commanding officer of his corps thirty days notice in writing of his intention to quit the corps.

“(2.) Delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments being public property, or the property of his corps issued to him or placed under his charge.

“(3.) Paying all money due or becoming due by him under the rules of his corps, either before or at the time, or by reason of his quitting it—

“And thereupon his name shall be struck out of the muster-roll of the corps by the commanding officer. And if any volunteer gives such notice, and the commanding officer refuses to strike his name out of the muster-roll, and the volunteer considers himself aggrieved thereby, he may appeal to two Justices, not being members of the corps, who shall hear and determine such appeal, and shall decide whether such volunteer's name shall be struck out of the muster-roll or not.”

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the Select Committee, who had reported upon the Bill, were of opinion that this clause should be amended by providing a mode of procedure for carrying out the appeal to the

two justices, which the clause contemplated; and, in pursuance of this recommendation, he had now to move that, after the word "appeal," in the 28th line, the words "in a summary way, as provided by the 33rd section of this Act," be inserted.

MR. MARMION was afraid this clause might work some hardship. He noticed that a volunteer could not quit his corps without giving his commanding officer thirty days' notice, in writing, of his intention to do so. It often happened that a young man removed from one part of the colony to another, or went to another colony, finding an opportunity to better himself, and it might happen that he would require to leave at once; but, according to this clause, he could not quit his corps without giving a month's notice.

MR. HIGHAM did not apprehend any difficulty or hardship would arise in such a case as that referred to. No commanding officer would be likely to wilfully interfere with the movements of a volunteer who had occasion to leave the colony at short notice, and there would be no difficulty in obtaining leave of absence in the meantime. As a matter of fact, the same regulation was in force now, and he had never heard of any hardship being caused through it.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the same practice obtained in the force in the other colonies. In the case of a volunteer leaving the country altogether, he would simply give his thirty days' notice as required by the Act, and by the time that had expired he would have ceased to have been a member of the corps. As to leaving one district for another within the colony, all he would have to do would be to obtain permission to do so, from his commanding officer.

MR. BROWN thought it would be as well to make provision in the Bill to that effect, otherwise some commanding officers might consider that they were bound to carry out the strict letter of the Act, and not allow any volunteer to quit his corps until after the expiration of his thirty days' notice. Power might be given to enable commanding officers to relax this condition under certain circumstances.

The clause as amended was then agreed to.

Clauses 14 to 21 :

Agreed to *sub silentio*.

Clause 22: Volunteers on actual military service to be liable to Army Discipline Act:

THE COLONIAL SECRETARY (Hon. M. Fraser) said it would be seen on reference to their report that the Select Committee recommended a modification of this clause. Inasmuch as the next preceding clause provided a less stringent code of punishment for volunteers called out on actual service than was embodied in the Army Discipline Act, the committee recommended that a proviso should be added to this clause making its provisions subject to the terms of the preceding section. As this recommendation seemed also to possess the merit of consistency, he thought it would be acceptable to the House, and he had therefore to move that the following words be inserted at the end of the clause: "Subject, nevertheless, to the proviso contained in the next preceding section."

Amendment put and passed.

Clause as amended agreed to.

Clause 23—"Any officer of the Volunteer Force disabled on actual military service or in the ordinary discharge of his duty shall be entitled to half-pay, according to his rank, as provided by regulation under this Act, and the widow and family of such officer killed on actual military service shall be entitled to the like pension or pensions for life or otherwise as the widow or family of an officer of the like rank of Her Majesty's Army. And any Volunteer or non-commissioned officer of the permanent staff disabled on actual military service shall be entitled to the like pension as a lieutenant in Her Majesty's Army, and the widow and family of such a volunteer or non-commissioned officer killed on actual military service, or in the ordinary discharge of his duty, shall be entitled to the like pension or pensions for life or otherwise as the widow or family of a lieutenant in Her Majesty's Army. And such half-pay and pensions shall be charged on and payable out of the General Revenue."

THE COLONIAL SECRETARY (Hon. M. Fraser) said the Select Committee recommended that this clause be struck out, and another clause introduced in lieu of it, dealing with individual claims separately, upon the recommendation of the Governor and with the approval of the Legislative Council. He had therefore to move, in accordance with the Select Committee's suggestion, that the clause be struck out, with a view of inserting another clause which his hon. friend the Attorney General would move presently.

The motion to strike out the clause was agreed to, *nem. con.*

The remaining clauses of the Bill were agreed to, without discussion.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in pursuance of the recommendation of the Select Committee, moved, without comment, the introduction of the following New Clause, to stand as Clause 23 :—

"In the event of any member of the Volunteer Force being killed or wounded in actual service, the Governor shall, within fourteen days after the commencement of the next Session of Council, cause to be laid upon the Table of the said Council a return of the name and rank of every such person so killed or wounded, and recommend the said Council to grant such pension or gratuity to such wounded person, or to the widow or family of such person so killed, as aforesaid, as the Governor shall think fit."

MR. BROWN said this clause involved such an important alteration that he did not think the House would be justified in accepting it without further opportunity of considering it. The report of the Select Committee had only been laid before them that evening, and this was the first time they had seen this new clause in print. Such an important alteration would never be accepted in the House of Commons without due notice—it would have appeared on the Notice Paper for days; and, unless good reasons were given for its adoption, he should oppose it, and oppose it strongly. No reason whatever was mentioned by the Select Committee for striking out the original clause, and no reason whatever had been assigned for adopting the new clause, and under these circum-

stances he felt bound to oppose the clause. He thought some further time ought to be allowed before asking the House to accept an important clause like this. He thought it would only be a simple act of justice to the volunteers themselves that they should know what they had to expect, in the event of their being called out on actual service. For his own part he would have preferred to see the claims of these men settled by legislative enactment, on some fixed scale, rather than they should be dependent upon the recommendation of the Governor for the time being, and the generosity or otherwise of the Legislature for the time being. He approved of the principle of the original clause, and he disapproved of the principle embodied in this new one. Not one word had been said in explanation of the clause, or in favor of its adoption, and, in order to give the House and the volunteers themselves some opportunity of considering its provisions, he would move that Progress be reported and leave given to sit again.

MR. RANDELL said he was not prepared to go quite so far as to reject the clause altogether, but he should certainly like to see it allowed to stand over for a few days. It was a most important clause, and no opportunity had yet been afforded them to consider its scope and effect. It appeared, from a cursory perusal of it, that in the event of a volunteer being killed or disabled, the Governor could not grant any assistance to the widow or to the disabled man until the Legislative Council met, which might be many months afterwards.

MR. MARMION considered the original clause preferable to the present one, which he should be sorry to see adopted without further consideration.

MR. STEERE thought the proper course for hon. members who did not like to substitute the new clause for the original one was to have raised their objections to it before the original clause was struck out, as they had the new clause before them at the time, in the report of the Select Committee. It was rather late in the day to object to it now, after the other clause had been struck out. He himself had a strong objection to the original clause, as it might have imposed very heavy burdens upon the

colony without the Legislature having an opportunity of expressing any opinion on the subject, or having a voice in the matter, the whole question being left to the Governor, who might grant as much pension as he liked, or as much allowance as he liked.

MR. BROWN said the Governor could not have given a larger pension or allowance than the rank of the officer warranted him in doing. The original clause distinctly provided that, and also provided that every officer or his widow should get a certain sum; but under this new clause it was possible that a disabled volunteer might get nothing, and that the widow of a volunteer killed in action might get nothing. It all depended on the generosity of the Legislature, as there would be no fixed scale of allowance.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he had no objection to postponing the consideration of the clause, if hon. members wished it. The original clause having been struck out, — unless some other clause were substituted in place of it, there would be no provision at all, in the case of disabled officers or the widows of officers or men killed while on active service. It appeared to him that every equitable claim would be met, if the present clause were adopted, and he could not imagine that any case of individual hardship was likely to arise under it.

Progress was then reported, and leave given to sit again another day.

ELECTION OF COMMITTEE OF ADVICE.

The following unofficial members of the House were elected, by ballot, to form the Committee of Advice for the ensuing year, under the Audit Act,—Mr. Burt, Mr. Marmion, Sir L. S. Leake, and Mr. S. H. Parker.

EASTERN RAILWAY TERMINUS BILL.

This Bill, relating to the site of the terminus of the Eastern Railway at York, was referred to a Select Committee consisting of Mr. Hamersley, Mr. Marmion, Mr. Shenton, Mr. Carey, Mr. S. S. Parker, and Mr. S. H. Parker; to report on August 13th.

PEARL SHELL FISHERY REGULATION ACT AMENDMENT BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved the second reading of a Bill to amend the Pearl Shell Fishery Act, 1875. The hon. gentleman said the Bill was a very simple one. The original Act provided that the Governor may from time to time make regulations with regard to the mode in which, the times at which, and the circumstances under which diving for pearl shells may be carried on, but it made no provision in respect of framing regulations for collecting shells in any other way than by diving—by beach combing, for instance—and the sole object of the present little Bill was to amend the second clause of the Act by the addition of the words “or otherwise collecting,” after the word “diving.”

The motion for the second reading was agreed to.

EXEMPTION OF JUSTICES FROM JURIES BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in moving the second reading of the Bill to exempt justices of the peace from serving on juries, in certain cases, said the Act was a short one and spoke for itself. At present, in some parts of the colony, justices were already exempted, whereas in other parts they were not, and from time to time applications were made by justices, who put forward good reasons why they should not be required to serve. The object of this Act was to give the Governor-in-Council power to exempt all or any justices who are liable to serve from serving. It was felt that there might be cases in which honorary justices had so much to do, and devoted so much time to the study and discharge of their duties that they might fairly claim to be exempted. On the other hand, it might be desirable occasionally that justices should serve on juries, and the present Bill was introduced in order to enable the Governor to meet cases as they arose, so that when a justice made out a good cause for being excused the Governor might exempt him either permanently or for a limited time. He did not think he

need say any more, beyond that strong grounds had occasionally been put forward for exemption.

MR. STEERE thought the hon. and learned gentleman in charge of the Bill was under some misapprehension, when he stated that in some portions of the colony justices of the peace were exempted from serving on juries, simply because they were magistrates. There must be some other reasons in addition to their being on the commission of the peace, such as holding an official position or being a member of the Legislative Council. The Bill was one that did not commend itself to him, for this reason: it was a very difficult thing now to get a sufficient number of people to serve on juries, and this Bill would further restrict the number available, besides which it would create a very invidious distinction as between those justices who happened to get exempted by the Governor and those who were not exempted. For his own part, he did not approve of the Bill at all.

MR. BROWN had always understood that justices in districts away from Perth, where courts of quarter sessions were held, and where justices had a right to sit on the bench, were exempted, and he thought there was every reason why they should be exempted. But he certainly agreed with the hon. member for the Swan that it was very questionable whether it would be a wise thing to further limit the number of those who are liable to serve on juries. He thought justices were a very desirable class of persons to sit on juries, in cases of importance, at the Supreme Court of the colony, and, apart from this, he thought this Bill would place the Governor in rather an unpleasant position as regards deciding who should be exempted and who should not. He had no doubt that every justice in the magisterial district of Perth and its neighborhood, within the radius whence juries were summoned, would apply to be excused, and he feared it would end in all of them being exempted, which he thought would be a very undesirable state of things indeed. He should himself prefer to see the Bill withdrawn. He thought it must have been introduced by the Government under a considerable amount of pressure, from justices within the jury radius of

Perth, and unless he heard very good arguments in favor of the Bill, besides those already brought forward, he should feel bound to oppose it.

MR. MARMLION thought if they were going to make any exemptions as regards the justices they ought to exempt the whole body, or none at all, otherwise we should be casting a somewhat invidious duty upon His Excellency the Governor to perform, in distinguishing between those who were to be exempted and those who were not. Probably there was not a magistrate in Perth, Fremantle, and Guildford, at any rate, who would not ask to be exempted. For many years it had been the custom to excuse justices from serving on juries, and he remembered very well that, when the custom was first broken through, it created a feeling of considerable annoyance. Unless we could afford to exempt the justices as a body, he thought it would be inadvisable to make exemptions, and cast upon the Governor a very disagreeable duty indeed to perform.

MR. WITTENOOM said the Bill would have his support. Many justices had a great deal more work to do than others—those in country districts, for instance, where quarter sessions were held, and where a great deal of the time of the local justices was taken up in the performance of magisterial duties. On the other hand, there were other justices who had little or no work to do—those residing in the towns, for instance; and while the former might fairly be exempted, he thought the latter had no such claim to consideration.

MR. CROWTHER thought it mattered very little, after all, whether the Bill was passed or not, especially as regards country places, as the jurors' lists were revised by the magisterial bench. These gentlemen would take good care to strike their own names off the list, and no doubt would be able to show good and sufficient reasons for doing so—to their own satisfaction, at any rate.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said, so far as the Government were concerned, their only desire as regards the Bill was to act in accordance with the wishes of the people, as expressed by their representatives, in a matter of this kind. The hon. member for the Gascoyne was right in stating

that justices in districts where quarter sessions are held were exempted from serving as jurors, but in Perth justices were still liable to be called upon. He should be inclined to submit, for the consideration of the House, that, as a general rule, if they could get a sufficient number of jurors without calling upon justices to serve, it was a desirable thing that they should be exempted, for he himself regarded the office of a justice of the peace as one of considerable dignity and importance, and, he thought, if there were enough jurors without them, the justices might fairly claim to be exempted, in view of the important public duties they performed, and performed gratuitously. The question was whether there were not in Perth a sufficient number of jurors without calling upon the justices as a body, to serve, and, if so, whether it would not be as well to give power to somebody to exempt them as occasion arose. It had been suggested that the better plan to adopt and the least unpleasant would be to give a general exemption to all justices, without exception. No doubt it would, but—he was speaking without any authority for saying so—he thought he might venture to state that, so far as the Governor was concerned, His Excellency had no wish to evade any responsibility which the House might think fit to put upon him. There might be some justices who were able to make out a good cause for exemption and others who were not entitled to so much consideration; and, assuming that the Governor was willing to take upon himself this duty, it was for the House to say whether it would not be better to leave it to him to say who shall be exempted, than to strike out the whole body of justices. No doubt the presence of a justice, or of several justices, on a jury would strengthen that jury very much; but, on the other hand, the fact should not be lost sight of that these gentlemen had other public duties to perform. The matter was one entirely for that House to determine. The Government had brought forward the Bill in order to elicit the opinion and to test the feeling of the Council on the subject, but they had no desire whatever to press it upon the House. What he would suggest was that the debate be adjourned in order that the matter might be more

fully considered, and that, if necessary, any amendment in the Bill might be prepared.

MR. SHENTON suggested that meanwhile the Acts in force on this subject in the other colonies should be consulted, in order to ascertain what is the practice there, as regards justices serving on juries.

The debate was then adjourned until Thursday, August 9th.

APPOINTMENT OF PUISNE JUDGE:
REPLY TO GOVERNOR'S MESSAGE
(No. 12).

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he had much pleasure in rising to move that the message received from His Excellency the Governor, on Friday evening, respecting the appointment of a second Judge of the Supreme Court, and the nomination of Mr. E. A. Stone to that office, be now taken into consideration. Hon. members were aware that the despatch conveying the Secretary of State's approval of the appointment was the outcome of a resolution adopted by that House last session, and he was sure it must be gratifying to the House to observe the readiness which had been shown by the Secretary of State to accede to the wishes of the Legislature in this matter. Apart from the popularity of the appointment he was inclined himself to think it would also be found an economical arrangement, so far as the public expenditure was concerned, in connection with the administration of justice, which at present formed a very heavy item. Every member of that House, he was sure, would agree in the expression of confidence indulged by the Governor in his message—"that this addition to the bench of the Supreme Court will be in every way an advantage to the colony." Without further preface, he had now much pleasure in moving the following reply to the Governor's Message: "This House concurs in Your Excellency's opinion that the proposed addition to the bench of the Supreme Court of the Colony, referred to in Your Excellency's Message, will be in every way an advantage to the country, and this Council

“further agrees to provide for the salary to be attached to the new judicial office at the rate recommended by Your Excellency”—£700 per annum.

MR. STEERE, in seconding the motion, suggested that a Bill should be brought in this session to provide for the payment of the salary of the Puisne Judge, so as to obviate the necessity of the amount required for that purpose having to come under the review of the House at each successive session, which would be a highly undesirable thing, and contrary to the practice elsewhere. He quite agreed that the appointment of Mr. Stone would prove a great advantage to the colony, but he was rather doubtful whether it would at all decrease the expenditure in connection with the judicial department. He thought it was improbable it would do so; but, apart from that, he considered the time had arrived for the appointment of a second Judge, and he was very glad indeed that the Secretary of State had acceded to the wishes of the House as regards the nomination of Mr. Stone.

MR. CROWTHER said the late Administration had been charged with a great many sins in its time, but if ever an Administration in this colony did any two things which gave entire public satisfaction, it was the Administration whose recommendation resulted in the appointment of the present Chief Justice (Mr. Onslow), and which also seconded the efforts of that House in securing the appointment of a Puisne Judge in the person of the gentleman who had been nominated to that office. He (Mr. Crowther) had asked for this accession to the strength of the judicial department for several years past, and to the best of his humble ability had shown cause why it should have been done, but, until last year, the Government, for some reason or other, did not see the necessity of it. He was glad, however, his efforts in this direction had at last been crowned with success. He thought the colony was to be congratulated on the wisdom of the first selection made for filling this important office, and he thought it must also be satisfactory to them all to know and feel that we had amongst ourselves a gentleman well capable of filling such an office, without our having to go to England or elsewhere to find one. In the

event of the new appointment resulting in any increased cost as regards the administration of justice, he was sure this increased cost would be more than counterbalanced by the satisfaction which the public would derive from the feeling that the administration of justice would in every way benefit by the change, and that probably it would result in the removal of the strange anomaly now presented in country districts where quarter sessions were held, by one and the same gentleman being in his own person committing magistrate, grand jury, crown prosecutor, and judge. Under the present system many a rogue escaped unwhipt by justice, simply owing to this anomalous defect in our judicial machinery.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he was directed to state that, if it was the wish of the House that a Bill providing for the salary of a Puisne Judge be introduced, the Government would bring in such a Bill.

MR. BROWN said that had it not been for what had just been stated he should not have spoken on the subject. He held it to be of paramount importance that our Judges should be entirely independent of the annual vote of the Legislature, and he trusted the Government would make them so. He cordially joined with the rest of his fellow members in expressing extreme satisfaction that this increase to the judicial staff of the Supreme Court had at last been made. It was especially satisfactory to him, for he remembered moving a resolution on the same subject four or five years ago, begging the Government to take it into their consideration that the time had arrived when such an addition to the strength of the judicial staff was necessary. That resolution was agreed to by the House, but the Government of the day did not even deign to acknowledge it, and, not long afterwards, he was the subject of opprobrium in that House for having ventured to say he considered the matter was of such importance that he regretted the Government had not thought fit to act upon that resolution. There was another point that pleased him in connection with this appointment, namely, that we had gentlemen in the Colony well fitted for filling such appointments, without going outside the colony, and it was extremely

satisfactory to find the Secretary of State endorsing that view.

MR. S. H. PARKER said he was not only in accord with the resolution but also with what had fallen from the hon. member for the Gascoyne, with regard to the gratification which he felt at the fact of the Secretary of State having listened and given effect to the recommendation of the Legislature as regards this appointment. He also had much pleasure in congratulating the gentleman appointed, and, in doing so, he thought he might at the same time congratulate another gentleman who had recently been appointed from amongst them to an important public office, and who, a veritable son of the soil, now occupied a seat on the Treasury bench in that House. He alluded to the Commissioner of Crown Lands. He was sure it was with the same feeling of satisfaction as the people of this colony felt at the elevation of Mr. E. A. Stone to his judicial office, that they also regarded the appointment of one who was born and bred in the colony to a seat in the Executive. If the Colonial Secretary would allow him to say so, it appeared to him that it would not only be necessary in the Bill which the Government said they would introduce, to make provision for the salary of the new Judge, but that provision would also have to be made empowering him to preside at the district courts. Under the present Acts, the Magistrate was, *ex officio*, chairman of the court, and he believed there was at present no power under which a Puisne Judge would be entitled to preside, or even to sit on the bench at our courts of quarter sessions. He was not quite sure, but he thought fresh legislation would also be required for this purpose.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) thought the matter referred to by the hon. member was well worthy of consideration, and no doubt it would be looked into, and everything done that was necessary to be done.

The resolution was then agreed to, *nem. con.*

SUPPLEMENTARY ESTIMATES, 1883.

The House then went into committee for the further consideration of the Supplementary Estimates, 1883.

Postal and Telegraph Department, £2007 10s. :

MR. S. H. PARKER said the estimate of the cost of conveyance of mails throughout the colony for the current year was £8080. He noticed that an expenditure of £8565 had already been incurred in this connection, and they were now asked for a further sum of £1700 to carry on the service until the end of the year. No information was vouchsafed as to how or why this extra expenditure was entailed.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the £1,700 on the Supplementary Estimates was required to meet increased expense in connection with the high price of forage, and repairs of the Royal Mail vans. He hoped to be able, next year, to present these items on the Estimates separately, and in a more comprehensive form, instead of in one lump sum, under the bare heading "Conveyance of Mails."

MR. MARMION referred to the Postmaster General's report of his official visit, in the early part of the year, to Adelaide, in order to acquire an insight into the working of the Postal and Telegraph Department in South Australia. Referring to the telegraph office hours, the Postmaster General said: "The telegraph offices are open for twelve hours daily without intermission, and not as with us closed between 8 and 10 a.m. and between 4 and 7 p.m., which, in my opinion, is a hinderance to business." Some years ago, shortly after the opening of the Eucla telegraph line, he (Mr. Marmion) asked the then Colonial Secretary whether it was the intention of the Government to assimilate the telegraph hours here with those in vogue in South Australia, and the reply he then received was that it was the intention of the Government to do so. But it was not done. Some years afterwards, he was one of the members of a Commission appointed to inquire into Departmental Expenditure, and which recommended that the telegraph hours here, at the principal offices, should be altered, so as to give greater facilities to the public. This suggestion of the Commission, he was sorry to say, did not appear to meet with the approval of the Governor at the time being,—who went outside the Commission to obtain

an expression of opinion from the general public on the subject, and the result was that nothing was done to alter the office hours, or to assimilate them with the hours of business in the telegraph departments in the other colonies. Now, he found the Postmaster General himself making the same recommendation, and suggesting that the telegraph hours of business be from 9 a.m. to 6 p.m., without intermission, for all district offices (Albany excepted), and from 8 a.m. to 7 p.m. at Perth and Fremantle. He hoped the Government intended to give effect to this recommendation. Individually, as a member of the Legislature, and as a commercial man cognisant of the feelings of commercial people on this subject, he might say that an assimilation of our office hours with those of the other colonies would give great satisfaction; and he hoped the authorities would see their way clear to remove the present anomaly at as early a date as possible.

MR. SHENTON said two Commissions had already reported as to the convenience it would prove, not only to the public generally, but more particularly to the mercantile community, if our telegraph business hours were altered as suggested, so as to afford greater convenience and facilities to business people; and he did think, now that our finances were in a more prosperous condition than they were in times past, the time had arrived when the Government should give effect to these recommendations.

THE COLONIAL SECRETARY (Hon. M. Fraser) had no doubt that both the hon. members who had just spoken were aware that the reason why the recommendations had not heretofore been carried out was the extra expense they would entail upon the department and upon the public. Of course if these telegraph offices were to be kept open continuously, an additional staff would be required. The whole matter, however, was now under consideration, and he trusted that when the Estimates proper came to be dealt with, some provision would be made that would meet the approval of the House and of the public, as regards this matter.

MR. SHENTON said, as for the matter being "under consideration," it had been "under consideration" for

many years past, but it never seemed to make any advance beyond that stage. When the Government had any pet scheme of their own, it did not remain very long "under consideration," and the question of expense did not then stand in the way.

MR. CROWTHER said that luxuries, after a few years' indulgence in them, became necessities, and he was afraid he should find that such would be the case with these telegraph hours. When we came to have the head offices open continuously, we should find that some of the country offices would want to follow suit, which of course would entail extra expense. Whether our flourishing financial condition was likely to continue to flourish, if we went in for every luxury which might seem within our reach, was a question which must not be lost sight of.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. H. Thomas) said there was an old saying that "poverty is no sin, but a piece of great inconvenience," and he was really beginning to think that our surplus revenue was also becoming a source of inconvenience—an "embarrassment of riches," as perplexing as poverty itself.

The vote for the Postal and Telegraph Department was then agreed to.

Judicial Department, £2354:

THE COLONIAL SECRETARY (Hon. M. Fraser) said he had the authority of His Excellency the Governor to add another item to this vote,—“Puisne Judge, £116 13s. 4d.,” to provide the salary for that judicial functionary for November and December of the current year, being at the rate of £700 per annum, the salary fixed upon. It was also necessary to provide the Puisne Judge with a clerk, and it was proposed to pay him at the same rate as the clerk to the Chief Justice (£90 a year); he therefore proposed to insert “Clerk to Puisne Judge, £15.” He also had to ask for an increase of £1000 under the head of “Payment of Jurors and Witnesses,” it being the opinion of the officers of the Supreme Court that the sum now on the Supplementary Estimates (£2000) would be altogether inadequate to carry us to the end of the year. It was impossible, at present, to calculate what might be required under this head; he could only

hope that the appointment of a Puisne Judge and the fresh arrangements which would be made consequent upon this addition to the judicial staff would tend somewhat to diminish the heavy expenditure now entailed in bringing witnesses and prisoners from distant parts of the colony to the Supreme Court.

MR. STEERE asked if there was really any necessity for appointing a clerk to the Puisne Judge? He understood there was very little work even for the Chief Justice's clerk. It was absurd to vote salaries for two young men who had nothing whatever to do.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said if the Puisne Judge is to go on circuit, into the country, as proposed, which was one of the main objects of the appointment, it would be absolutely essential that he should have a clerk.

THE COLONIAL SECRETARY (Hon. M. Fraser) said it was suggested to him by Mr. Stone (the Puisne Judge elect) that, if provision was made for the salary of the Judge, provision must also of necessity be made for the services of a paid clerk, and it would be impossible to fix the salary at less than £90.

The two additional items—"Puisne Judge, £116 13s. 4d.," and "Clerk to Puisne Judge, £15," were then agreed to.

MR. STEERE asked for some explanation as to the supplementary vote "Government Resident, Kimberley, £128." The House had already voted a salary for this officer,—what was the meaning of this additional vote? Also the item "Clerk to Magistrate, Kimberley, £126," an item for which no provision at all had been made by that House.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the gentleman appointed to the post of Resident Magistrate for Kimberley was appointed at a salary of £500 a year, and when the Estimates were under consideration last year, the then Colonial Secretary stated that a vote of £300 would be taken to cover the salary of the Kimberley Magistrate for this year, as the appointment would probably not be made until about the middle of the year. The appointment, however, was made somewhat earlier than was anticipated at that time, and this sum of £128 was the amount required to pay this officer's salary, which was fixed

at £500 per annum, up to the end of the current year, in addition to the £300 voted last session. A clerk was appointed to accompany the Resident Magistrate to Kimberley, by direction of the late Administrator. The Committee of Advice had sanctioned this expenditure, and, following upon the recommendation of the Committee of Advice, the Government now asked for this vote, being at the rate of £160 a year. With regard to the item "Clerk to Magistrate, Albany, £50," his instructions were to place this increase to that officer's salary on the Supplementary Estimates, to reckon from the commencement of the year. These instructions emanated from His Excellency the late Administrator, on the grounds that the officer in question was underpaid. At the present moment, he was unable to afford any further information on the subject, except that there was some understanding with Mr. Thomas (the officer referred to) that he should be recommended for this increase.

MR. STEERE did not think the House need take much notice of instructions issued by a gentleman who only occupied the position of Administrator of the Government for a few months—a mere temporary appointment—and who could not have felt much responsibility in making these recommendations for increasing people's salaries. This clerk at Albany got as much as the magistrate's clerk at Champion Bay, £10 a year more than the clerk at Fremantle, and within £15 a year even of the magistrate's clerk at Perth. He saw no reason whatever why he should have this increase of £50 a year, which would be a great injustice to other clerks, and he would move that the item be struck out.

MR. BURT said that as far back as 1878, a committee appointed by Governor Ord had recommended that this very officer's salary be increased by £50, in view of the fact that he did a great deal of other work besides magisterial work. He believed also that a minute in favor of it was left by Governor Robinson, which no doubt would be found among the archives of the Governor's office.

Progress was then reported, and leave given to sit again next day.

The House adjourned at a quarter to eleven o'clock, p.m.