

point out that the bill provided for no searcher to search people, to see if they had any gold about their persons, or articles of jewellery. Were the police to go on board every vessel to search passengers, and ascertain what gold they had on them? Who was to determine whether an article had been manufactured out of Western Australian gold or any other country's gold? Were they going to detain passengers until that point was settled? Was it a crime to purchase articles manufactured out of our own gold? He thought these two clauses were altogether unworkable; and he should, when in committee, support any proposal to eliminate them.

The motion for the second reading was then put and passed.

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

LEGISLATIVE COUNCIL,

Thursday, 30th June, 1887.

Governor's acknowledgment of the Address in Reply—Bonded Store at Carnarvon—Roads Bill: first reading—Extending provisions of Electric Telegraph Messages Act—Message (No. 1): Forwarding Secretary of State's reply to the Telegram sent to Her Majesty on the occasion of her Jubilee—Message (No. 2): Replying to Address *vs* correspondence between the Government and Midland Railway Syndicate—Message (No. 3): Respecting renewal of contract with Adelaide Steamship Company—Message (No. 4): Forwarding draft scheme for the Classification of the Clerical Staff of the Civil Service: (referred to a select committee)—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

PRESENTATION OF THE ADDRESS-IN-REPLY.

At ten minutes past twelve o'clock, p.m., the Council adjourned to present the Address in reply to His Excellency's Speech, and re-assembled at half-past one o'clock.

THE SPEAKER announced to the Council that the Address-in-Reply had been presented to His Excellency, in accordance with the resolution of the House, and that His Excellency had been pleased to reply as follows:—

"MR. SPEAKER AND GENTLEMEN OF
"THE HONORABLE THE LEGISLATIVE
"COUNCIL,—

"I thank you for your Address in reply
"to my Speech, and I trust that the pre-
"sent Session of the Legislature may still
"further advance the welfare of this
"Colony."

BONDED STORE AT CARNARVON.

MR. SHOLL asked the Director of Public Works when it was intended to proceed with the erection of the Bonded Store at Carnarvon? His reason for asking the question was this: at the last session of Council he moved an address to have a sum placed on the Estimates for this work, and the Director of Public Works replied as follows: "The resolution was hardly necessary, as the erection of a bonded store at Carnarvon was already contemplated among the works proposed to be executed out of the last loan. It was intended to erect a bonded store as part of the tramway accommodation. The hon. member's address was therefore hardly necessary." Twelve months had elapsed since this statement was made, and the work was not yet commenced.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied that so soon as the present works were completed, they would be in a position to know what balance, if any, remained from the amount included in the Schedule of the Loan Act, 1884, for the Jetty and Tramway. If none, the requisite funds might be provided on the General Estimates.

ROADS BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the first reading of a Bill to regulate the management of Roads in Western Australia, said the bill was the same bill as that introduced last year; but he had gone through the bill, and a great many amendments would be proposed in committee.

Motion agreed to.

Bill read a first time.

**ELECTRIC TELEGRAPH MESSAGES
ACT: EXTENDING PROVISIONS OF.**

MR. McRAE, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to introduce a Bill so extending the provisions of "The Electric Telegraphic Messages Act" (38th Vict., No. 6), so that the Governor with the advice of the Executive Council may be empowered to bring under its operation, and make legally valid and operative, the contents of such public documents, communications, and messages as they may from time to time deem expedient, and which for the saving of delay and for the public benefit may be more conveniently transmitted by the Electric Telegraph than through the General Post Office. The hon. member said his object in moving the resolution was to legalise the contents of telegraph messages from districts situated perhaps hundreds of miles from the seat of Government. The necessity for such a measure had been strongly brought before them in connection with the return of the new member for the North.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said, if he understood the hon. member rightly, his object was to confirm the return of a member for the Northern Districts, so as to enable him to take his seat. But, as the law stood, he was afraid that could not be done. A bill of this description, he was sorry to say, must be reserved for the opinion of the Crown.

The motion, upon being put, was adopted.

**MESSAGE (No. 1): TELEGRAM FROM
THE SECRETARY OF STATE: HER
MAJESTY'S JUBILEE.**

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

"The Governor has the honor to inform the Honorable the Legislative Council that, having forwarded, on Saturday, the 18th instant, the loyal telegram of congratulation approved by the Council on the occasion of Her Majesty's Jubilee, he has received from the Right Honorable the Secretary of State for the Colonies the following gracious reply of Her Majesty:—

"London, 20th June, 6-20 p.m.
"To GOVERNOR, Western Australia,
"Her Majesty commands me to
"request that you will convey to
"Legislature, Municipalities, and
"People cordial acknowledgment of
"loyal sentiments.
(Sd.) "SECRETARY OF STATE FOR
"THE COLONIES."

"2. The Governor has caused this telegram to be communicated to the various Municipalities and to Government Residents and Resident Magistrates, with a request that it may be made known.
"Government House, Perth, 30th June, 1887."

MESSAGE (No. 2): REPLYING TO ADDRESS RESPECTING CORRESPONDENCE BETWEEN GOVERNMENT AND MIDLAND RAILWAY SYNDICATE.

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

"In reply to Address No. 1 of the Honorable the Legislative Council, dated the 24th instant, the Governor has the honor to state that, the correspondence of the Government in the matter of the Midland Railway being of earlier date than the favorable telegrams which, it is understood, have been recently received by private persons, it is thought better not to produce any papers, until it shall be seen whether the prospect now held out of a resumption of the undertaking will be realised. The publication of correspondence at the present juncture might, it is possible, act prejudicially upon the negotiations in progress.

"Government House, Perth, 30th June, 1887."

**MESSAGE (No. 3): CONTRACT WITH
ADELAIDE STEAMSHIP CO.**

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

"Referring to paragraph 21 of the Speech with which he opened the Session, the Governor has the honor to enclose, herewith, copy of the two Contracts now in force between the Adelaide Steamship Company and the Government of this Colony.

"2. These Contracts terminate on the

"1st day of February next, and it is necessary to consider, without delay, what arrangements for the carriage of Her Majesty's mails, and for the convenience of passengers and trade, should succeed those which have been in force, and which are embodied in the Contracts.

"3. The Governor will be glad if the Council will favor him with their views on this important matter; and it is also suggested that the future action of the Government with regard to the subsidies now paid for the steam services between Fremantle and London, and between Fremantle and Singapore, should receive consideration.

"Government House, Perth, 30th June, 1887."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that this Message be referred to a select committee, consisting of Mr. Marmion, Mr. Shenton, Mr. Venn, Mr. Loton, the Director of Public Works, and, by leave, Mr. McRae and Mr. Sholl.

Mr. RANDELL moved that the committee be elected by ballot, and that the number be limited to five.

Agreed to.

The following members were elected: Mr. Forrest, Mr. Keane, Mr. Marmion, Mr. McRae, and Mr. Shenton.

MESSAGE (No. 4): DRAFT SCHEME, CLASSIFICATION OF CLERKS.

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

"Referring to paragraph 19 of the Speech with which he opened the Session, the Governor has the honor to enclose, herewith, copy of a draft scheme for the classification of the clerical staff of the Civil Service.

"2. The Governor will be obliged if the Council will take this draft scheme into consideration, and will favor him with their views thereon.

"Government House, Perth, 30th June, 1887."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that this message be made an Order of the Day for July 8.

Agreed to.

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

LEGISLATIVE COUNCIL,

Friday, 1st July, 1887.

Plant and Rolling Stock of Beverley-Albany Railway: How inspected.—Telegraph between Derby and Wyndham: When to be constructed—Life Policy Protection Bill: First reading—Bonded Store at Carnarvon—Message (No. 3): President's Speech at Colonial Conference—Magistrates Jurisdiction Extension Bill: motion for second reading negatived—Jury Amendment Bill: rejected—Roads Bill: second reading; referred to a select committee—Message (No. 4), Classification of Clerks: referred to a select committee—Adjournment.

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

PRAYERS.

PLANT AND ROLLING STOCK OF BEVERLEY-ALBANY RAILWAY.

Mr. PARKER asked the Commissioner of Railways,—

1. If the plant and rolling stock for the Beverley-Albany Railway is inspected and approved by him, as provided by the Contract with Mr. Hordern?

2. If not, by whom is such inspection made, and where?

3. What is the cost of such inspection, and from what Fund is the cost defrayed?

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright), replying on July 4, said:

1. The plant and rolling stock for the Beverley-Albany Railway are inspected and approved in England by the Consulting Engineers for this Colony, acting on behalf of the Commissioner of Railways. This arrangement has been made by the mutual consent of the Government and the Company, as a matter of convenience, and in order to avoid delay arising from the rejection of materials after they had been sent to the Colony.

2. Already answered as above.

3. The cost of inspection is defrayed from the vote of £2,000 on the current Estimates under the head of "Supervision of Land Grant Railways." The accounts have not yet been furnished, but have been written for.

TELEGRAPH BETWEEN DERBY AND WYNDHAM.

Mr. A. FORREST, in accordance with notice, asked the Commissioner of Railways when it was probable that the telegraph line between Derby and Wyndham, *viz* the goldfields, would be commenced,

and for which money was voted last session; and what had become of the telegraph material ordered?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied that the Derby and Wyndham telegraph would be begun as soon as the future of the district was reasonably assured, and when the development of the goldfields shall have given trustworthy indication of the proper route of the line. Half of the telegraph material had already been delivered at Derby; the remaining half was stored at Singapore for the present.

LIFE POLICY PROTECTION BILL.

THE COMMISSIONER OF TITLES (Mr. J. C. H. James), in accordance with notice, moved the first reading of a bill for the purpose of protecting certain policies of insurance from creditors.

Motion agreed to.

Bill read a first time.

BONDED STORE AT CARNARVON.

MR. SHOLL moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to place on the Supplementary Estimates for 1887 a sum sufficient for the erection of a bonded store at Carnarvon.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright), having informed Mr. Sholl that the matter was at the present time under the consideration of the Government, with a view to the work being carried out as soon as the necessary funds are available, the motion was withdrawn.

MESSAGE (No. 5): PRESIDENT'S SPEECH AT COLONIAL CONFERENCE.

THE SPEAKER announced the receipt of the following Message:

"The Governor has the honor to enclose, herewith, for the information of the Honorable the Legislative Council, copy of the President's Speech at the opening of the recent Colonial Conference in London, and copy of the list of Members attending the opening meeting, on the 4th of April last.

"Government House, Perth, 1st July, 1887."

MAGISTRATES JURISDICTION BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved the second reading of a bill to extend the jurisdiction of magistrates. The hon. and learned gentleman, who was very indistinctly heard, was understood to say that the bill had been mainly introduced in the interests of the aboriginal natives, and also for purposes of economy in the administration of justice. Hon. members were aware that in a great many cases in which natives were arraigned for murder, the crime was the outcome of a barbarous tribal custom, under which these wretched blacks conceived that the duty was cast upon them of taking away a life in return for another life lost. The custom, as he had already said, was a barbarous one, and it was their duty to do all they could to endeavor to eradicate these and other savage customs amongst the aborigines. The fact remained that whenever a native murder tried in the Supreme Court was clearly traceable to this tribal custom, the sentence of death, though the Judge had no option but to pass it, was never carried out; and the apportionment of the punishment was thus left to the Executive, rather than to the Judge who tried the case. The present bill proposed to remove tribal murder from the category of capital offences, and to constitute it a felony punishable by penal servitude for life, or for any term not less than five years. As the country was put to enormous expense in bringing all these tribal murders for trial at the Supreme Court, Perth, no matter how far distant from Perth the scene of the murder might be, it was now proposed to extend the jurisdiction of District Courts of Quarter Sessions, so far as to admit of these cases being tried thereat. The bill also extended the jurisdiction of magistrates in cases of larceny, by empowering any two justices in petty sessions to summarily try a prisoner—unless they thought the ends of justice would be better served by committing him for trial—if the property stolen did not exceed £10 in value. These justices would have power to sentence an offender, upon conviction, to any period of punishment, with hard labor, not exceeding two years. Another portion of the bill dealt with the appointment of public prosecutors. It was proposed to give the

Crown Solicitor power to file informations in cases committed for trial before Courts of Quarter Sessions, and of acting as a public prosecutor. The bill also contemplated the appointment, temporarily or otherwise, by the Governor, of any member of the bar of five years standing to be a public prosecutor in any District Court of Quarter Sessions. At present, he believed this duty in a measure devolved very often upon the police, so far as conducting the prosecutions went; and as regards the filing of informations the committing magistrate very often was the magistrate called upon afterwards to adjudicate upon the case which he himself had sent to trial,—which, to say the least of it, was anomalous.

MR. PARKER said no doubt the Attorney General when he framed this bill believed that he had the good of the natives at heart. But it was strange that, after fifty-eight years of colonisation, there should now for the first time be discovered a new crime with which these natives could be charged—the crime of tribal murder, which, up to the present, had never been recognised as a specific crime. Not only had the hon. gentleman discovered a new crime; he had also provided new machinery for the trial of natives who were charged with having committed this crime. For his part he saw no necessity for the bill, its real object apparently being to render the administration of justice in cases of native murders less expensive than at present. He was afraid it was economy rather than philanthropy that had prompted the Government in bringing in this bill. The proposal to extend the jurisdiction of justices in the direction indicated by the bill as regards trials for larceny was one which he should be sorry to see carried out. They had heard before now of a clerk who probably had never read a law book in his life being appointed a magistrate; and, such being the case, he objected to the proposed extension of the powers of justices to deal with cases of larceny as here proposed. The two last clauses of the bill appeared to him to be altogether foreign to the title and scope of the bill, and, being so, he submitted they were out of order. He referred to the clauses giving power to the Crown Solicitor in certain cases to file informations and

to act as a grand juror; and also empowering the Governor to appoint any member of the bar to be a public prosecutor in Courts of Quarter Sessions. He approved of the appointment of the Crown Solicitor to act as a public prosecutor in cases committed for trial at districts courts, but he failed to see what that had to do with the present bill—a bill to extend the jurisdiction of magistrates. He was not going to propose that the bill be read a second time that day six months, but, in committee—if the bill reached that stage—he should certainly move to strike out the two last clauses of the bill, as being foreign to the title of the bill, and therefore a violation of the standing orders of the House.

THE SPEAKER said he must certainly rule that the two last clauses of the bill were foreign to the title of the bill. Every clause in a bill should be germane to the bill, and matters which had no proper relation to each other should not be intermixed in one and the same bill.

MR. HENSMAN thought when hon. members saw the important principles involved in this bill, which, though a small one, contained some very serious propositions, they would hesitate before they agreed to the motion for its second reading. He failed to see what necessity there existed for proposing these important, and in some respects violent, departures from the law as it now stood. Certainly no cogent reason had been assigned for it; and, if he were asked for his opinion on the subject, he should be inclined to give the advice which "Punch" once gave to those about to be married—"Don't." There was an old saying, and sometimes it was a true one, that a certain class of persons rushed in where angels feared to tread; and, unless some more cogent reasons were shown for making these sweeping alterations in the law, not only as regards natives but also Europeans, he for one should set his face against it. It appeared to him they would be embarking on most dangerous legislation if they were to extend the jurisdiction of magistrates as was here contemplated; and, as already pointed out, the bill created a new crime, at present unknown to our statute. For himself, he failed to under-

stand the meaning of the tendency which had been shown during the past few weeks to attack the ancient principles and genius of the English law.

The motion for the second reading was then put, and a division being called for, the numbers were—

Ayes	7
Noes	16
Majority against ...			9

AYES—7.
 Mr. E. R. Brockman
 Mr. Congdon
 Hon. Sir M. Fraser
 Mr. James
 Hon. C. N. Warton
 Hon. J. A. Wright
 Mr. Sholl (*Teller*.)

NOES—16.
 Mr. H. Brockman
 Sir T. C. Campbell
 Captain Fawcett
 Mr. Forrest
 Mr. Harper
 Mr. Hensman
 Mr. Keane
 Mr. Layman
 Mr. Loton
 Mr. Marston
 Mr. McRae
 Mr. Penrose
 Mr. Randell
 Mr. Scott
 Mr. Venn
 Mr. Parker (*Teller*.)

The motion for the second reading was therefore negatived.

JURY AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of a bill to amend the laws relative to juries, said the bill was divisible into two parts, the second clause being most important. That clause enacted that in all criminal cases (not capital) in which a jury shall have been discharged without giving a verdict after twenty-four hours of confinement, it shall be lawful, on the case being again tried, for the Judge to accept a verdict of a majority of nine. No one had a stronger regard than he had for the venerable institution of a jury; but the fact remained that amongst Western Australian juries a disposition had been shown to disagree. This feeling appeared to be more pronounced here than in England, and a practical difficulty had been found in the fact of jurors so often leaving the box for the purpose of disagreeing, under the impression that they had only to do so to entitle them to be discharged. One of the objects of the present bill was to remove that impression. He did not mean to say that it was desirable that a conscientious juror should be forced to accede to a verdict, against his conscience; but he thought that after twenty-four hours confinement the

majority of jurors must have made up their minds one way or the other. A majority of nine to three was a considerable majority after all; and, in view of the difficulty he had now referred to, of obtaining a unanimous verdict, he thought the House would agree as to the expediency of the bill. The difficulty he had mentioned had been brought to his notice even within his own short experience of colonial juries. He was sorry to say it—but he was there to speak the truth—that often Fremantle jurors showed a disinclination to convict a Fremantle man; and the same with jurors from other towns. He thought that juries should be taught not to be guided by private pique and prejudice; and he thought the remedy here proposed, of accepting the verdict of a majority of three to one, would have a beneficial result. It would be observed that it was only proposed to accept a majority verdict in cases in which the first jury shall have been discharged without giving a verdict after twenty-four hours of confinement. He was not one of those who admired the ruling of majorities in all cases. Still, as a matter of fact, the ruling of majorities prevailed in this world; and, for his own part, he thought it would be justifiable in the present instance. With regard to another portion of the bill, which proposed that in lieu of payment of so much for travelling expenses, jurors should have their railway fares allowed, he thought this was a provision that would commend itself to hon. members. Economy was sometimes sneered at; but he thought that in this instance the economy aimed at would be acceptable to the House. It would, at any rate, tend to develop a public spirit amongst us,—that public spirit which in the ancient days of Rome was the safeguard of the commonwealth, and which, when it failed, involved the degradation and even the ruin of the state.

MR. PARKER said although the bill consisted only of three clauses, and the third section defined the title of the bill; still the bill involved a very important principle, proposing, as it did, a vital change in the administration of the criminal law. He could not help thinking that in a question like this they ought to carefully consider it in all its

bearings. The Attorney General had reminded them of the days of ancient Rome, when each was for his country, and when a feeling of patriotism ruled the commonwealth; and the hon. and learned gentleman suggested that the same feeling of patriotism ought to guide even our common juries. But, while the hon. and learned gentleman spoke in one breath of this high feeling of patriotism, he proposed in another breath to confine these sturdy patriots for a term of twenty-four hours unless they agreed to be of one mind. He thought that was rather cruel, to say the least of it. His own experience of juries in this colony—and he thought he might be pardoned for saying that his experience was somewhat more extended than that of the hon. and learned gentleman opposite—his own experience of juries was that it had often occasioned him surprise to find the unanimity that prevailed amongst them. There might be some cause for complaint in civil cases, but certainly not in criminal. There was a recent case in which a jury tried a man three times and eventually released him. He thought that in such a case the guilt of the prisoner must have been very doubtful indeed; and who would blame a jury, under the circumstances, because they did not agree to convict? He thought that juries in this colony, as a rule, arrived at their conclusions with a wonderful degree of unanimity, when the case was clear, for or against a man. If a case was properly put before a jury, he thought it would be found there was no difficulty in their arriving at a unanimous verdict. When they did not do so, he thought there must be some strong element of doubt in the case; and, according to the English law, a prisoner was entitled to the benefit of that doubt. He thought the policy of modern jurisprudence had been to deal with jurors as if they were a body of honest conscientious men; and not to force or starve them to a verdict, and he regretted that there should be any proposition made to revert to the barbarous practice, once obtaining, of forcing a jury to a decision. He thought that the Attorney General would find that if the bill became law it would, in effect, be inoperative. No Judge would ever think of locking up these old Roman patriots for twenty-four hours;

and, unless he did so the majority clause would not be operative. He thought that if a jury were unable to come to a verdict in twenty-four hours, there must be some very strong element of doubt about the case; and it appeared to him it would be unfair, when a second jury was empanelled, that the verdict of a majority should be accepted. Under such circumstances, he thought the prisoner ought to get the benefit of the doubt. For his own part he saw no occasion for an alteration of the law in the direction here contemplated.

MR. RANDELL said he had been sorry to hear from the Attorney General such a wholesale condemnation of the juries of this colony. He knew it had been stated in the public press that some measure was necessary to meet the case of a disagreement among jurors, but, for his own part, he had not been able to follow that argument. He was a great admirer of the institution of juries, and he yielded to no one in his admiration of it. He regretted himself that the Grand Jury system had been done away with here; and, if he had a vote upon the subject, he thought he should be in favor of a Grand Jury rather than of a public prosecutor. As to the proposed amendment in the present system of common juries, he thought it would be a barbarous thing for a judge to shut up a jury for twenty-four hours. He thought it would be absolute cruelty. He believed that in the majority of cases when juries disagreed they did so from conscientious motives, and that any attempt to coerce a jury, an honest and conscientious jury, to arrive at a verdict, was altogether contrary to the scope and spirit of the English law; and that it would not accomplish the object sought to be obtained by the present bill. The principle proposed to be introduced did not prevail in England; it was confined to Scotland; and he thought it hardly became them in a colony like this to abolish a law that had prevailed in the mother country for centuries. He should have been far more in favor of a verdict of a majority in the first instance, than that a Judge should imprison a jury for twenty-four hours, and that the verdict of a majority should be accepted in the second instance. He was sure the bill would not accomplish the object for

which it was intended, and he felt that he could not vote for it in its present shape. He thought, as the hon. member for Fremantle once said, minorities were often right; and he was of opinion that upon a certain very important constitutional question, a minority of that Council would be found to be right. At any rate, he could not vote for the second reading of the bill.

MR. MARMION said that, taking, not a sentimental but what appeared to him a practical and common sense view of the subject, he thought it would not be wise to alter the present jury system. If it had been shown that in England, or in any of the other colonies, such a change had been considered necessary, it might have had some influence upon him. With regard to the question of pounds, shillings, and pence—the question of the payment of jurors—he should require some argument before he could agree to the proposed change. It appeared to him the proposition contained in the first clause was rather vague, as regards the railway fare of a juror. As a rule the criminal sessions lasted several days; but the bill did not say whether a juror living at Fremantle or Guildford was to receive his railway fare every day he attended. He thought it would be most unfair if jurors did not do so. Nor was there any provision made as to whether the fare should be first or second class, which he thought ought to be decided. He thought it should be first class fare. At any rate he thought the question should be decided one way or the other. He did not know that he should oppose the second reading of the bill, or propose that it be read a second time that day six months; but he did think it was a question whether there was any necessity for such a bill appearing amongst our statutes.

MR. HENSMAN said it appeared to him certainly somewhat curious that they should have waited so long to discover that they were such a peculiar people as to necessitate such legislation as this. The hon. and learned Attorney General stated—and it was a very serious charge to make—that juries in this colony went into the box determined to make up their minds to disagree. It was all very well to talk about Roman patriots, but the question was were they going to convict a

man unless they were convinced of his guilt. What was the good of locking up jurors for twenty-four hours? Unless it was a man of very weak moral fibre he was not likely to change his mind; and where was the consistency of saying that in the case of a second jury—the first having been imprisoned for twenty-four hours, and unable to agree—a verdict of nine should be accepted? Were the nine in the second case likely to be more conscientious, or more intelligent, than the twelve in the first case? He thought if a juror—whether he be an obstinate man or a “cranky” man, or a man of intelligence—held out a second time, there must be some ground for it; and, if there was a doubt in the case, the prisoner ought to get the benefit of it. He thought if they began to tamper with juries they should do so in the civil cases, where the liberty of the subject was not concerned. If they were going to accept the verdict of majorities let it be in civil cases. With regard to the question of pay it must be remembered that these men gave up their business; and it was noteworthy that the same men appeared to be summoned on juries in this colony over and over again. It was different in a large community. And the pay they got was 5s. a day; and now it was proposed to reduce them in their railway fare. Well, all he could say was, the revenue must be in a very bad way indeed to require that. He did not know how such a proposal would have affected the Attorney General's Roman patriots, but he must say that in justice to Western Australian patriots, he felt it to be his duty to move that this bill be read a second time that day six months.

MR. A. FORREST formally seconded the amendment.

MR. SCOTT said it might seem that that side of the House was adopting a spirit of obstruction, seeing the way in which almost every bill introduced by the Government was being opposed. He did not suppose there was any organised obstruction, or even “veiled obstruction;” but he must say that it appeared to him these bills had been very hastily prepared. He thought, as regards the jury system, if any reform was necessary, it should be in the direction of reducing the number of jurors, rather than taking any steps to coerce them. He thought the

bill had been drawn on a wrong principle altogether.

THE ATTORNEY GENERAL (Hon. C. N. Warton) was sorry to hear such a word as "obstruction" introduced into that House. He had seen obstruction in other places. He thought, however, there was no room and no necessity for it here. With regard to the bill, it was not so much the outcome of his own experience as that of the Crown Solicitor and of the Judges, who, of course, had had more experience than he had.

The amendment submitted by the hon. member for the Greenough—that the bill be read a second time that day six months—was agreed to on the voices.

ROADS BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton) formally moved the second reading of this bill, introduced by Mr. Burt last year. The honorable and learned gentleman made no comment upon the bill, which, having been read a second time, was referred to a select committee, consisting of Mr. Marmion, Mr. E. R. Brockman, Mr. Harper, Mr. Speaker, and the Attorney General.

CLASSIFICATION OF CLERKS (MESSAGE No. 4).

The Draft Scheme for the Classification of the Clerical Staff of the Civil Service, prepared by His Excellency the Governor, and submitted to the House by message, was referred to a select committee, consisting of the Colonial Secretary, Mr. Scott, Mr. Sholl, Mr. Venn, and Mr. Loton.

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

LEGISLATIVE COUNCIL,

Monday, 4th July, 1887.

Material for Telephone Exchange: When indented for—Immigrants introduced by the W.A. Land Co.—Residence for Medical Officer at Greenough—Residence for Medical Officer at Northam—Medical Examination of Immigrants—Survey of line of Railway from Geraldton to Mullewa—Message (No. 6): Reports of Commission on Vegetable Products—Message (No. 7): Prohibition of importation of trees, shrubs, and plants—Message (No. 8): Representation of the Colony at the Centennial Exhibition, Melbourne—Supplementary Estimates, 1887—Small Debts Bill: first reading—Inquiries into Wrecks Bill: first reading—Prisoners Employment Bill: in committee—Life Policy Protection Bill: second reading—Adjournment.

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

PRAYERS.

MATERIAL FOR TELEPHONE EXCHANGE.

MR. SHENTON, in accordance with notice, asked the Director of Public Works:

1st. The date on which the indent for the wire and insulators for the Telephone Exchange was forwarded to the Crown Agents.

2nd. What has caused the delay in obtaining possession of the house, in Perth, for the Exchange.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied:

1. The date of this indent was the 8th September, 1886. The Inspector of Telephones having been employed in laying the Breaksea Telephone Cable, this indent was prepared immediately on the return of that officer to Perth. The materials arrived in the colony a fortnight ago.

2. The difficulty of arranging for the removal of the late occupant has been the cause of the delay in obtaining possession of the house required for the Telephone Exchange.

IMMIGRANTS INTRODUCED BY THE W.A. LAND CO.

MR. PARKER, in accordance with notice, asked the Colonial Secretary to lay on the table of the House a return showing:

a. The total number of Immigrants introduced to the colony by the W. A. Land Company, Limited.

b. The number that has left the colony.