

to look to. While, however, storekeepers might be affected, it could only be regarded as the risks of trade. The carriage of goods to the goldfields fluctuated very often 100 per cent., and the storkeeper had to put up with the profit or loss. It was the trade risk to him, and so was the rise or decrease in duties a trade risk. His opinion was that the Act should be brought into force as quickly as possible so that the benefit to the consumer now groaning under the terrible cost of living in this colony should be felt at once. If it could be done in no other way than by allowing a rebate of the duty paid he would be very much inclined to support such a rebate. He would do anything to decrease the cost of living and, it should not be a difficult matter to obtain from merchants a return of the stocks held in hand by them.

MR. GEORGE: It would be a farce to accept these returns.

MR. MORAN: It could not be a farce to take any step that might result in a reduction of the cost of living. Those who were interested would take good care to send their claim to the Government. It was simply ridiculous to debate the conflicting interests of large or small storekeepers, when for every one of these there were twenty people in the country to whom the cost of living was such a serious matter that they hardly knew where to get another meal. The repeal of these duties would make a great deal of difference in the cost of living, and he could not but express the hope that, before the Bill finally passed, a number of other articles would be added to the free list.

MR. WOOD said he was not sure that when the hon. member for Fremantle proposed a delay of three months he was not seeking to secure for the merchants a somewhat unreasonable delay. He (Mr. Wood) had taken trouble to make some enquiries into this matter. The items most concerned in the proposed free list were tea and kerosene, and he found that in these two lines there were only six or seven weeks' supply on hand at the present time. He would, therefore, move an amendment that the blanks in the clause should be filled up, so that the Bill would come into operation on October 1, or two months from the date of its passing.

MR. HASSELL reminded the House that on the last occasion when the duties were reduced the reductions came into force at once. At the same time, he was perfectly

satisfied, in this instance, that the operation of the Bill should be delayed for three months.

The question that the first blank in the clause be filled in with the word "first" was put and passed.

The question that the second blank be filled in with the word "October" was put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved that progress be reported and leave asked to sit again.

Question put and passed. Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10.30 o'clock p.m.

Legislative Council,

Wednesday, 24th July, 1895.

Perth Mint Bill: third reading—Licensed Surveyors Bill: first reading—Agent-General Bill: second reading; Committee—Justices Appointment Bill: second reading—Leave of absence to member—Mines Regulation Bill: first reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the Chair at 4.30 o'clock p.m.

PERTH MINT BILL.

THIRD READING.

THE HON. S. H. PARKER: I should like to ask the hon. the Minister for Mines if he is prepared to give us the information asked for yesterday. I asked on what authority the estimate of £8,000 for the building was given, whether any machinery is required, and, if so, whether the cost is included in the £8,000, or, if not, what the cost of the machinery is likely to be. I would also like to ask whether the Government (bearing in mind that shareholders in companies will principally benefit by this Bill, inasmuch as they will save the

cost of insurance and freight) propose this as a tax on the whole community for the benefit of absentees. I believe the policy in most countries is to impose a tax on absentees, and I should like to know whether the Government here propose to reverse this. If the hon. gentleman will kindly reply, his answers may be of some interest to hon. members.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I shall have much pleasure in giving the information asked for. The estimate as to the cost of the building is taken from a statement made by the Premier. The amount put down for machinery is about £5,000, in addition to the cost of the building, and other expenses to the extent of £2,000 are allowed for. The total expense of establishing the Mint will be about £15,000. With regard to the question as to the community being taxed for the benefit of miners and shareholders outside the colony, I may say that the 2d. per ounce for coinage has to be paid to someone in any case. In round numbers, this will amount to about £2,000, and this sum may just as well be spent here as anywhere else. The policy of the Government is not to help the absentees. Our intention is to do the best we can for Western Australia, and our idea is not so much to make a direct profit, as to give facilities which will prove advantageous, indirectly at any rate, to the colony. Although the hon. gentleman took particular pains to detract from the merits of this Bill, I am afraid he sacrificed his argument to his facetiousness. I can only say I feel positive that the establishment of a Mint will be a distinct advantage to us, and I may add that our policy is not to benefit the absentee, but to do our best for the development of the colony as a whole.

THE HON. J. C. FOULKES: We are indebted, I think, to the Hon. Mr. Parker for the speech he made yesterday, because we should consider this subject from all points of view. It was an interesting speech, but the result of it has been to induce me to vote for this Bill. One great question he kept asking was why should the community pay for the benefit which would be derived by the successful miner? He asked why the struggling farmer and the squatter should contribute, but I am sure if he will only look around him he will find that nearly everyone in the colony is interested in the goldfields. Even the poor struggling farmer, the poor struggling lawyer, and the working man have interests,

and therefore the Hon. Mr. Parker's argument in this respect comes to nothing. It has been said that a Mint will be a good advertisement to us. I do not think much of that, although I agree with the Hon. the Minister for Mines that it will give us a great deal of prestige. As to the question of absentees, I think it would be a considerable disadvantage to us if we dealt harshly with them. We are obtaining a great deal of capital in England and elsewhere, and if an impression gets abroad that we are not prepared to mete out to those who find this capital the same measure of justice as is meted out to the people of this colony, I think we shall regret it. I think it is a pity to find the Government looking after the people of this colony in preference to absentees, because it is very necessary at the present time that we should keep our credit good.

THE HON. S. H. PARKER: Has the request for the Mint come from outside?

THE HON. J. C. FOULKES: The people in the colony are asking for it, and probably they know more as to what is required than people outside. On the whole I have been led, after listening to the arguments, to vote for this Bill.

THE HON. A. B. KIDSON: It is with some diffidence that I rise to address the House, because I feel that, being in more senses than one the youngest member of this House, it might have been better had I retained my seat a little longer. I have, however, taken a deep interest in this matter, and therefore I may be permitted to say a few words upon this Bill, especially as I have expressed myself in another place in favor of it. I listened to the argument of the Hon. Mr. Parker, who spoke for nearly an hour and who, as far as I could gather, in the whole of his remarks only brought forward two arguments against this Bill. These were: firstly, that the money would not be kept here, and secondly, that the successful miner would be benefited at the expense of the general community. To deal with the second argument first, I may say that in my humble opinion, assuming that the successful miner were benefited to some extent, as the hon. gentleman suggested, I do not think it matters, inasmuch as I believe that if the Mint is established, it will have an indirect and beneficial effect from the fact—even if the money is not kept here—that more money will be spent here than is now the case. I do not think I need say more than that I

agree with the Hon. Mr. Foulkes that the indirect benefits resulting from the Mint will overbalance any direct disadvantages in regard to the cost. It will also prove a good advertisement for the colony. I do not agree with the Hon. Mr. Parker when he says that people do not look at the sovereign—

THE HON. S. H. PARKER: I say they do not know an Australian sovereign when they see it.

THE HON. A. B. KIDSON: I know it when I see it.

THE HON. S. H. PARKER: Is there any mark upon it? I have been told there is no mark upon it except a little M or a little S.

THE HON. A. B. KIDSON: They are marked "Australia," and the initial of the Mint where they were coined is upon them. I have seen a great many of them in London in course of circulation, and therefore the hon. gentleman's argument on this point falls to the ground. Even if the Mint costs us £5,000 a year, I do not think we shall be paying too much. Further, I think it would be a pity if this Bill were thrown out, because as has been said, it would lead people outside the colony to think that we had no confidence in ourselves.

Bill read a third time and passed.

LICENSED SURVEYORS BILL.

This Bill was received from the Legislative Assembly and was read a first time.

AGENT-GENERAL BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This is a Bill to regulate the appointment of the Agent-General. It sets forth the duties, the salary, the conditions of appointment, and the tenure of office. By Clause 2 the Agent-General is to be placed under the authority of some particular Minister. Then, it is provided that an Agent-General, when appointed, shall hold office for three years. This will enable anyone who may be thinking of giving up his business in order to take the appointment to know exactly what such appointment means. He will know that, subject to good conduct, he will hold office for a period of not less than three years, with a salary of £1,500 a year and travelling expenses; and there is a further provision by which he may be re-appointed at the end of the term. By Clause 6 no person who occupies

the position of Agent-General is to be allowed to act as director of any company or hold office in any syndicate, so that the whole time of the gentleman appointed will be devoted to the business of the colony. I now move that the Bill be read a second time.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—"Appointment."

THE HON. S. H. PARKER: Will the hon. gentleman tell us whether we are possessed of an Agent-General, and if so, who is the gentleman who holds the appointment?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The colony is possessed of an Agent-General in the person of Sir Malcolm Fraser.

THE HON. S. H. PARKER: Is he Agent-General, or is he acting?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): He is Agent-General.

THE HON. S. H. PARKER: I understood that the position was offered to Sir William Robinson, and that the offer was to take effect from a certain time. If that is so, are we to have two Agents-General, or is Sir Malcolm Fraser retired or re-appointed?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I may state that Sir Malcolm Fraser's time expired, I think, in April. The appointment was offered to Sir William Robinson, who refused it. Sir Malcolm Fraser was re-appointed, and his time expires in August—August 16th, I believe.

Clause agreed to.

Clauses 2 and 3: agreed to.

Clause 4—"Term of Office."

THE HON. J. C. FOULKES: I notice that this clause provides that after the expiration of three years a person may be re-appointed. That means, as I read it, re-appointed for another term of three years. It may, however, be necessary only to make the appointment for a further year; but under this clause any person who continued on after the first three years could claim to go on for a whole term. I move that progress be reported, so that I may have time to prepare an amendment to this.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I am not prepared to argue that, but considering that this Bill has been so well thrashed out in another place I hope the hon. member will

consider that what is right and proper has been done.

THE HON. S. H. PARKER: It may be advisable for the hon. the Minister for Mines to report progress so that he may consult the Crown Law Officers. I am inclined to think the Hon. Mr. Foulkes is right in his reading of this clause, but at the same time there is nothing to prevent any person contracting himself out of it.

THE HON. J. C. FOULKES: Of course if the Government took care to fix a definite period with the person they re-appointed, my objection would be met.

THE MINISTER FOR MINES (Hon. E. H. Wittenaar): The Government would make arrangements in such a case for a definite term. I hope, therefore, the hon. member will not press his motion.

Motion by leave withdrawn.

Clause agreed to.

The remaining clauses were agreed to and the Bill reported.

JUSTICES APPOINTMENT BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenaar): This Bill is brought in to limit the jurisdiction of justices to certain districts. Hon. members are aware that hitherto the practice has prevailed in regard to the appointments of justices of giving them jurisdiction all over the colony. Now the Government think it right to follow the footsteps of the other colonies, and limit the jurisdiction. One reason for this is, that in consequence of our goldfields a large number of small towns are springing up, and in all of them there is a demand for justices. Hon. members are aware that to ensure success, justices must possess certain qualifications. I do not think it will hurt anyone's feelings when I say that everyone is not born to be a successful justice, and on that account it is found difficult to find suitable men to fill the appointments. In certain small places justices are necessary to witness declarations and things of that kind, and when the demand arises, someone who has the confidence and respect of the people in the district or town is suggested as a suitable person, and the Government generally appoint him, although, perhaps, they know very little about him. Although he may not be a suitable person to have jurisdiction all over the colony, he may suffice for the particular dis-

trict in which he is appointed. This Bill does not contain anything that is new. The greater portion of it is taken from the Acts of Victoria and Queensland, in both of which colonies a similar system has operated satisfactorily for many years. The first clause of importance is the fourth, which provides that justices shall be appointed to keep the peace in particular districts. Clause 9 provides that the Governor may prohibit any justice from acting, and then Clause 12 provides that no act done by a justice shall be invalid merely by reason of the fact that at the time of doing such act he was outside the limits of his jurisdiction. For instance, if a justice belonging to Cue happened to be in Geraldton, and someone committed an offence at Cue, and the justice was wired to take out a summons in connection with the offence, he would be able to do so. Then Clause 15 provides that nothing shall render invalid any oath administered, or statutory declaration taken, or certificate or attestation given or made by any justice of the peace, whether within or without the district for which he is assigned. With these few remarks, I move that the Bill be read a second time.

THE HON. A. B. KIDSON: I have listened to the remarks of the Hon. the Minister, and I must say I can find no valid arguments in them as to why this Bill should pass. In the course of my professional career I have had a good deal to do with justices, and I never heard any outcry by reason of their having jurisdiction all over the colony. I submit, therefore, that before this House agrees to pass this Bill some further reasons than those stated must be put before us. It is no use our passing useless legislation. We are told that the Bill is to limit the jurisdiction of justices, but Clause 12 provides that no act of the justice shall be invalid by reason of the fact that at the time of doing such act he was outside the limits of his jurisdiction. It is obvious that this clause nullifies the rest of the Bill, and will place all justices under the new order of things exactly in the position they are now in, for, even if a justice does go outside his district, he cannot be called to book for it, neither can what he does be held to be wrong.

THE MINISTER FOR MINES (Hon. E. H. Wittenaar): That is not it.

THE HON. A. B. KIDSON: Of course I may not be correct, but that is the way I read the clause. Then, even looking at the matter

from the broad point of view, I can see no reason to limit the jurisdiction.

THE HON. S. H. PARKER: I understand it is the desire of the Government to limit the jurisdiction of justices to certain districts only in certain cases. I cannot but think, if the Government think it wise and just to allow gentlemen to perform the functions of justices within one district—if they are able to do the work satisfactorily to the inhabitants of one townsite—surely they might also be allowed to perform the duties outside. The Hon. the Minister made what I think is a surprising statement when we bear in mind how the appointments have been made during the past few years. He said certain qualifications were necessary to ensure a man being a successful justice. Looking at the *Government Gazette*, as I have done for some years past, I have come to the conclusion that, apparently, no qualification is necessary, except that of having political influence in a district, or being probably related to a member of the Executive Council. I congratulate the Government now in coming to the conclusion that some qualification is necessary, and I trust that in future when making appointments they will bear in mind that it is necessary to appoint persons who are qualified to administer the law. I am not going specially to oppose this Bill, because I do not know that, so far as the colony is concerned, it will matter much whether justices are confined to particular districts or not. I have no doubt from what we have seen in the past that we shall have many justices appointed, not with the idea of administering the law, but as a reward for political services. I remember a late Governor of one of the other colonies saying that whenever he went to Executive Council he had a batch of justices put before him for appointment. One day there were no names submitted, and he made the remark, "Are all the people justices?" Apparently it was so; all the friends of the Ministry were justices. Even if this Bill were passed, I do not think a Ministry would take upon themselves the invidious task of appointing some justices to particular districts and others having jurisdiction all over the colony. I am not referring specially to the present Ministry; it is rather the effect of Responsible Government. A Ministry is kept in power by the popular voice, which is influenced largely by leading public men, and when it comes to the point of appointing them justices, no Ministry will ever limit their jurisdiction,

and, therefore, this Bill will become a dead letter. They would not degrade those who now hold appointments with jurisdiction all over the colony, and they would hardly offer to others any lower position. I would like to point out one or two clauses which seem to me objectionable. Clause 7 provides that no justice assigned to any district shall perform the duties of Coroner, save in the district for which he is assigned. This seems to me to be a provision which will create a considerable amount of hardship, and will, perhaps, involve considerable expense. Say a justice were assigned to a district bordering between Coolgardie and the Murchison, and a man in the adjoining district committed suicide. It might then be that we would have a justice available within a mile who could not act, because he was not assigned to the district, while the nearest justice obtainable who was assigned to the district might be thirty or forty miles away. Then Clause 9 says that "the Governor may prohibit any person who by virtue of Her Majesty's commission, or of holding any of the offices hereinbefore mentioned from acting. I have read this Clause through several times, but I do not understand what it means. It cannot, when it says "any of the offices hereinbefore mentioned," refer to Clause 8, because that Clause refers to persons and not to offices. Then, again, I cannot understand Clause 11. It says that every act done by a justice shall be taken to have been done within his jurisdiction, without an allegation to that effect, unless, and until the contrary is shown. The presumption, therefore, is that it was intended that if it be shown that the act done by the justice was not done within his jurisdiction it would be invalid. But Clause 12 says that no act done by a justice shall be invalid by reason of the fact that at the time of doing such act he was outside the limits of his jurisdiction. If we read this with Clause 11 there is a distinct contradiction. Again the 14th Clause says when any Justice of the Peace, or Clerk of Petty Sessions issues a warrant purporting to have been issued within the limits of his jurisdiction, &c. I should like to know where in this Bill the jurisdiction of the Clerk of Petty Sessions is to be found. "Clerk of Petty Sessions" creeps in here for the first time. No jurisdiction is given by the Bill, and it seems to me those words have crept in quite erroneously. I mention these matters

so that the Hon. the Minister may have an opportunity of consulting with the Crown Law Officers before the Committee stage of the Bill.

THE HON. C. A. PIESSE: I think the best thanks of the House are due to the lawyers for freshing this matter out, although at the same time, I should not like to see the Bill thrown out altogether. There must be some need of it, or the other colonies would not have allowed it to pass. I hope we shall agree to the second reading, and make any amendments necessary in Committee. As to Clause 12, however, I must say that I think it wants re-wording.

THE HON. H. MCKERNAN: The discussion on this Bill is passing from the legal to the lay mind, and in looking at the various clauses I, as a layman, find nothing in them to commend themselves to my judgment. The Minister for Mines said the Government desired to make better appointments in the future than in the past.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I said nothing of the kind.

THE HON. H. MCKERNAN: The hon. gentleman said that certain qualifications were necessary for justices, and if we are to consider that that applies to the future, we must imply that it means an imperfectness as to the choice in the past. The recent decisions of the past have justified that conclusion, and yet we find that by Clause 3 of this Bill the appointments of the past are not to be interfered with. If the Government were going to start a new justices' roll, then there might be something for this House to consider, but that is not so. We often find applications made in regard to trials to change the venue, and this for the reason that local prejudices exist which will tend against the impartial administration of justice. Yet by this Bill it is proposed to restrict the jurisdiction of justices to districts where there must be local prejudices prevailing. As the Hon. Mr. Parker has pointed out, there is no doubt that, in the future, justices will not be appointed so much for the purpose of administering the law, as for the purposes of political patronage. That is a most vicious practice, but it is one which, to my knowledge, has prevailed in the other colonies. Justices have often been appointed who could not write their own names. I know one instance of a person who was appointed becoming so elated, that he wrote a letter to the Police Magistrate of the district stating the fact of his appoint-

ment, and adding that he would be most happy to "consort" with him in matters connected with the Bench. I do not see any necessity for this Bill, and that being so, I move that it be read a second time this day six months.

THE HON. A. B. KIDSON: Might I say—

THE PRESIDENT (Hon. Sir G. Shenton): Might I suggest to hon. members that they should pass the second reading, and deal with any clauses they object to in Committee.

THE HON. C. E. DEMPSTER: I do not see why this Bill is required. I suppose the Government have reasons for it and, perhaps, if the House is made aware of the reasons we may take a different view. I take it that when justices are appointed they should be men capable of performing the duties, and if they are, no harm can result if they are allowed to adjudicate all over the colony. I shall second the amendment that the Bill be read a second time this day six months.

THE PRESIDENT (Hon. Sir G. Shenton): I must point out that the hon. member cannot second the motion now. If he wanted to second it he should have risen at once. I think hon. members will agree that I always give ample time. The suggestion I made was that if there were any objections to the Clauses, the Bill could be read a second time, and the objections dealt with in Committee.

THE HON. C. E. DEMPSTER: I cannot see any reasons whatever for this Bill, and I must vote against it.

THE HON. J. C. FOULKES: I think there are some advantages connected with this Bill. Some hon. members have asked why the jurisdiction should be limited. In England it has been the practice for hundreds of years past, for justices to be appointed for particular counties. Here a man may go to the far North where people may desire to have a justice. He may be appointed and may be suitable for the district. After three or four years he may become wealthy and return to Perth to live. Under the present system, having been a justice at the North, he would be a justice here, although he might be totally unsuitable. There is a great deal of difference between the kind of work required in small communities and in large ones. In small towns the cases are very few, but in Perth, for instance, they are numerous, and a person would require a much greater knowledge of the law to act than he would in a small town. At present there are crowds of

justices in Perth, many of whom were appointed while resident at the North. I admit there are many clauses in the Bill which no one can support. For instance, clause 9 allows the Governor to remove from the roll of justices the persons mentioned in Clause 8, and these persons include judges of the Supreme Court. I should say if a person were fit to be a judge of the Supreme Court he certainly would be fit to be a Justice of the Peace. Then again, clauses 11 and 12 distinctly contradict each other. I suggest, however, that we pass the second reading and in Committee we can strike out the objectionable clauses.

THE PRESIDENT (Hon. Sir G. Shenton): Before I formally put the question, I shall exercise my right as President to say a few words. I am in favor of the principles of this Bill, and I trust it will pass its second reading. The principles contained in it are those which have prevailed in England and in the other colonies for some time, and they are that magistrates shall only exercise jurisdiction in the counties and districts to which they are appointed. Anyone who has read Constitutional history will know that a magistrate's jurisdiction does not extend beyond his county, and this is the principle which the Government are endeavoring to make applicable to this colony. I hope, therefore, hon. members will pass the Bill unanimously so that we can assimilate our laws to those of England and the neighboring colonies.

THE MINISTER FOR MINES (Hon. E. H. Wittencoom): I beg to move the adjournment of the debate.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member cannot move the adjournment of the debate.

THE MINISTER FOR MINES (Hon. E. H. Wittencoom): Then I may say I hope hon. members will understand that the Government have no desire to force any Bill on this House which will not be of advantage to the colony. A great deal has been said about the appointment of justices in the past, but I may say that, whatever those appointments have been, they have given jurisdiction over the whole colony. This Bill is not retrospective, and there is no desire on the part of the Government to reduce or disparage any gentleman. But with regard to the future, it is thought advisable, in appointing justices, to limit the jurisdiction. I thought I made myself clear that this would be an

advantage, as, it would enable the smaller towns to have Justices of practically their own choice. I understand that the Hon. Mr. Burges wishes to move the adjournment of the debate. I shall, therefore, not proceed with my remarks further this evening.

THE HON. R. G. BURGESS: I move that the debate be adjourned.

Question put and passed.

LEAVE OF ABSENCE TO A MEMBER.

THE MINISTER FOR MINES (Hon. E. H. Wittencoom) moved that leave of absence be granted the Hon. R. W. Hardey for the remainder of the session, on account of ill health.

THE PRESIDENT (Hon. Sir G. Shenton): In view of the fact that the hon. member's medical attendant has informed him that he must take a long sea voyage for the benefit of his health, I hope this motion will be agreed to.

Question put and passed.

MINES REGULATION BILL.

This Bill was introduced, and was read a first time.

ADJOURNMENT.

The House at 6.30 p.m. adjourned until Wednesday, 31st July, at 4.30 o'clock.