

his own convenience and profit, he ought not to be relieved from his responsibility.

THE ATTORNEY GENERAL (Hon. S. Burt) said as the clause was a contentious one, and also an important one, and had not received much consideration, he would move that progress be now reported and leave given to sit again next day.

Motion put and passed, and progress reported.

TELEGRAM FROM DR. MONTEITH RE CUE HOSPITAL ACCOMMODATION.

THE PREMIER (Hon. Sir J. Forrest): Before moving the adjournment of the House, sir, I should like to inform members, if you will permit me, that a telegram has been received by the Clerk of the House from Dr. Monteith, the Resident Medical Officer at the Murchison, with reference to a question which arose in this House a few days ago between the hon. member for Nannine and myself. The Clerk has handed me the telegram, and, with the permission of the House, I will read it:

The Clerk of the Legislative Assembly. Sir,—By the local paper of the 3rd inst. I observe Mr. Illingworth holding me as his authority for a slanderous accusation against Sir John Forrest in regard to the withholding of additional funds towards the Cue Hospital. The Government had, previous to Sir John's visit, granted £40 to the hospital, and in conversation with Sir John, in the presence of Warden Dowley, I said I thought another £30 would be required to complete the furnishing, *pro tem.*, whereupon I immediately wrote a letter to the Warden as follows: "E. P. Dowley, Esq. Dear Sir,—Will you please acquire the necessary authority to incur an additional expenditure towards furnishing the hospital to the amount of £30 over and above that already authorised to be spent, viz., £40." The authority was given forthwith by Sir John Forrest. In conversation with Mr. Illingworth in regard to this false and inhumane report, I told him, in the presence of Mrs. Monteith, that it was a lie, and Sir John had given all that was asked. Sir John personally visited the hospital, and took a deep interest in the welfare of the sick. I would request you to make this letter of mine known to the members of the Assembly and to the public. (Signed) JAS. MONTEITH, R.M.O., Murchison, August 9th.

MR. ILLINGWORTH: May I be allowed to make a statement?

THE SPEAKER: The hon. member would be out of order in doing so.

ADJOURNMENT.

The House adjourned at forty-five minutes past 5 o'clock p.m.

Legislative Council,

Wednesday, 15th August, 1894.

Railway Construction: proposals for—Casualty Ward, Fremantle: charges for use of—Civil Service Commission: report of—Mullewa Railway: completion of—Defence Forces Bill: committee—Bankers' Books Evidence Bill: second reading: committee—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

PRAYERS.

RAILWAY CONSTRUCTION—PROPOSALS FOR.

THE HON. R. G. BURGESS asked the Colonial Secretary:—

1. If the Government had received any proposals from Mr. D. Diereks, on behalf of a German firm, for the construction of cheap lines of railway in this colony?
2. If so, could the Government give the information to this House?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:—

1. Mr. Diereks called upon the Premier and explained the cheap railway system of his firm.
2. Mr. Diereks stated that he could land at Fremantle the material and rolling stock for a 2ft. 6in. railway, for about £600 a mile.

CASUALTY WARD, FREMANTLE—CHARGES FOR USE OF.

THE HON. D. K. CONGDON asked the Colonial Secretary whether the present casualty ward at Fremantle was established first for the use or convenience of Government employees, or was it not established for the use of the general public who might meet with accidents;

and was the Colonial Surgeon authorised to charge shipowners for attendance in case of seamen meeting with accidents?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied that the casualty ward at Fremantle was established for the reception of all cases of emergency, whether of Government employees or the general public. For every case admitted there was an authorised charge of 3s. a day, which included attendance and maintenance. When a surgical operation was performed, the Colonial Surgeon, Fremantle, might make a charge in the case of a patient (other than a Government official) who was in a position to pay.

REPORT OF CIVIL SERVICE COMMISSION.

THE HON. J. C. G. FOULKES asked the Colonial Secretary when, or about what time, the report of the Civil Service Commission would be ready?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied: The Chairman of the Civil Service Commission has kindly supplied me with the following answer:—

1. The work in which the Commission is engaged is one of great importance, extending over a large field of inquiry; and, in order that it may yield practical results, requires the exercise of patience, deliberation, and thoroughness in prosecuting it.

2. It is the intention, however, of the members of the Commission to bring up a progress report when their labours shall be sufficiently advanced to justify them in doing so.

MULLEWA RAILWAY—COMPLETION OF.

THE HON. E. H. WITTENOOM asked the Colonial Secretary:—

1. What was the date fixed in the contract with Messrs. Neil McNeil & Co. for the completion of the Mullewa Railway?

2. If that date has passed, why was the time extended?

3. On what date the Government expected to take over the railway from the contractors?

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied:—

1. 19th July, 1894.

2. No extension of time has been granted.

3. The Government propose to take over the railway as soon as it is completed, which will probably be about the middle of October.

DEFENCE FORCES BILL.

IN COMMITTEE.

Clause 10—"Appointment of non-commissioned officers."

The order of the day for the further consideration of this Bill in Committee having been read,

THE HON. E. G. HENTY said: I would like to ask your ruling, sir, on a question of procedure. I wish to move that the order of the day be discharged, and that the Bill be referred to a select committee. I do not know whether I shall be in order in doing so, except the hon. the Colonial Secretary does not object?

THE PRESIDENT (Hon. Sir G. Shenton): I may state, for the information of the hon. member, that after a Bill has been in committee, and progress has been reported under the standing rules and orders of this House, the chairman of committees takes the chair without a motion being put to that effect. This Bill has been in committee, and we proceeded as far as Clause 10, when progress was reported, and it is, I think, rather irregular for the hon. member to now move that it be referred to a select committee. The proper time to move that a Bill be referred to a select committee is after the second reading, the motion for such taking the form of an amendment to the question that the President do now leave the chair for the purpose of going into committee. I may say that I have looked up the latest authorities on this point. In the last edition of "May's Parliamentary Practice" it is laid down that "When the order of the day for 'committee on a Bill is read, the member in charge thereof can move that 'the order be discharged and the Bill 'referred to a select committee. If 'that motion is moved by another member, the member in charge of the Bill, 'if he objects to that course, can express 'his desire that the Speaker should leave 'the chair, which the Speaker would do 'forthwith.' The matter, therefore, rests with the Hon. the Colonial Secretary, who has charge of the Bill. If he objects, I rule against you.

THE HON. E. G. HENTY: May I give my reasons?

THE PRESIDENT (Hon. Sir G. Shenton): Yes.

THE HON. E. G. HENTY: I have gone into this Bill closely and have obtained all the expert evidence I can get, and I find that there is a consensus of opinion that the Volunteer officers have been treated somewhat unfairly in not having been consulted as to many matters which are herein contained, and in which they could have afforded material assistance. The opinion prevails that if the Volunteer system is to be maintained, a little tact must be displayed, instead of the men being put under an arbitrary system. I can give a good many names of officers who think it will be better to do away with the system altogether rather than have it existing in a half-hearted way, but I have been asked to withhold them. I, therefore, wish to allow the Bill to go to a select committee, so that the officers can give their opinions on it. Another point to be considered is how far the Bill will affect the finances of the country. I was present at the debates in Victoria when a similar Bill was brought forward. It was a splendid Bill, but it afterwards proved to be a very costly one. This Bill may have a similar effect. In Victoria they are retrenching in this direction, although they went into the matter there nothing like in the proportion we propose to here. On these grounds I move that the Bill be referred to a select committee, consisting of the Hon. the Colonial Secretary, the Hon. F. T. Crowder, and the mover.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I regret to have to object to the motion to send the Bill to a select committee. I have listened to endeavour to ascertain what the hon. member's reasons are, but I have not been successful. The hon. gentleman does not tell us that he requires any information, but says he would like to have the opinion of the volunteer officers. Another objection is that the Bill will prove too costly. I can assure hon. members that the Bill means no cost. It is simply a consolidation of the laws at present in existence, and it gives no power, either to the Government or the Commandant, to spend a single penny. The question of expense will arise when the Estimates come before

the House. By the 33rd section of the Bill, it is provided that the Governor may organise, arm, and equip such a force as Parliament from year to year provides for. The Volunteers are provided for on the Estimates, and there is not a word in the Bill which refers to additional expenditure beyond that already existing under the laws it is proposed to consolidate. Had it been the proper time I would have gone into the question as to what the Government propose to do in this matter; but it seems to me that the proper time is when the Estimates are before the House. By a recent provision in the Constitution Act this House is empowered to amend the Estimates, and if hon. members think proper they can strike out any item they object to in the Military Estimates. When these come before the House will be the time for me to explain the intentions of the Government, and not now, when we are considering only a consolidation of the laws. At present no opinion of volunteer officers is required. With regard to the permanent force, the provisions are those of the Bill passed last year, and as to the volunteers, more stringent regulations are provided for, so that the men shall be made more amenable to discipline, and become better organised and more fitted for their work if ever occasion arises for their services. There is no occasion to obtain the opinion of officers. All the information asked for I can give, I am sure, to the satisfaction of hon. members. Under these circumstances I regret to have to object to the Bill going to a select committee.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. the Colonial Secretary having objected to the Bill going to a select committee, I shall leave the Chair, and the Bill can proceed in a committee of the whole House.

IN COMMITTEE.

Clause 10.—“Appointment of non-commissioned officers,” to which the hon. E. G. Henty had moved to strike out sub-sections 2 and 3, with a view of inserting the following: “The commanding officer of any particular corps shall have power (subject to the approval of the Commandant) to appoint all non-commissioned and warrant officers in his corps:”

THE COLONIAL SECRETARY (Hon. S. H. Parker): I may remind hon. members that this clause refers to all the Forces in the colony. It is the law now as to the Permanent Force under the Act of 1893; but the law as to volunteers is that the commanding officer, with the approval of the commandant, may appoint, and we propose to alter it. It must be borne in mind that ours is only a small force with 500 or 600 men, and the Commandant is in the position of the Colonel of the Forces. The colonel of a regiment appoints these non-commissioned officers, and I think he is the proper person to do it. But we have given him the right, if he thinks fit, to delegate his powers, and he will no doubt do so in many cases. We must remember that some of our commanding officers have had no military experience, and besides this it is better, in the interests of the corps, that the appointments should be out of the hands of the commanding officers, because it would prevent jealousy arising. Commandants are reasonable men and do not act in such a manner as to cause corps to be broken up or become disbanded, and there is not the slightest reason to think that the Commandant will so exercise his powers as to disgust any volunteer.

THE HON. E. G. HENTY: I can give the names of eight or nine volunteer officers to whom I have spoken on the subject, and they all agree that the volunteer system must be treated entirely different from an arbitrary military system. The best proof of this is that the Fremantle corps has dwindled down from 130 to 90 men.

THE COLONIAL SECRETARY (Hon. S. H. Parker): That is not on account of this Bill.

THE HON. E. G. HENTY: But similar causes operated. The commanding officers would know better than the Commandant as to the most suitable men to appoint. The Commandant is not like the officer commanding a regiment who sees his men every day. Here he does not see them once a month, and some of them he never sees. If this clause is passed as it stands another nail will be driven into the volunteer coffin, and then it will be better to do away with the corps altogether.

THE HON. D. K. CONGDON: At our last meeting I expressed myself as being

in favour of the amendment, but I think it only right now to say that I shall not vote for it. Since we last met I have held conversations with some of the commanding officers, and they do not hold the views stated by the hon. member, and after further consideration on my own part I think it better that the clause should stand.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I represent as many volunteers as any hon. member. Not only are the men and officers my constituents, but I am in charge of this Bill, and hon. members know that I am open to converse with anyone who has an interest in the subject of any legislation before the House. I represent many of these officers in my position as member for the Metropolitan Province, and I have never been spoken to about this Bill, nor has any objection been taken to it that I know of. If there is all this opposition the hon. member refers to, it seems to me strange that the officers should not have gone to their own member, especially when he has charge of the Bill, and is, besides, at the head of the forces.

THE HON. E. McLARTY: I intend to support the clause. I served in the Volunteer Force for a long time, and I can say, from experience, that a great deal of jealousy has been caused by commanding officers making these appointments. The Pinjarrah corps was one of the best in the colony, and some of the appointments made caused great dissatisfaction. I think the proper course is for the Commandant to appoint on the recommendation of the commanding officer.

THE HON. J. C. G. FOULKES: After the terrible threat of the Colonial Secretary I think we had better all give way. He said he represented all the volunteers, and he may come upon us with them like another Cromwell. Perhaps he has them all ranked up outside? He did not say whether he represented them fittingly; but, I think, owing to the Cromwellian attitude adopted, we should hasten to pass the clause.

THE HON. E. W. DAVIES: At the last sitting the Hon. Mr. Wittenoom moved that progress be reported so that he might consider the Bill, but up to the present we have not heard a word from him. I passed a copy of this Bill round

among the military forces at Fremantle, and the only objection I have heard raised is that men above a certain age are not eligible for the militia.

Amendment negatived.

Clause agreed to.

Clauses 11 to 25 passed.

Clause 26—"Privileges of the Forces:"

THE HON. J. C. G. FOULKES: I think those who serve in the Volunteer Forces should be exempt from service on the juries.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I would remind the hon. gentleman that there is a Jury Act which provides for certain exemptions, and that would be the proper place to give effect to what he wants. I can, however, hold out no hope that the Government will bring in a Bill to amend that Act in the direction referred to. The Volunteer officers and men are the most highly respected in the colony, and if we lose them what will our juries be like?

THE HON. J. C. G. FOULKES: By the Jury Act you have struck out all the respectable men in the colony.

Clause passed.

Clauses 27 to 32 agreed to.

Clause 33—"Governor may raise a Permanent Force and a Militia Force:"

THE HON. E. G. HENTY: I move to add the word "naval" after the word "military," so that provision may be made for a naval as well as a military force. I have taken the opinion of one or two ex-naval officers on this subject. I find that along the coast there is not a single vessel or man we can call upon to send wherever required for the protection of the people. There are only sixteen water policemen in the colony, which is not an adequate protection to the colony, especially if any trouble arises along the coast. We have not a man fitted to work a gun on board a ship. We contribute a good deal towards the Auxiliary Squadron, which is always away on the Eastern coast, and, therefore, I think we should initiate a small system of naval defences of our own. Two 3-pounder quick-firing guns and 25 men could be obtained, and kept as a nucleus of a small force at Fremantle; and, besides being a source of protection, they could go out to wrecks when required. At the present moment, if a vessel with a 9-pounder on board

went into the port, say, of Geraldton, it could demand an £80,000 subsidy; and there is nothing to prevent its being obtained. Instead of spending all our money in a volunteer force, we might also have a naval reserve. There are plenty of men available, and I believe that a sufficient number of men who have served in the Victorian Naval Reserve might be obtained at Fremantle.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Is this force to serve on land or sea?

THE HON. E. G. HENTY: The hon. member evidently does not grasp the question.

THE HON. J. C. G. FOULKES: There is one thing I would like to see, and that is the Hon. Mr. Henty in his small boat with his 25 men. I live on the coast at Cottesloe, and I would take considerable interest in the boat when she put to sea with the hon. gentleman in command. We can all imagine the astonishment of a Russian war vessel when it saw this boat with its 3-pounders blazing away. The Hon. the Colonial Secretary has asked whether the force is to serve on sea or land. I would recommend it to remain ashore. The Hon. Mr. Henty has said that a vessel with a 9-pounder on board could come to Geraldton and raise £80,000, but that I think almost impossible; in fact, I do not think it could be raised in the colony. Speaking seriously, however, so long as we form part of the British nation, and that nation holds the supremacy of the seas, I feel sure the colonies will never be short of protection.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I regret extremely to have to oppose this motion. If it were desirable to provide for a naval force, clause 6, which has already been passed, should have been altered. But this Bill does not apply to a naval force, and if the word is inserted it will have no effect, because none of the other provisions will operate.

THE HON. E. G. HENTY: I have taken a naval expert's opinion on this subject. The Colonial Secretary may think I want the 3-pounder guns to shoot crows with, but he has not grasped the situation. I do not see why such a provision should not be made in a Defence Forces Act.

THE HON. E. W. DAVIES: The longer we delay the more mystified some hon. members seem to get. Therefore, let us get through as quickly as we can.

Amendment negatived. Clause passed.

Clauses 34 to 49 agreed to.

Clause 50—"Formation of corps:"

THE HON. E. H. WITTENOOM: I should like to know whether the number of volunteers can be limited? If this were done, fuller attendances at drill would be obtained; in fact, the men should be compelled to attend.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The corps could be reduced on the recommendation of the Commandant at any time. If the hon. gentleman, who no doubt probably refers to the Geraldton corps, wishes a reduction made I have no doubt the Commandant will meet those wishes. But, even if the numbers were limited, all the men would not be found to attend regularly.

THE HON. E. H. WITTENOOM: Three conditions have been pointed out to me as necessary to make the corps effective. Firstly, the numbers should be reduced; secondly, that there should be compulsory attendance; and, thirdly, that they should be paid.

Clause passed.

The remaining clauses were agreed to, and the Bill reported.

BANKERS' BOOKS EVIDENCE BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): There is an Act, called "The Bankers' Books Evidence Act," regulating the mode in which evidence may be given of the contents of bankers' books without its being necessary to produce them. It is so cumbersome and difficult to work that it is desirable to repeal it, and substitute another in place of it. The Act of 1879 was taken from the English Act, and, in like manner, this Bill is almost *verbatim* with an English Act passed some years ago, and it simplifies the mode in which evidence can be given of bankers' books. This Bill provides that a copy of any entry shall be *prima facie* evidence; but before that evidence can be taken it must be proved that the book was, at the time of the making of the entry, one of the ordinary books of the bank, and that the

entry was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank. When this is done a copy may be used. Further, it is provided that this Act shall apply in the Local and Police Courts, so as to relieve suitors of the expense of proceeding in the Supreme Court when a question involving the production of these books arises. It will be a useful measure, and I now move that it be read a second time.

Question put and passed.

IN COMMITTEE.

Clauses 1 to 6 agreed to.

Clause 7—"Court or Judge may order inspection:"

THE HON. S. J. HAYNES: I suggest the following amendment:—That the words "by delivering a copy of the order to an officer of such bank at the principal or branch office thereof having the custody of the book containing the entry or entries of which a copy or copies is required," be inserted between the words "bank" and "three." This will save any technical objection as to whether the bank has been properly served.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I understand the object of this is to avoid service always being necessary at the head office.

THE HON. S. J. HAYNES: That is all.

THE COLONIAL SECRETARY (Hon. S. H. Parker): At present I see no objection to it, but, if the hon. member will agree to report progress, I should like to consider how the wording fits in with the other parts of the Bill. I move that progress be reported.

Question put and passed.

ADJOURNMENT.

The House, at 5:40 o'clock p.m., adjourned until Thursday, 16th August, at 4:30 o'clock p.m.