

that every hon. member had perused the offer of the New Zealand firm which he had placed on the table when submitting his financial statement, and which offer he now asked the House to substantiate.

Mr. NEWMAN rose to move an amendment to the effect that the proposal be referred to a select committee, consisting of Messrs. Steere, Carr, Shenton, Hassell, Barlee, and the Mover. This amendment coming from him, who had the reputation of being somewhat opposed to the introduction of steam communication, might be regarded as hostile to the proposition of the Government. Such, however, was not the case. Very strong opinions had been expressed by three-fourths of the elected members that, merely on principle, the House should not pledge itself to the expenditure of a single shilling of public funds before the Estimates were placed on the table.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it would be far from his wish to oppose any motion having for its object the appointment of a select committee to consider any question that rested for decision with the House; but it did seem to him, when hon. members were in possession of every available information in the matter now before them, and, further, when it was a matter of so much importance that no delay should attend its settlement, that it was a pity that any time should be lost, and the offer, which appeared to him fair and reasonable, be postponed, especially when the question was one that was likely to be decided in the affirmative by the House.

Mr. NEWMAN said he did not think there was the slightest chance of the offer, as it then stood, being accepted by the Council. The gentleman who acted in the capacity of agent for the firm of Messrs. Connor and McKay was now in the colony, and might be expected in Perth on the following day, and he might be called upon by the select committee, in order that they might point out to him where, in their opinion, it was advisable to modify the terms of the contract.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the hon. member for Fremantle seemed to assume that the Government had taken no trouble in the matter at all. On the contrary, every question that could possibly be raised by the select committee, had been already discussed, talked over, and written about; he was perfectly satisfied that no material modifications in the contract would be

made. It really seemed to him a most suicidal policy to postpone the consideration of this matter.

Mr. STEERE pointed out that the principal objection to the terms of the contract was the protracted period over which it extended; the colony would be bound for a term of six years to an annual expenditure of £4,000. He thought this was extremely unreasonable, and that three years would be ample time for the duration of the contract.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that objection had been combated over and over again between the Government and the company; but on this point the firm was inexorable, as it would not be worth the while of any company to incur the expense that would necessarily attend the introduction and first establishment of steam communication in any colony. No select committee, or any committee in the world, could induce the company to forego that part of the contract. Moreover, the actual extra expenditure which the acceptance of the tender would involve would not exceed £2,500 a year, as the other portion of the subsidy would be saved in the mail services. After some further animated discussion, Mr. Newman consented to withdraw his amendment.

Mr. SHENTON proposed another amendment on the proposition before the House, to the effect that the Government be empowered to accept the offer of Messrs. Connor and McKay for the establishment of steam communication on the coast of this colony for a term not exceeding three years, at the rate of £4,000 per annum.

A conversational discussion ensued, after which the amendment was put "That the Governor be authorised to accept the proposition of Messrs. Connor and McKay for a term of three years," upon which a division was called for, the result being as follows:—

Ayes ..... 8  
Noes ..... 9

Majority against ..... 1

Ayes.	Noes.
Mr. Steere	The Speaker
Mr. Logue	Mr. Carey
Mr. Drummond	Mr. Monger
Mr. Brockman	Mr. Bussell
Mr. Hassell	The Hon. M. Fraser
Mr. Pearse	Mr. Marmion
Mr. Newman	Mr. Bickley
Mr. Shenton (Teller.)	The Hon. R. J. Walcott
	The Hon. F. P. Barlee

(Teller.)

Amendment thus negatived.

Question put, "That the Governor be authorized to accept the offer made by

Messrs. Connor and McKay, for the establishment of steam communication on the coast of this colony," upon which a division was called for, the result being as follows:—

Ayes .....	9	
Noes .....	8	
Majority for	1	
Ayes.	Noes.	
The Hon. R. J. Walcott	Mr. Shenton	
The Hon. M. Fraser	Mr. Newman	
Mr. Bickley	Mr. Logue	
Mr. Marmion	Mr. Drummond	
Mr. Bussell	Mr. Brockman	
Mr. Carey	Mr. Pearse	
The Speaker	Mr. Hassell	
Mr. Monger	Mr. Steere (Teller.)	
The Hon. F. P. Barlee		
(Teller.)		

Question thus passed.

#### MAGISTRATES.

Mr. BROCKMAN moved:—

That this Council is of opinion that, in order to preserve the proper independence of the magistracy, and for the due protection of the public, it is essential that any interference by the Governor with the decision given from the bench should be exercised with great reserve and discretion; and that anything having even the semblance of dictation, and especially any imputation of unworthy motives having actuated such decisions, should be carefully avoided. That this Council regrets that, in the matter of the recent suspension of the police magistrate in Perth, and in the case of the three magistrates who were associated with him, these principles should have been departed from.

The ATTORNEY GENERAL (Hon. R. J. Walcott) proposed the following amendment:—

That this Council, having regard alike to the proper independence of the magistracy, the purity of the administration of justice, and the duty of the executive to secure equal justice to all classes of Her Majesty's subjects, refrain from expressing any opinion upon the action of the Representative of the Crown in the matter of the suspension of the police magistrate at Perth from his office, and in the case of the three magistrates associated with him, at a time when the case out of which it arose is still *sub judice*, and the matter itself has been referred to the Secretary of State for the Colonies, and when the papers, evidence, and the case itself are

not before this Council or known to the public, and consequently any expression of opinions of this Council must necessarily be based upon *ex parte* statements, and on insufficient grounds.

Mr. BROCKMAN said it was with much regret that, on this, the first occasion of his addressing the House, he should be compelled to do so in a somewhat hostile spirit towards the Government, at a time, too, when it was so desirable and essential that a cordial feeling and perfect unanimity should prevail between the elected representatives and the Executive members of the House, in order to enable them to promote the welfare of the colony. But, when the independent action of magistrates on the Bench had been interfered with, when indignity had been passed upon them, and when an official member of the magistracy was suspended from his office, and the honorary justices acting with him had been driven, by unworthy imputations, to resign their commission, he considered it was his duty as one of those honorary magistrates, and being a member of that House, to ask the Council for an expression of opinion upon such a matter. He thought it was not only his duty towards himself, but towards those gentlemen who had sat with him, and towards the whole body of magistrates throughout the colony, as well as towards the public generally, that he should do so. Had it been a mere personal matter, one between himself alone and the Government, he could have put up with the indignity that had been cast upon him. He had been for 43 years a resident in the colony, and during nearly 40 years of that period he had held the commission of the peace, but he could not recall a single instance where a similar interference with the independency of the magistracy in the performance of their duty had taken place. Former Governors had always held the magisterial office in great respect, and it remained for Governor Weld, the inaugurator of representative Government, and the educator of the people for free institutions, to cast an indignity upon members of the magisterial Bench, and, through them, to cast dishonor upon the whole magisterial body throughout the colony. With the permission of the House he would proceed to read the correspondence which had passed between the honorary magistrates and the Government. (The hon. member then read the correspondence which has already been published in the local journals.) He concluded by stating that it had been his intention to have appealed to the members of the Council as magistrates, in the first instance, and also as guardians of the liberties of the people, to have supported the motion which it had been

his privilege to submit to the House. But, after further consideration, he had a proposition to make, which was to the effect that if the Hon. the Attorney General consented to withdraw the counter-resolution which stood in his name, he would, with the leave of the House, withdraw his own motion. Notwithstanding all that he had said when he first rose on his feet in reference to his being compelled, on the first occasion of addressing the House, to assume a somewhat hostile attitude towards the Government, he would now, having in a feeble manner, and to the best of his humble abilities, attempted to vindicate his honor, as well as the honor of his brother ex-magistrates, add that all feeling of resentment on his part had passed away. (Applause.) It was his wish to promote in every way a cordial feeling between all the members of the House. (Hear, hear.) He was satisfied that they could attain no good unless they exercised mutual forbearance towards each other. With regard to his fellow-representatives on the elected Benches, though it might appear somewhat presumptuous on his part, so young a member of the House, to represent their ideas, he felt confident that their only wish was to do their duty conscientiously, and, as far as they could, in harmony with the members of the Government. Though they were ranged on that side of the House, he felt perfectly certain that not a single member—although they often met together and talked over matters—was disposed to offer any factious opposition against the Government. With the permission of the House he begged leave to withdraw his motion. (Loud cheers.)

The ATTORNEY GENERAL (Hon. R. J. Walcott) said that as a matter of course, the amendment which stood in his name would lapse if the motion of the hon. member was withdrawn. The course adopted by the hon. member for Swan was only such a one as could be expected from an educated English gentleman. (Hear, hear.)

Leave was then given to withdraw the resolution.

#### GRANTS TO AGRICULTURAL SOCIETIES.

Mr. DRUMMOND, in accordance with notice, asked the Colonial Secretary whether the usual grant in aid would be paid to the several agricultural societies during the current year.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that if the revenue admitted of the expenditure, the usual grant in aid would be paid during the current year.

#### BOURKE *versus* SULLIVAN

and

#### BOURKE *versus* BRYAN.

Mr. LOGUE, in accordance with notice, moved for an account of expenses incurred by the Government in defending the cases of "*Bourke versus Sullivan*" and "*Bourke versus Bryan*" in the Supreme Court last year.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that the expenses incurred amounted altogether to £177 4s. 3d.; the cost attendant upon the original trial only amounted to between £15 and £20, but in consequence of further legal proceedings being taken and the cases being taken into chancery, an additional expense was incurred.

#### DISEASED CATTLE BILL.

Mr. LOGUE, in accordance with notice, asked for information as to whether the Government intended to introduce a Bill to prevent the importation of diseased cattle into the colony.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated it was not the intention of the Government to introduce such a Bill as an existing Ordinance already provided all that was necessary to that end.

#### CASE OF THOMAS HIDEN.

##### Suspension of Standing Orders.

Mr. BICKLEY moved for the suspension of Standing Orders to enable him to give a notice of motion.

Question put and passed.

Mr. BICKLEY moved that the Council do take into consideration certain papers connected with the case of an ex-prise named Thomas Hiden, showing the relation in which this colony stands as regards passengers proceeding to Melbourne and Adelaide; with a view to making suitable representation on the subject to the Imperial Government.

#### CONFIRMATION OF EXPENDITURE BILL.

##### Select Committee Report.

Mr. STEERE intimated that the select committee appointed on the previous day to examine into questions of finance connected with the overdraft had inquired carefully into every item of the Bill, and there was not one that could not be accounted for as having been expended in a reasonable and proper

manner. The whole of the unauthorised expenditure appeared to the entire satisfaction of the committee. He had not time yet to draw up the report, but he thought that after this intimation on his part the Bill might be now committed. He would therefore move that the House resolve itself into a Committee of the whole for the second reading of the Confirmation of Expenditure Bill.

In Committee.

The Bill passed through Committee without discussion.

The Council adjourned at 3 p.m.

## LEGISLATIVE COUNCIL,

Friday, 9th August, 1872.

Volunteer Force—Local Road Boards Amendment Bill: first reading—Ballarat Timber Company—Standing Orders: Message from the Governor—Periodical Visits of Resident Magistrates—The Case of Thomas Hiden: select committee—Grant of Patents Bill: third reading—Adjournment.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

## VOLUNTEER FORCE.

Mr. CARR, in accordance with notice, moved:—

1—That, in the opinion of this Council, it is desirable to take steps to promote the discipline and efficiency of the Volunteer Force, so as to render it really reliable, should its service be required by Government, in case of emergency.

2—That, in the opinion of this Council, these objects may be most fitly promoted by grants of Land, not exceeding fifty acres each, being made to such officers, non-commissioned officers, and privates, of the Volunteer Force, as shall have served in the Force for the period of five years' continuous service, from the time of this regulation coming into force. Such grants to be conveyed by occupation certificates, exchangeable, three years after date, for Crown grants, on proof being made to the satisfaction of the Commissioner of Crown Lands that improvements have been made on the land applied for, in buildings, fences, cultivation, or otherwise, to the value of £25.

Land certificates issued to Volunteers to be transferable, subject to the conditions aforesaid; but should the conditions be unfulfilled at the expiration of three years from the issue of the occupation certificate, the land to revert to the Crown. No Volunteer to be entitled to any occupation certificate or grant unless under such regulations as the Governor shall make and publish in the *Government Gazette*, embodying the principle that such Volunteers shall have attended, at least, the Infantry 12 Parade Drills, and the Cavalry 8 Parade Drills, within each year of his service, and (should a camp of instruction be formed) at least three days' field service in each year, and at all times have held himself ready for duty if called out for active service, and shall have, on the expiration of five continuous years of service, obtained a certificate of good conduct and efficiency from the officer commanding his own regiment, company, or troop, approved by the Commanding Officer of Volunteers, or such Officer or Inspector as the Governor may from time to time appoint.

3—That this Council will approve of the expenditure of such moderate sum as may be necessary to provide for the expenses of an annual camp of instruction, to be taken out of, or, as the case may be, in excess of the annual grant for Volunteer purposes.

4—That a copy of these resolutions be presented, with an humble address, to His Excellency the Governor, praying that he will be pleased to represent the wishes of the Legislature to Her Majesty's Secretary of State for the Colonies, and to move him to obtain the assent of Her Most Gracious Majesty to such an additional Land Regulation as may enable him to carry them into effect.

The hon. member said he had always taken a great interest in the volunteer movement, and it afforded him much pleasure to submit the motion for the consideration of the House. The Volunteer Force had been in existence in this colony for a period of 10 years, and notwithstanding the fact that no substantial inducement or reward had ever been offered or given to its members, they had taken a very lively interest in the movement, and he certainly thought the time had now arrived when some encouragement should be accorded to them. In his opinion it appeared very desirable that some steps should be taken to promote the discipline and efficiency