

Mr. STEERE contended that now was the time to raise the question of payment to jurors. The average annual sum paid to jurors in Perth, where most of the jury cases in the colony were tried, only amounted to £75 15s. 10d. and in Geraldton, the average for many years, was £49. Even in the present depressed financial condition of the colony the abolition of the payment of such small sums could not be justified on the ground of retrenchment. He would move an additional clause to the effect that jurors attending the Supreme Court of criminal sessions should receive payment for each day of their attendance.

The COLONIAL SECRETARY (Hon. F. P. Barlee) pointed out that there was no law at present in operation in the colony which legalized the payment of allowances to common jurors, but an arrangement was in existence under which it had of late been customary to grant certain allowances for refreshments and mileage. If it was the wish of the House that such an arrangement should continue in operation, he would offer no objection: but he thought that in the present state of the colony it would be imprudent to introduce a clause for the payment of all jurors in criminal cases. At no very distant date, he trusted when means of communication rendered travelling easier than at present, probably considerable alteration would be effected in the present mode of administering justice.

The SPEAKER maintained that it was very hard upon the poor man that he should be required to give his attendance at the sessions, and to serve his country, without payment, when he could not afford it. If the clause simply affected the rich, or those who could afford to attend without payment, he would say, by all means let them perform the duty which their country called upon them to discharge, without compensation or allowances. Not so, however, the poorer class of the population. Cases of great hardship had occurred under the existing arrangement and might again occur. He would move as an amendment upon the amendment of the hon. member for Wellington that all jurors attending the criminal sessions of the Supreme Court at Perth, and the costs of general sessions throughout the colony, should be entitled to receive compensation for their loss of time and expenses at and after the following rate:—for every day upon which a juror shall be in attendance the sum of five shillings *per diem*, and the sum of eightpence per mile of distance between the place of residence of such juror and the court where his attendance is demanded.

Mr. GULL cordially supported the amendment of the hon. member for Perth, (the Speaker).

The COLONIAL SECRETARY (Hon. F. P. Barlee) repudiated any intention of opposing the claims of the poor man advocated by the hon. member who had last spoken, but he would beg to call the attention of the House to the depressed financial state of the colony, and would ask whether, under existing circumstances, it was the wish of hon. members to increase rather than restrict public expenditure. The public funds would not meet any additional expenditure without increased taxation, and it was a question for the consideration of the House whether the colony should be taxed to benefit a few, or whether the public expenditure should be reduced so as to meet the revenue. He did not wish to resist the amendment before the House, but it was his duty, having some control over the finances of the colony, to call upon hon. members to pause before incurring any additional expenditure of the public funds.

Messrs. LOGUE, BROWN, and SHENTON supported the motion before the House, and Mr. MARMION suggested a compromise; but eventually the Speaker's amendment was affirmed.

Amendment agreed to.

Clause, as amended, agreed to.

The remaining clauses were agreed to, with some slight modifications.

Bill reported, with amendments.

The Council adjourned at 9.45 p.m.

LEGISLATIVE COUNCIL,

Monday, 31st July, 1871.

Papers Tabled—33rd Victoria, No. 9, Amendment Bill: leave to introduce—Estimates: in committee—Messages from the Governor, Nos. 1 and 2—Estimates: in committee.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

The Minutes were read and confirmed.

PAPERS TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid on the Table of the House a despatch from the Secretary of State for the Colonies to His Excellency Governor Weld, stating that Her Majesty had been pleased to confirm the Bill to amend the representation of the people and to alter the property qualification of members of the Legislative Council;

also a Bill relative to distressed Colonial seamen and a despatch with respect to immigration, the latter expressing on behalf of the Imperial Government an unfavorable opinion as to the expenditure of any further sums for the purpose of sending immigrants to Western Australia. The report of the Inspector of Post Offices to the Postmaster General on the re-organization of the Telegraph and Post Office Department was also tabled. He stated that no official reply had been received relative to the Thompson's road steamer, but private communications unfavorable to their adaptability for the colony were to hand by the mail.

33rd VICTORIA, No. 9, AMENDMENT BILL.

Leave to Introduce.

Mr. SHENTON, in accordance with notice, moved for leave to introduce a Bill to amend the 33rd Victoria No. 9, which relates to the issue of licenses.

The COLONIAL SECRETARY (Hon. F. P. Barlee) called the attention of the hon. member to Standing Order No. 67, which provides that when a Bill has been rejected by the Council, it is not competent for any member to introduce another measure analogous in its provisions during the same session. The question of granting gallon licenses had already been submitted to the House, and the Council had declined to affirm the general principles of a Bill dealing with the whole subject.

Mr. SHENTON contended that the Bill to which the hon. gentleman referred to having been withdrawn by the Government, and not rejected by the House, Standing Order No. 67, did not apply to it.

Mr. STEERE concurred.

After some further discussion,

Question put, "That leave be given to introduce the Bill," upon which a division was called for, the result being as follows:—

Ayes	8
Noes	9

Majority against	1
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Ayes.	Noes.
Mr. Carr	The Hon. M. Fraser
Mr. Steere	The Hon. R. J. Walcott
Mr. Drummond	Mr. Bussell
Mr. Logue	Mr. Phillips
Mr. Moore	Mr. Hassell
Mr. Gull	Mr. Marmion
Mr. Newman	Mr. Brown
Mr. Shenton (Teller.)	Mr. Monger
	The Hon. F. P. Barlee (Teller.)

Question thus negatived.

ESTIMATES.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Speaker do now leave the Chair.

Mr. NEWMAN called attention to the fact that in going through the return of revenue and expenditure since the year 1862, and assuming that at that time there was no surplus in the Treasury chest, he calculated that, up to the 31st June, 1871, the balance in the Treasurer's hand should be £4,844 3s. 8d., which was £2,000 in excess of the sum alleged by the Hon. the Colonial Secretary to be in hand, at the date of his submitting his financial statement.

The COLONIAL SECRETARY (Hon. F. P. Barlee) explained that when he introduced the Budget he was not in a position to state what was the precise amount in the hands of the Collectors of Revenue at Albany and Geraldton up to date, and that there were various sums in charge of heads of departments for the purpose of carrying on current expenditure, and also in the hands of the Crown Agents which were not included in the balance of £2,800 which he had stated to the House was the surplus in the Treasury chest at Perth at the date of his fiscal scheme. If any doubts existed in the mind of the hon. gentleman as to the accuracy of the financial statement, or as to the manner in which the Government accounts were kept, he was prepared to stake his existence that the balances given were accurate in every respect.

Mr. NEWMAN intimated his intention of bringing the matter before the House on the following day.

Question put and passed.

In Committee.

Item: *His Excellency the Governor*, £256 19s. 2d.

Item agreed to.

Item: *Legislative Council*, £325.

The SPEAKER proposed that the sum of £150, Speaker's salary, be struck out. He was perfectly willing, so far as he was concerned, to perform his duties as a member of the Council without any emolument, and in bringing his motion forward he was actuated only by a desire to accommodate himself to the opinions of the House.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the item be allowed to remain on the Estimates. From the observation that had fallen from the hon. gentleman on the occasion of the financial statement being submitted to the House, hon. members were

led to infer that, in the prospective scheme of possible reductions introduced by the Government, it was proposed to abolish the salary of the present Speaker. No such an object was in contemplation, and he had endeavored, clearly and distinctly, to impress upon hon. members the fact that the Government had neither the intention nor the wish to interfere with any existing office holder.

Item agreed to.

Item: Clerk of the Legislative Council, £100.

An animated discussion ensued, the SPEAKER warmly advocating an increase of £50 to the Clerk's salary, and the COLONIAL SECRETARY expressing a hope that, in the existing state of the colony, when no increase of salary was proposed for any public servant, the sum would be allowed to remain. If the public funds were in a more flourishing state, he would only be too happy that the salary of the Clerk of the Council should be increased. After some further consideration, the SPEAKER, at the expressed wish of the Clerk, withdrew his motion.

Item agreed to.

Progress reported, and leave obtained to sit again.

MESSAGES FROM THE GOVERNOR—

Nos. 1 and 2.

The SPEAKER announced the receipt of the following Messages from His Excellency the Governor:—

Convict Department:—

The Governor informs the Legislative Council that, having transmitted to Her Majesty's Secretary of State for the Colonies a resolution passed last Session by this Honorable House, to the effect, "that it would be advantageous both to the Imperial and Colonial Governments if by some "fair and equitable arrangement the Expenditure on Convict Account and the Control of the Convicts should be handed over to the Colonial Authorities," he is instructed to state, in reply, that Her Majesty's Government consider "that it is premature at present to deal with this question."

Government House, Perth, 31st July, 1871.

Exportation of Arms and Munitions of War Bill:—

The Governor has had under his consideration a Bill intituled "A Bill to prohibit the export of Arms and Munitions of War," which has passed your Honorable House. He observes that by Section

No 4 "all forfeitures recovered under this Act shall be paid into the hands of the Colonial Treasurer, and shall be divided, paid, and applied as follows; (that is to say) after deducting the charges of prosecution from the produce thereof, two-thirds to the Colonial Treasurer for the public use of the Colony, and one third part to the seizor, informer, and prosecutor."

The intention of the Legislative Council it would appear might be equally well carried out, and constitutional precedent more accurately adhered to, by the omission of the words "Colonial Treasurer" in the fourth Section and the insertion of the words "Her Majesty, Her Heirs and Successors," so that the Clause would stand thus—"two-thirds to Her Majesty, Her Heirs and "Successors, for the public use of the Colony."

The Governor therefore recommends this Amendment to the Legislative Council.

Government House, Perth, 31st July, 1871.

ESTIMATES.

In Committee.

Resumed debate.

Item: Colonial Secretary, £ 2,762.

A conversational debate ensued on the question of annual increase to clerks, Mr. STEERE moving that an address be presented to the Government that the usual *pro rata* increases be affirmed. Mr. GULL and Mr. BROWN supported the motion, and the COLONIAL SECRETARY, having pointed out the necessity of first providing funds to meet increased expenditure, expressed his readiness, on the part of the Government, to acquiesce in the resolution, provided the necessary funds would permit of its being carried out.

Item agreed to.

Item: Treasury, £ 400.

Mr. STEERE moved that the item Deputy Treasurer, Albany, £30 be struck out.

Mr. NEWMAN protested against the manner in which the Estimates had been compiled as regarded public servants holding a plurality of offices. It was impossible to arrive at the aggregate amount of salary received by officials who appeared under various departments of the service. He had raised the same objection last session, and he trusted that, in future Estimates, some other plan would be adopted.

The COLONIAL SECRETARY (Hon. F. P. Barlee) opposed the motion, and expressed a hope that it would not be pressed. That hon. members would be doing an injustice to a public servant who had accepted an office on distinct terms, who had just vacated an office in Perth to assume one at Albany; no sooner would he arrive there than he would find the promises made to him were broken. It would be impossible to get good men to enter the Public Service if faith was broken with them thus. There seemed, on the one hand, to be a desire to keep faith with public officers, even to promised increases of pay, but on the other hand, to break faith and to reduce an existing salary. He earnestly hoped the proposed motion would not be carried.

Amendment put, "That the Item 'Deputy Treasurer, Albany, 30' be struck out," upon which a division was called for, the result being as follows:—

Ayes 11
Noes 6

Majority for 5

Ayes.	Noes.
Mr. Steere	The Hon. M. Fraser
Mr. Shenton	The Hon. R. J. Walcott
Mr. Gull	Mr. Brown
Mr. Drummond	Mr. Marmion
The Speaker	Mr. Phillips
Mr. Legge	The Hon. F. P. Barlee
Mr. Monger	(Teller.)
Mr. Hassell	
Mr. Russell	
Mr. Moore	
Mr. Newman (Teller.)	

Amendment thus passed.

The COLONIAL SECRETARY (Hon. F. P. Barlee) explained that when he consented on the part of His Excellency the Governor, to approve of the proposed resolution that the usual annual increase of pay to clerks and messengers be adopted, he did so on the distinct understanding that perfect faith would be kept with all existing office holders, but after the manner in which the House had divided on the present Vote, he begged leave to retract what he had stated on the occasion of the discussion on the proposed increase to clerks.

Item, as amended, agreed to.

Item: Auditor General, £650.

Item agreed to.

Item: Registry Office, £155.

A short conversation took place with regard to the item Registrar of Brands, Mr. NEWMAN proposing that it be disallowed, but after some explanations, which were pronounced satisfactory, from the ATTORNEY

GENERAL and the SURVEYOR GENERAL, the motion was withdrawn.

Item agreed to.

Item: Surveyor General, £5,000.

Item: Geological Department, £675.

Item: Office of Works, £717 12s.

Items agreed to.

Item: Customs Department, £2,102.

Mr. NEWMAN moved that the sum of £220 for the services of second-class clerk at Fremantle, be increased to £250.

The COLONIAL SECRETARY (Hon. F. P. Barlee) deprecated any proposed increase of pay to one official more than another.

After a brief discussion, the matter lapsed.

Mr. SHENTON moved that the salary of the Sub-Collector of Customs at Albany be reduced by £50. He saw no reason why his pay should be more than that of the officer performing the same duties in the Victoria district.

Amendment put, "That the Item 'Sub-Collector of Customs, Albany, £100' be reduced by £50," upon which a division was called for, the result being as follows:—

Ayes 6
Noes 11

Majority against 5

Ayes.	Noes.
Mr. Newman	The Hon. M. Fraser
Mr. Monger	The Hon. R. J. Walcott
Mr. Steere	Mr. Phillips
Mr. Hassell	Mr. Marmion
Mr. Legge	Mr. Drummond
Mr. Shenton (Teller.)	Mr. Moore
	Mr. Russell
	Mr. Brown
	The Speaker
	Mr. Gull
	The Hon. F. P. Barlee
	(Teller.)

Amendment thus negatived.

Item agreed to.

Item: Postal and Telegraph Department, £9,204.

Mr. STEERE moved that the consideration of this item be postponed until the conclusion of the Estimates and the consideration of the report of the inspector on its re-organization.

Question put and passed.

Item: Harbor and Light Department, £2,990.

Item: Administration of Justice, £8,025.

Item: Medical Department, £3,489 5s.

Item: Police Department, £20,266 10s.

Item: Gaols, £2,780.

Item: Rottnest Penal Establishment, £1,707 10s.

Items agreed to.

Item: Government Printing Department, £999 18s.

The COLONIAL SECRETARY (Hon. F. P. Barlee) pointed out the great increase of work in connection with the Printing Department, and warmly urged the claims of the Government Printer to an augmentation of salary. In the present financial state of the colony, however, the consideration of the question would have to be postponed.

Item agreed to.

Item: Inspectors of Sheep, £1,200.

Mr. LOGUE: moved that the voting on this item be postponed, and referred to his introduction of a Bill at an earlier sitting to amend the Scab-in-Sheep Ordinance, which, if adopted, would affect the Votes for this service.

Question put and passed.

Item: Education, £6,181.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved the postponement of the Votes for educational purposes until the Bill dealing with education, now before the House, had been considered in Committee.

Question put and passed.

Item: Poor House and Charitable Allowances, £3,337.

Item: Immigration, £500.

Item: Pensions, £1,722.

Item: Ecclesiastical, £3,543.

Item: Works and Buildings, £2,550.

Item: Roads and Bridges, £8,000.

Items agreed to.

Progress reported, and leave obtained to sit again.

The Council adjourned at 9.30 p.m.

LEGISLATIVE COUNCIL,

Tuesday, 1st August, 1871.

Question of Privilege—Electro-Magnetic Telegraph Company Limited—Import Duty on Flour: petition—28th Victoria, No. 2, Amendment Bill: first reading—Estimates: Address to His Excellency the Governor—Import Duty on Flour and Meal: in committee—Rockingham Timber Company Petition: in committee—Superannuation Bill: recommitment: third reading—Juries Amendment Bill: third reading—Public Works: in committee—Exportation of Arms and Munitions of War Bill: Message from the Governor, No. 2.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

The Minutes were read and confirmed.

QUESTION OF PRIVILEGE.

The COLONIAL SECRETARY (Hon. F. P. Barlee) brought under the notice of the House that on a division yesterday strangers were not ordered to withdraw from the body of the House, pursuant to Standing Order No. 9.

The SPEAKER informed the House that for the future he should require all strangers to withdraw, unless otherwise requested by the House.

ELECTRO-MAGNETIC TELEGRAPH COMPANY LIMITED.

Mr. SHENTON moved that a letter addressed to him relative to the telegraph plant about to be imported into the colony be received and read.

Question put and passed.

Letter read.

IMPORT DUTY ON FLOUR: PETITION.

Mr. LOGUE presented a petition, signed by 52 colonists in the Victoria district, praying that flour be erased from the free list, and be subject to an import duty.

The petition was received and ordered to be read.

28th VICTORIA, No. 2, AMENDMENT BILL.

First Reading.

Mr. SHENTON, in accordance with notice, moved for leave to introduce a Bill to amend the 28th Victoria No. 2.

The Bill was read a first time.