

"district under the provisions of the said Act during the year previous to any election."

The Committee divided, with the following result—

Ayes	8
Noes	8

Ayes.	Noes.
The Hon. G. W. Leake	Mr. Brown
Mr. Burges	Mr. Crowther
Mr. Burt	Mr. Grant
Mr. Carey	Mr. Hamersley
Mr. Higham	Mr. S. S. Parker
Mr. Randell	Mr. Shenton
Mr. Stone	Mr. Venn
Mr. Marmion (Teller.)	Mr. Steere (Teller.)

There being an equal number for and against the motion,

THE CHAIRMAN OF COMMITTEES gave his casting vote with the Noes. He did so because he considered that the clause if adopted would prove entirely inoperative, for he did not think that members possessing only a small amount of property were any more likely to tax their property than were those members who were now elected to seats on the Boards.

The clause was therefore rejected.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved, That the following new clause be added to the Bill:—"And whereas many roads of the Colony have been publicly notified in the *Government Gazette* as Main and Minor roads, notwithstanding that the time within which such roads ought to have been so gazetted under the provisions of 'The District Roads Act, 1871,' had elapsed, be it enacted that all roads which have at any time since the passing of the said Act been publicly notified in the *Government Gazette* as Main or Minor roads shall be deemed and taken to be respectively Main and Minor roads within the meaning of the said Act."

The clause was agreed to without discussion.

Bill reported.

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

LEGISLATIVE COUNCIL,

Monday, 23rd August, 1880.

Personal Explanation—Cost of Working the Department of Works and Railways—Warehouse Accommodation at Fremantle—Colonial Secretary's and Works Departments: Inquiry into—Ecclesiastical Grant: Obligations of the Government—Hospital accommodation at the Williams—Warehouse Accommodation on Vasse Jetty—Public Lands held by Government Officers: Despatches relative thereto—Jury Act, 1871, Amendment Bill: further considered in committee—Destructive Insects and Substances Bill: re-committed—Supreme Court Bill: further considered in committee—Adjournment.

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

PRAYERS.

PERSONAL EXPLANATION.

MR. STEERE: Sir—I rise in explanation of an occurrence that took place here on Wednesday evening, on the occasion of the adjournment of the House, in the absence of the hon. gentlemen who occupy seats on the Government benches. I understand that the leader of the Government in the House feels himself somewhat aggrieved in consequence of what was said on the occasion, and he stated to me the following day that he thought I ought to have mentioned that, before he left, the hon. gentleman had asked me to move the adjournment of the House. I am free to confess that when I spoke on the subject, I certainly forgot that the hon. gentleman did so ask me, but the occurrence had entirely escaped my recollection until he reminded me of it on the following day. The fact of the matter was, when the hon. gentleman mentioned the subject to me in the House, I was considerably interested in the debate that was going on at the time, and although I am perfectly ready now to make this explanation, still I cannot but think that the conduct of the official members in quitting their seats, and in leaving the Government virtually unrepresented in the House when a Government measure was under discussion, was very culpable conduct, showing very little respect indeed towards the members of this House.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) was glad to hear the explanation made by the hon. mem-

ber, which, in point of candour and straightforwardness, was characteristic of the hon. gentleman, and such as every one would have expected from him under the circumstances.

THE WORKS AND RAILWAYS DEPARTMENT—COST OF WORKING.

MR. CAREY, in accordance with notice, moved, "That the House do now resolve itself into a Committee of the whole, to consider the returns laid on the Table by the Colonial Secretary, showing the salary, allowances, etc., of all officers connected with the Works and Railways Department, also the report of the Director of Public Works for the past year, together with other returns from the same office."

Agreed to.

IN COMMITTEE.

MR. CAREY said that when he gave notice of his intention to move in this matter he was not aware that it was in contemplation to move for a Select Committee to inquire into the expenditure connected with the department referred to; but as the hon. member for Swan had since given notice of his intention to move for the appointment of such Committee, his (Mr. Carey's) statement on the present occasion would consequently be a much shorter one than it would otherwise have been. In the first place, he would draw the attention of the Committee to the return laid upon the Table the other day showing the salary and allowances of the officers connected with the department during the past five or six months. It commenced with the Director of Public Works, with a salary of £600 a year, and travelling allowances for the past six months amounting to £23 7s. 8d. Next came the Engineer, with a salary of £400, and expenses amounting (at the average of the past six months) to £110 12s. 2d., in addition to which he was supplied with a horse, which was not only furnished by the Government but also maintained at the public expense, which, estimated at 5s. a day, gave a total yearly expenditure in connection with this particular officer of £596. Then came the Inspector of Bridges, with a salary of £150 a year. This was set down as a temporary appointment, but there was no

knowing how soon it would develop into a permanent one. At any rate, here were three officials, at an expenditure (in salaries and allowances alone) amounting to £1,370 a year, employed to look after the construction of a line of railway twenty miles in length. This was altogether independent of clerks on the ordinary staff of the department. First came the Clerk of Works, with a salary of £350 a year and £50 for forage, in addition to which—calculating his travelling allowances on the same scale as the other officials referred to—a further sum of about £90 had to be taken into consideration, making a total for this officer of £489 12s. 4d. Then came a Chief Clerk at £250 a year, and an Accountant at the same salary. With regard to this Accountant, he was sure all hon. members would agree with him that there could be no real necessity as yet for such an official in connection with our Railway Department. Regard being had to the much greater expenditure connected with many other departments of the Public Service, they might with equal reason employ an Accountant in connection with each and all of those departments. There was also a Draftsman at £110 a year, and an Assistant Clerk at £90; also another Draftsman, more fortunate than the other one, in the receipt of £150 a year, and, finally, a Foreman of Works, with a salary of £150. The total amount of salaries and allowances paid to the officers connected with the department, calculated at the rate furnished in the returns, amounted to the enormous sum of £2,895 12s. 4d. In addition to this there was the Superintendent of Roads, who, though paid out of the Road Loan, was, in reality, an officer connected with this department. That gentleman received £350 a year, with forage for two horses—say 10s. a day, or £182 10s. a year—and also 15s. a day travelling allowance, in addition to other expenses. In fact, the cost of this officer to the Colony, judging by his expenses up to the present, could not be less than about £800 per annum. This would bring the expenditure of the department under review up to £3,695 a year in salaries and allowances alone; and all for what? For carrying out works that certainly were not of the same extent as those carried out some few years

ago by the Imperial Government, under the superintendence of two Clerks of Works—Mr. Manning and Mr. Jewell, who drew very little indeed from this Colony, and, even with their Imperial pay, were infinitely less expensive servants than the officials now employed in the department. Yet no one would hazard the opinion that the work was not quite as well done, if not better done, in those days. He would say no more with reference to the present enormous cost of the department, but would invite the attention of hon. members to some of the works carried out under the supervision of this very expensive staff. There was the Northampton railway station for instance. The estimated cost of that building, which was also to combine the necessary accommodation for a post office and telegraph office, was £400, as furnished to that House by the Director of Works. But what did they find now? Why, that instead of costing £400, it had involved an expenditure of four times that amount (£1,685), and an additional sum of £1,078 for an engine shed—total, £2,763, instead of £400, the estimate furnished by the head of that department. Yet no reason whatever had been given for the discrepancy by the Director in his report. He might also mention the Fairlie engines, and also the turn-table (which had cost £600) now on its way to Geraldton. Hon. members were well aware that no turn-table was required for the Fairlie engines, yet the department must send it up to Champion Bay, where it can never be of any use. The engines, too, were (so it was said) laid up in ordinary, because they were of too wide a gauge to admit their coming up to the platform, or of their travelling through the cuttings on the line, which were all too narrow for them. It might be that to widen the cuttings and the platform so as to accommodate these engines would not cost thousands of pounds, but it certainly would involve a further expenditure of many hundreds. Surely all this ought to have been looked into before the engines were sent for, instead of our having to pay for all these “extras” on this truly “unhappy” line. The same sort of thing had, it appeared, already commenced on the Eastern Railway, and he understood that £500 extra had, at this early stage of the work, been

added to the original estimate of the railway station at Perth, which, if it went on at the same rate as the Northampton station, would, before it was finished, cost the country about £5,000. All this was a very serious matter for a poor Colony like this, struggling against financial difficulties as we were at present. As an illustration of the extremely expeditious manner in which the department performed its work, he might mention that when Governor Ord was in Bunbury in October last, His Excellency gave permission for a party of local prisoners to be employed upon the streets of the town, and said he would cause to be sent down the necessary tools for them to work with, on his return to Perth. This was in October. The tools were sent down just before he left Bunbury to attend this Session, in July, so that it took the department nine or ten months to carry out His Excellency’s instructions, as to supplying these few tools. The Director of Public Works in his report—referring to what had been said regarding the extravagant expenditure in the first cost of the Champion Bay line, asserted that there had not been a railway in the world, of the same gauge, made at so low a mileage rate. Now, similar gauged lines were in vogue in Queensland, and, on reference to the cost of construction, he found that a line of that gauge between Brisbane and Sandgate only cost £4,000 per mile, which was over £300 a mile less than our Northern line. Other lines in Queensland, of the same gauge, had been constructed for £2,500 a mile. He therefore failed to see how the Director of Works could claim for the Champion Bay line the merit of being the cheapest line in the world. In view of the appointment of a Select Committee to inquire into the expenditure connected with the department, he would say no more at present. He thought he had said quite enough to show that some such inquiry was necessary. He would now move, *pro formâ*, “That in the opinion of “this Council the staff of the Works “and Railways Department is in excess of “the requirements of the Colony.” It was his intention to have moved a resolution more severely condemnatory of the system pursued in the department, but he would refrain from doing so, under the circumstances.

Mr. HIGHAM seconded the motion.

Mr. BROWN thought the thanks of the House were due to the hon. member for drawing attention to the subject. Whether the allegations he had made against the department were strictly accurate or not, he (Mr. Brown) did not know, nor did he think that the hon. member himself professed to know. But it was well known that a general feeling of dissatisfaction existed with reference to the department in question, and, under that circumstance, he thought it was well that the attention of the Government should be drawn to it. He thought the Government could not feel otherwise than grateful to the hon. member for affording them an opportunity of refuting the allegations which had been made against the department. If the Colonial Secretary was prepared to reply to those charges that evening, perhaps it would be as well that he should do so. If not, probably it would be expedient to adjourn the debate.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said some hon. members really seemed to think that the leader of the Government in that House was a walking encyclopædia of general knowledge. He was prepared to admit that, in a good deal of what had fallen from the hon. member for the Vasse on the subject, there was much deserving the attention of the House; but as to the expenditure connected with the Works Department, and its proportion to the cost of the staff, he thought if hon. members would apply the same test to this question as they would to works undertaken outside Government control, they would find that the cost of superintendence compared with the expenditure involved upon the works undertaken by the department, was by no means out of proportion. From papers now before him, he found that the expenditure upon public works, undertaken in connection with this department, during the past half year, amounted to £26,709, and that the cost of the staff employed to superintend and control that expenditure had been £1,397 (being at the rate of about five per cent.), which, bearing in mind that it embraced architect's fees and other charges of a like nature, could not be regarded as extravagant—as any hon. member who had had any experience

in building operations, or in contract work, could testify. In addition to this expenditure, it should also be borne in mind that a great deal of other work had been laid out by the department, to be carried out during the next few months. He did not think that, under these circumstances, it could fairly be said that the cost of the staff of this department was in any way disproportionate to the extent and the importance of the works undertaken by it, and the expenditure under its control. Of course, they all knew that persons employed to do work for the Government did not always carry out their work in the way they ought to do. He did not mean to say that this observation applied in this instance. Hon. members who had spoken on the subject seemed to have been prompted in this matter by outside rumours; he hoped the House was not going to listen to, and be guided in its actions by, every idle rumour which hon. members might hear outside, but wait until they were furnished with reliable facts. He himself had heard a great many rumours about the Fairlie engines referred to by the hon. member, but the rumours seemed to him so absurd that he had paid no attention to them. But after the serious view taken of this outside talk by members that evening, he felt bound to make some inquiry into the matter, and he hoped to be in a position to enlighten the House with respect to this as well as the other allegations brought forward against the department. He had not come there that night prepared to do so, and he thought, in view of the motion which was about to be made for the appointment of a Select Committee to inquire into the expenditure connected with the department, the hon. member's motion was, to say the least of it, inopportune.

Mr. STEERE felt bound to say, in justice to the hon. member for the Vasse, that when that hon. member gave notice of his intention to draw the attention of the House to this matter, the idea of moving for a Select Committee had not been conceived. The hon. member, therefore, could not be blamed for his action in the matter. He (Mr. Steere) thought, like a great many others, the hon. member was under an impression that there had been very excessive expenditure in

connection with this department, and viewing the subject in that light the hon. member was quite right in bringing it under the notice of the House. He (Mr. Steere) would be very glad indeed if the information sought for were furnished. The matters referred to by the hon. member for the Vasse were not altogether the same as those which the Select Committee would have to inquire into. The Committee would merely inquire into the proposed expenditure connected with the department for the year 1881; it was not intended that it should institute any inquiry as to past expenditure, and a great deal of what the hon. member for the Vasse had mentioned referred to expenditure already incurred. He hoped, however, the hon. member would consent to move the adjournment of the debate on his motion until the Select Committee was appointed.

MR. SHENTON thought it would be much better to report Progress at this stage, rather than continue a profitless debate, so as to afford the Colonial Secretary time to supply the House with the information sought by the hon. member for the Vasse in explanation of the items he had referred to.

MR. CAREY said he no objection to Progress being reported, but before doing so he would like to say a word with reference to a statement that had fallen from the Colonial Secretary, who alleged that the cost of superintending the expenditure connected with the Works Department did not amount to more than about five per cent. of the expenditure incurred upon works and buildings. It was difficult to reconcile that statement with the figures placed upon the Table by the hon. gentleman himself, from which it appeared that the percentage was nearer twenty per cent. than five. As it appeared to be the wish of the House that the debate should be adjourned, he would now move that Progress be reported, and leave given to sit again on the 26th August.

Agreed to.

WAREHOUSE ACCOMMODATION AT FREMANTLE.

MR. HIGHAM, in accordance with notice, moved, "That the House resolve itself into a Committee of the whole

"Council, to consider the desirability of moving an address to His Excellency, praying that he will be pleased to place a sufficient sum on the Estimates to cover the cost of the erection of extra platforms and covered sheds, urgently required for the reception and protection of merchandise landed at, and shipped from, the South Jetty, Fremantle."

SIR T. COCKBURN-CAMPBELL said he would like to say a few words before the House agreed to go into Committee to consider this question. If he could find any support, he should vote against the presentation of this address,—not but that he was perfectly willing to admit the necessity there existed for providing improved accommodation of the character referred to at Fremantle; but he did think the House, under existing circumstances, ought to put a stop to these resolutions for the expenditure of money upon works of minor importance. They had had two or three already, one for a jetty at Port Condon, and another for providing warehouse accommodation at Bunbury,—both, no doubt, very necessary works—and there were several more looming on the notice paper. If they went on at this rate, he himself would feel constrained to move in the same direction, in the interests of his own district, where improved jetty accommodation was urgently required. He did not mean to say that the proposed improvements were not urgently required at Fremantle, and that the matter was one merely of local rather than of general utility; but it appeared to him that, at the present moment, there were two particular objects, which above all others should engage the attention of the House. One was to clear off the financial deficit at as early a date as possible—a proposal that must commend itself to everyone. And he believed the great majority also wished to see the Eastern Railway extended Eastward. But how they could possibly hope to accomplish these objects, without at the same time exercising a severe and strict economy, he failed to see. Hon. members might say that if they agreed to the motion for this address being presented they would not therefore be pledged to support the resolution in Committee of Supply; but it did seem to him extremely illogical

to vote for these addresses now, when at the same time hon. members had a distinct intention of opposing the votes when placed on the Estimates. Not only that,—it appeared to him unfair towards those members who were anxious above all things to refrain, at the present juncture, from all expenditure beyond that involved in the extension of works already undertaken. They all knew that most constituencies thought a great deal more of what their representatives did for their own district than of their action in matters of general policy, their criterion of a good member being the extent of the grant out of public funds which he secured for local purposes. But this view of the value of a representative operated very unfairly in the case of those members who, at the risk of sacrificing their popularity in their own districts, refrained from putting forward local claims in view of greater and more urgent claims of a more important character. He would urge upon hon. members, that before bringing forward these addresses they should wait until the Estimates of Expenditure were gone through—not until they had been finally passed, but until the House was in a position to see what funds would be available for these and other purposes, after provision had been made for those public works which the country had set its heart upon.

THE SPEAKER then put the question—"That I do now leave the Chair"—which was negatived, on the voices, before Mr. Marmion, who was in the act of rising to speak, caught the Speaker's eye.

MR. CAREY thereupon moved the adjournment of the House, in order to enable hon. members a further opportunity of speaking on the subject of the resolution submitted by Mr. Higham.

MR. STONE said he was glad such an opportunity had been afforded hon. members. He thought that nothing could be more disastrous to the Colony than that the views put forward by the hon. member for Plantagenet should be accepted by the House, namely, that works of local necessity and importance were not to be undertaken because the present state of our finances was such as required the exercise of the strictest economy. The hon. baronet was somewhat inconsistent, for while in one breath he deprecated any expenditure of the

public funds upon works of local necessity, on the ground of the need which existed for exercising the most rigid economy, in another breath the hon. gentleman expressed his anxiety for going on with the railway extension. He (Mr. Stone) thought, if all local works were to be thrown aside in order that we might go on with the Eastern Railway, a very great injury would be done to the Colony.

MR. MARMION said he would have been sorry if the forms of the House had precluded him from addressing it, with reference to the subject of the resolution put forward by his hon. colleague—a subject which some members might not regard of any importance, but which, in reality, was one of great importance, not only as regards his own constituents, but also as regards the Colony generally. It must be borne in mind that Fremantle was the principal port of the Colony—that four-fifths of the entire imports of the Colony were landed there, and from three to four-fifths of its exports shipped there; so that the works contemplated in the resolution, which had unfortunately met with an untimely fate, were in reality works of importance, not to Fremantle alone, but to the public generally. They might as well say that harbor accommodation was a work of purely local importance. The hon. member for Albany seemed to have lost sight of the fact that for some years past the Colony had received something like £650 annually, for renting the jetty dues at Fremantle—a sum that represented the interest upon £14,000 or £15,000; and, that in consideration of this alone, the town might fairly claim a share of public money to provide the necessary accommodation and protection for goods landed there. As to the idea of our not being able to afford any local works while proposing to extend the railway to the Eastern Districts, he thought it would do us more harm than anything if it went forth to the world that, in order to enable us to construct this railway, we were obliged to stop every other public work in the Colony. He did not think there was any such necessity.

MR. BROWN was at a loss to understand why the hon. member Mr. Stone, and the hon. member for Fremantle,

should allege that there was any desire to set aside all public works of minor importance in order to enable us to construct a railway. There was no ground for such an allegation in anything that had fallen from the hon. member for Plantagenet, who had merely expressed his intention of opposing the motion to go into Committee to consider the question of warehouse accommodation at Fremantle that evening. He (Mr. Brown) was quite of the same opinion as the hon. member for Fremantle, that the Colony was perfectly well able to undertake other works of necessity and importance, besides the proposed railway extension. What the hon. baronet who had opposed the motion to go into Committee had said was, that, until the House knew how they were going to raise the money for the purpose of railway construction, hon. members should refrain from putting forward the local claims of their respective districts. The hon. member distinctly stated that he recognised the necessity for providing improved warehouse accommodation at Fremantle, and that he did not regard such a work as one of merely local interest; but that it would be better to wait before deciding upon this and other minor works until they ascertained their true position as regards their ability to provide ways and means for the one great work which the public had set its heart upon. In that, he most cordially agreed with the hon. baronet. Everyone who had visited Fremantle must acknowledge the necessity for improved and increased warehouse accommodation; but Fremantle was not singular in that respect. Geraldton was still worse off. They had some accommodation at Fremantle, but they had none at all at Geraldton; and the people of Fremantle had this advantage over the inhabitants of the other ports—they had a greater command of labor available for loading and discharging vessels with expedition. In view, however, of the admitted necessity for improved warehouse accommodation at the principal port of the Colony, he would be happy, when the proper time came, to support a motion of the nature of that now standing in the name of the hon. member for Fremantle, providing he found there was a desire on the part of hon. members generally to

accept the responsibility of providing the necessary ways and means for carrying out this and other works of necessity. As a rule, that responsibility was not as readily accepted as was the responsibility of asking that the works should be undertaken and the expenditure incurred. He quite agreed with the hon. member for Albany that, as a rule, the members who got the most for their district were considered the best sort of representatives; but, until he knew where the money was to come from to carry out these local works, he would run the risk of being regarded as an unpopular member, by voting against such addresses as that proposed to be adopted by the hon. member for Fremantle.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said they had been told the other day by the leader of the elected members that the mere fact of hon. members supporting these addresses did not pledge them to vote the money when the Estimates came under consideration. What, then, was the use of wasting any further time in a profitless discussion like this. He did not agree with what had been said by the leader of the elected members on that occasion, and he thought the House ought to decide, one way or the other, whether such works as these should be undertaken, and, if they decided in the affirmative, he thought they were bound thereafter to find the ways and means to carry them out. Otherwise they placed upon the shoulders of His Excellency the Governor a very invidious duty, and such action was hardly consistent with the dignity of the House.

SIR T. COCKBURN-CAMPBELL said he had intended from the first to oppose these addresses for money, and to have acted towards them as he had done in the present instance. He regretted now that he had not done so. The reason which had impelled him to do so now, was the fact that there was a tremendous lot more of these motions coming forward, and he knew, if one was passed, every member would consider it his duty, and indeed it would be their duty, to bring forward similar resolutions affecting their own districts. If one member was justified in doing so, others would be equally justified; but,

regard being had to the financial problem awaiting their solution, he thought it would be wise and prudent on their part to refrain from further complicating the situation by incurring further expenditure until that problem was solved.

MR. S. H. PARKER said, whatever other constituencies had done in the way of inducing their representatives to go in for a share of the loaves and fishes, he felt bound to say, in justice to the constituency which he had the honor to represent, that he had never been requested by any of his constituents to ask for anything from public funds. This was not because they had no claim upon the consideration of the Government. One section of his constituents, the inhabitants of Wanneroo, although one of the suburbs of the metropolis, had neither postal nor telegraph communication extended to them. At Perth they had no warehouse accommodation whatever on their jetty; goods and merchandise were exposed to all weathers, without the slightest protection. They had some sort of accommodation at Fremantle, but at Perth they had none at all. It might be said that the jetty at Perth was a purely local institution, but he would point out that this same jetty afforded accommodation for all the goods and produce and merchandise that went to and came from the Eastern Districts. He had refrained from asking for any assistance from public funds for such works as these, simply because he did not think they were matters of such pressing necessity that, in the present financial condition of the Colony, they would not stand over for the present. In former years a sum of £100 was always placed on the Estimates for improving the navigation of the Canning River; but he noticed that there was no such vote for next year. Yet surely this was a work of as great a necessity and importance as providing platform accommodation at Fremantle. But his constituents did not, under the circumstances, protest, or clamour for the continuance of the vote. The constituents of Perth, he was glad to say, left these matters in the hands of their representatives, and he, for one, was proud to represent such a constituency.

MR. HIGHAM said so much time had been taken up in discussing the subject,

that he would refrain from further trespassing on the patience of the House. The hon. member for Perth had, with his usual sarcasm, sought to turn the whole matter into ridicule [MR. PARKER: No, no.] The hon. member said, "No, no," but he (Mr. Higham) said "Yes, yes." He had not brought forward this motion at the expressed wish of his constituents, but because, in his opinion, it was a work of pressing necessity, and also because he considered that the inhabitants of Fremantle had paid for it long ago. Moreover, it was a reproductive work, and the Government had promised the residents of the port that it should be done. The promise was made in Governor Ord's time, but it had not yet been fulfilled. When he brought forward the subject the other day, he was advised to postpone it, and bring it forward again in the form in which he had done that evening. He found, however, that he could not proceed with it now, but, if the forms of the House would admit of his bringing it forward again, he would certainly do so.

Question—That the Speaker do now leave the Chair—put and negatived.

INQUIRY INTO COLONIAL SECRETARY'S AND PUBLIC WORKS DEPARTMENTS.

MR. STEERE, in accordance with notice, moved, "That a Select Committee be appointed to inquire into the proposed expenditure for the year 1881, in the Colonial Secretary's Department and in the Public Works Department." It was the opinion of many hon. members, besides himself, that it was highly desirable, before entering upon the consideration of the Estimates, that some inquiry should be made into the proposed expenditure in connection with these departments, otherwise the House, in the exercise of too severe economy, might make such reductions as they would afterwards be sorry for, and which the departments concerned might allege had impaired their efficiency.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said it was not customary, nor in accordance with Parliamentary usage, to ask for a Select Committee to consider departmental questions of this character, more especially when the Government itself had

never been asked to institute any inquiry into the working of the departments. He did not mean to say that on this occasion the Government was going to oppose the motion of the hon. member for the Swan, but he would say this—whatever was done by the Government in this instance must not be regarded as a precedent. In order to show what Parliamentary usage with respect to these matters was, he would read to the House an extract from *Todd* on "Parliamentary Government," showing the practice in the appointment of Select Committees to inquire into administrative questions: "Reference has already been made" (*Todd* says) "to the practice, which has been adopted of late years with increasing frequency, of appointing Select Committees of the House of Commons, or of the Lords, to take evidence, and report upon important public questions. Those questions sometimes relate to matters which are strictly within the province of the Executive Government to determine; and it may be doubted whether the tendency of this practice is not to shift the labour and responsibility of administrative reforms more and more from those to whom it properly belongs; and to increase, in equal proportion, the power and influence of the House of Commons in details of Government. When restricted in their inquiries within constitutional limits, such Committees are often very serviceable, in bringing members to a common agreement upon great public questions, upon which legislation, founded upon an impartial investigation of facts, is necessary." That was not the case here. There was no great public question upon which legislation was necessary, but merely an inquiry into the details of the working of a department, and that, too, before it had been ascertained, by reference to the Government, whether, if any evils existed, a remedy could not be applied without reference to a Select Committee of the Legislature. In a footnote to the passage he had read from *Todd*, was an extract, apropos of the subject under consideration, from a speech delivered by the Chancellor of the Exchequer, who says: "As a general rule, Parliament should not be called upon to appoint committees of inquiry

"into matters of administration, until application has been made to the department concerned to redress the grievance complained of. If no remedy could be thus obtained, it would be proper to appeal to the House." As he had already said, he did not intend opposing the motion, but he did trust that, in acceding to the terms of the resolution, it would not be taken as establishing a precedent for the appointment of such Committees hereafter. It should be distinctly understood that departmental inquiries of this nature properly belonged to a Royal Commission, or to the Executive Government, and not to Select Committees of the House.

Mr. BROWN said there was no necessity for establishing a precedent. A precedent already existed. Hardly a Session passed over without a similar motion being adopted and acted upon. He did not think the resolution was one that came withing the meaning of the extract quoted from *Todd*, for surely it would not be denied that it was within the legitimate province of the House to do what was here contemplated. If they proposed to inquire into the competency or incompetency of the officers of the departments in question, with a view to their removal, it might then be argued with some show of reason that the House was exceeding its legitimate functions; but no such interference with departmental details was contemplated. All that the Select Committee would have to do was to inquire whether the House would be justified in voting the appropriations asked for, in connection with the departments referred to, for the ensuing year. The object in view was to serve the public interests, as well as to strengthen the hands of the Government, and there could be no ground for saying that the House was travelling beyond its legitimate province in doing so.

Mr. STONE said there could be no doubt whatever that the House had a perfect right to inquire into the administration of every department connected with the Government; at the same time, there was a constitutional way of proceeding with such inquiries; and although he was glad to find that the Government did not intend to oppose this resolution—for he thought there was

nothing more likely to make a Government odious than an endeavour to stifle inquiries, and thus give the public reason to think that there was something wrong, that would not bear investigation—at the same time, he quite agreed with what the Colonial Secretary had said with reference to the course that should have been adopted. In connection with this matter, he could not help alluding to the way in which the Government had been twitted by some hon. members with delaying the business of the Session; on the contrary, it appeared to him that if there was any unnecessary delay, hon. members had themselves to blame. The House had been in Session now for a considerable time, and hon. members were pretty well aware what the Estimates would be, and yet no steps had been taken before now—when the Estimates were ready for being discussed—to appoint a Committee to inquire into the expenditure connected with these departments. The Colonial Secretary had supported his position by a reference to *Todd* on “Parliamentary Government;” he (Mr. Stone) should like to claim the indulgence of the House while he read an extract from speeches delivered by two prominent English statesmen,—Lord Beaconsfield and Mr. Cobden. The former, in the course of a speech delivered in the House of Commons on a motion for the appointment of a Select Committee on the Board of Admiralty, in 1860, said: “If there are deficiencies in any department, it is for the Ministers of the Crown to supply that deficiency.” (He would here remind hon. members that Mr. Disraeli when he made this speech was a member of the Opposition.) “If there are errors, it is for Ministers to correct those errors. It is for them to revise and improve the various branches of the Administration. If the House of Commons has a strong opinion, founded on the facts in its possession, that any branch requires attention, then the constitutional and proper course for hon. members to pursue is, not to demand a Committee of inquiry, but to move a resolution on the subject. . . . Therefore it is clear to me that if the House believes—as I do not believe—that an inquiry is necessary, the proper instrument of which we

“should have availed ourselves would have been a Royal Commission and not a Select Committee.” Mr. Cobden, again, in moving certain resolutions in regard to the extension of the Government manufacturing establishments (in 1864), said: “The result of my experience is that there is little use in the House undertaking, by Committees, to correct the failures of the Executive Government. By interfering in the management of the details of the Government, you infallibly do more harm than good. You lower the Executive in the estimation of the Government officials; and you attempt what is impossible, for the departments laugh at the idea of Parliament superintending the details of the Administration. Moreover, the Government, by allowing Parliament to attempt to control their details, virtually abandons its own duties and responsibilities. My view is, that the House can interfere with great advantage in prescribing the principles on which the Executive Government shall be carried on, but beyond that it is impossible for the Legislature to interfere, with advantage, in the details of the Administration of the country.” He commended these statements to the consideration of the House. It appeared to him that if this Select Committee moved for was going to do any good at all, it must inquire into the details or the working of the departments in question, and that clearly was an interference with the functions of the Executive Government.

SIR T. COCKBURN-CAMPBELL said it appeared to him that this conversational discussion on Parliamentary privileges was outside the question entirely. So far as he was aware, the reason why this Select Committee was moved for was merely to furnish the House with information as to the proposed expenditure for the ensuing year in connection with the departments referred to, which information could not well be otherwise obtained. No one doubted what the hon. member Mr. Stone had said, that it would be absurd for Select Committees of the House to interfere with the details of the working of public departments; but the question here was, whether they should reduce the expenditure connected with certain de-

partments haphazardly, in the dark, or whether they should be guided in what they did by such information as the proposed Select Committee would be able to furnish the House with.

MR. CAREY said, if the Colonial Secretary, instead of reading *Todd* on "Parliamentary Government in England" had turned to the "Votes and Proceedings" of their own House, for the year 1873, he would have found a resolution of a similar nature to the present one adopted—namely, a Select Committee appointed to consider and report upon the necessity of reducing the expenditure connected with the Government Departments, such Committee to have power to call for persons and papers. That resolution was carried, and it had for its object precisely the same question as was proposed to be submitted for investigation by the Select Committee now moved for by the hon. member for the Swan. If the House had a right to adopt such a resolution in 1873—and its right was never questioned then—surely it was equally within its province to do the same thing, and adopt the same course now.

MR. S. H. PARKER said the hon. member Mr. Stone had stated that they ought to have thought of this before, but he would like to know how they could have done that, until they had the Estimates placed before them, and saw what sums of money it was proposed to be voted for these departments. The hon. the Colonial Secretary had quoted from *Todd*, commencing with the words "Reference has already been made, &c.," The "reference" alluded to appeared on page 258 of the same volume, and, as it seemed much more apropos to the subject under consideration than the extract quoted by the hon. gentleman, he would read it: "The limits (says *May*) within which Parliament, or either House, may constitutionally exercise a control over the Executive Government have been defined by usage upon principles consistent with a true distribution of powers in a free State and limited monarchy. Parliament has no direct control over any single department of the State. It may order the production of papers for its information; it may investigate the conduct of public officers, and may pronounce its opinion

"upon the manner in which every function of Government has been or ought to be discharged." That was what was proposed to be done here, in the appointment of this Select Committee—merely to investigate into the manner in which a public department was conducted, without in any way seeking to exercise any direct control over such department. And whatever powers the House had in this respect, it was competent for it to delegate those powers to a Select Committee of its members.

The motion for a Select Committee was then agreed to, whereupon,

MR. STEERE moved that the committee should consist of Mr. Brown, Mr. Crowther, Mr. S. H. Parker, Mr. Carey, and the mover.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) required that the Committee be formed in accordance with Standing Order No. 69 (by ballot.)

Members having delivered the lists of names to serve on the Committee,

THE CLERK reported to the Speaker that the votes recorded were as follows: Mr. Steere, 20; Mr. Brown, 19; Mr. Parker, 16; Mr. Crowther, 15; Mr. Carey, 14; Mr. Stone, 5; Mr. Randell, 5; Mr. Shenton, 3; Mr. Fraser, 2; and Mr. Goldsworthy, 2—the result of the ballot being the election of the identical members proposed by the mover of the resolution.

OBLIGATION OF THE GOVERNMENT AS REGARDS THE ECCLESIASTICAL GRANT.

SIR T. COCKBURN-CAMPBELL, pursuant to notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to furnish, for the information of this House, a statement showing the obligations, if any, entered into between the Government of this Colony and the different religious bodies in respect of the Ecclesiastical Grant, in order that this House may be in a position to know how far it can deal with this Grant without repudiating such obligations." The hon. baronet said he moved for this information in order that the Council, when it went into Committee on the Estimates, might be in possession

of the real facts of the case, with respect to the obligations existing between the Government and the various religious sects now drawing aid from Colonial funds. Until the House obtained this information they could not very well deal with the grant in Committee of Supply. If he remembered rightly, there was some question raised with reference to this subject last year, and he thought the Government themselves were not very clear as to the position in which they stood with reference to their obligations in this respect. He understood that one of the religious bodies, some of whose clergy were employed by the Imperial Government in former times, conceived that the Government were under certain obligations to them as to granting them aid out of public funds; and before the House should attempt to cut down this grant, he thought it was highly desirable that it should know what the precise character of those obligations was. He himself considered that the time had arrived when the public revenue should be relieved of those charges which should not properly fall upon it. And, in his own opinion, if there was one matter more than another in regard to which people should put their hands in their own pockets and help themselves, it was in support of their religious convictions. It seemed to him a perfect disgrace that people should come to the State to ask it to pay for their religion. He knew it was an extremely unpopular thing to do, to move in this direction, and he had no doubt he would bring down upon himself vials of wrath for even suggesting a line of action that may entail certain hardships upon some of the religious bodies. One consideration that had induced him to move in the matter was that, (if he mistook not) this ecclesiastical grant was kept up in the interests of one particular Church, and that, too, the Church of the majority, and that the other religious bodies did not particularly care whether the grant was continued, or not. He did think the time had arrived when that Church whose members embodied the most numerous and the most wealthy section of the community ought no longer to come to the State for support. He should not propose, himself, to cut down the grant at once, but that it

be gradually reduced. But before dealing with it at all, it was certainly desirable that the House should be placed in possession of certain facts as to the obligations, if any, existing on the part of the Government with reference to the different religious bodies who participated in the grant. It was for this reason he now moved the address standing in his name. He noticed that the Colonial Secretary was not in his place in the House; if the hon. gentleman had been, he would have asked him to have brought the matter under His Excellency's immediate notice, in order that the information sought might be before the House when it came to deal with this item on the Estimates.

MR. CROWTHER seconded the motion. If there was anything with regard to which the principle of direct taxation could be justly applied, it was in this direction—in support of the religious tenets of the church which people belonged to, and which they were supposed to believe in. He said "supposed," for he was very much afraid that a great many people had no religious belief at all: they simply attended certain places of worship, now supported more or less by the State. And if these people did not like to come forward and tax themselves to support their clergy, he did not think they deserved much sympathy, if they were left to shift for themselves. Ever since he had had the honor of occupying a seat in that House, he had consistently, and he might say conscientiously, opposed this grant, and unless his opinions on the subject changed very much indeed, he should continue to do so, until it no longer had a place on the Estimates. It was placed there, it appeared to him, to furnish supplies for a sort of triangular warfare between religious bodies—the Church of England on the one hand, his friends the Roman Catholics on the other, and his more intimate acquaintances, the Wesleyans, on another, each trying to undo what the other did. No doubt they all did their best, according to their lights, but he was afraid the great object nowadays was, not so much the salvation of souls as full coffers and full churches. He had great pleasure indeed in seconding this motion, and he was heartily delighted to think that somebody had at last come forward

to assist him in doing away with what he conceived to be one of the country's abuses.

MR. MARMION said, if he did not divide the House on the motion of the hon. baronet, it must not be taken as indicating that, when the hon. gentleman hereafter, in furtherance of his views, moved that the Ecclesiastical Grant should be abolished, he (Mr. Marmion) would be found to support him in such a proposition. He felt sure that in a poor, sparsely-populated Colony like this, State aid to religion might legitimately be extended—at all events for some years longer. Dealt out with a sparing hand, as it was now, he thought it might be continued for many years to come, without inflicting any great hardship upon the Colony, or materially affecting its revenue.

MR. STONE would oppose the motion, in the first place because he considered it unnecessary, and, in the second place, he would oppose it in view of the ulterior object which was in contemplation,—the entire abolition of the Ecclesiastical Grant, or, in other words, State aid. He was not at all surprised, after the opposition offered by the hon. baronet to the motion for providing improved platform accommodation at Fremantle, that he should have another shot at something else, with a view to minimise expenditure as far as possible. But, he must say, he could not congratulate the hon. gentleman upon the steps which he was anxious to take in order to reduce the public expenditure—the refusal of the required funds to carry out a very necessary public work, and the withdrawal of the small pittance given by the State towards maintaining the ministrations of religion.

MR. SPEAKER: There is no proposition before the House to abolish State aid to religion, that I can see.

MR. STONE thought no one could read the resolution without coming to the conclusion that the ulterior intention of the mover was to do away with the Ecclesiastical Grant. He considered the resolution an altogether unnecessary one, for the House could place itself in possession of the information asked for, without resorting to a resolution of this character. It would be in the recollection of hon. members that, up to the year 1870, there were certain clergymen placed on the

Establishment, and specific amounts voted for them annually on the Estimates. When the Colony adopted the present Constitution, the then Colonial Secretary (Mr. Barlee) proposed an alteration in the way in which the Estimates had previously been presented to the House, and the names of the clergy who had appeared on the Establishment were omitted, and the amounts which had been individually voted for them were placed under the heading of "Ecclesiastical Grant," in the form in which it now appeared. The members of the House, at the time, were not exactly aware of the effect of this alteration, and subsequently Mr. Steere moved a resolution expressive of the fact that in consenting to the change the Council had no intention whatever to alter the status, or to affect the claims, of the Colonial Chaplains. That resolution was carried unanimously; and, if the Estimates for 1869 were referred to, hon. members would see who the principal parties who were affected by this grant were. He presumed it was the intention of the present Council to abide by that resolution, and not to interfere with the status or claims of those who were chaplains at the time the resolution was adopted. The present motion was, in reality, an attempt to introduce the thin end of the wedge for the abolition of State aid, and he hoped the House would not lend itself to any such step. He felt strongly on the subject himself, and he should strenuously oppose any attempt to interfere with the grant at present.

MR. RANDELL said he had the privilege of belonging to a church that had never soiled its hands with State aid for the support and promulgation of its religious tenets, relying entirely upon the loyal spirit of its adherents, and trusting to their own unaided liberality for the support of its ministrations and dissemination of its doctrines—a church that was endowed with too much independence and consistency to seek aid out of the pockets of people who might be entirely opposed to its principles and its doctrines. The hon. member for the Greenough, who had seconded the motion which he himself would gladly support, had always consistently and fearlessly expressed his views upon this subject, but he thought the hon. member would

strengthen his case, and that of his co-religionists, if they were themselves to refuse their share of the Ecclesiastical Grant. He regarded the present step as an important step in the right direction, and although the action of the mover of the resolution was hardly consistent with the action of the same hon. member with reference to the District Roads Boards, still he was glad to find that the hon. gentleman had brought forward this resolution, so that the House and the country should understand what really were the obligations—if there were any—which the Colony owed towards the clergy of the Church of England in our midst. He did not suppose it could be said that it had any obligations as regards any other clergy. He believed there was a growing feeling throughout the Colony in favor of the abolition of this Ecclesiastical Grant, and that feeling was proportionately represented in that House. A few years ago, not more than three or four members would possibly have voted for even a reduction of the grant; but if the question were put to the test of a division now, the result would be very different, and he believed that, in this respect, that result would be indicative of the growing feeling throughout the country, antagonistic to State aid to religious bodies. The denomination to which he belonged had had the privilege of putting these sentiments to the test of public opinion, and of thereby winning for its principles the respect of the general community. He believed the day was not far distant when this Colony, like the rest of the group, would no longer continue to provide this Ecclesiastical Grant, and the advent of that day would, in his opinion, result in the infusion of fresh vigour and activity into the various religious bodies concerned. He believed that the feeling to which he alluded was growing and spreading even in the mother country, where it had to fight against deep-rooted prejudices, which were the growth of centuries, but which were gradually being removed with the advance of intellectual enlightenment and the spread of religious tolerance. The feeling in favor of the existing connection between Church and State was steadily lessening in intensity—the alliance was one which in his opinion

had proved a most disastrous one for the Church of Christ in this world.

SIR T. COCKBURN-CAMPBELL pointed out that the resolution did not in any way bind the House to any future line of action as regards the Ecclesiastical Grant, but he thought that in the interests of all concerned it was desirable that the Legislature should be made aware how far the Government considered itself under obligation to the various denominations in respect of this question of State aid. That was all they wanted to know. He did not wish the Council to do anything that might be even interpreted as dishonorable, or contrary to any distinct promises made; what they wanted to know was, what those promises were.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) thought it would be desirable to furnish the information asked for, for this reason: hon. members would observe how the pension list was swelling, year by year, and among those whose names appeared on that list were clergy of the Church of England, who, it would be observed, were not only entitled to State aid while serving the State, but also when they retired from the scene of their colonial ministrations, and transferred their labours to fresh fields and pastures new. And he thought it was very desirable that the House should know what the obligations of the Government were towards the clergy. He was sure there was no member in that House who would not wish to see those obligations respected.

The motion was then put and carried.

HOSPITAL ACCOMMODATION AT THE WILLIAMS.

MR. BURT, in accordance with notice, moved, "That in the opinion of this House it is desirable to provide some hospital accommodation at the Williams, at a cost not exceeding, for the present, £200." He hoped the House would not include this motion on the same category as that brought forward by the hon. member for Fremantle, relative to warehouse accommodation, for they differed materially. His object in bringing forward the matter was in order to draw the attention of the Government to the lack of any hospital accommodation

whatever in the Williams district. There was a vote passed annually for the salary of a medical officer for that district, and he thought the time had arrived when some steps should be taken to provide hospital accommodation. He was not aware that any movement had been made in the district in this direction, but it had struck him that it was his duty, as the representative of the district, to bring the matter under the notice of the Government. He hoped the Government would see its way clear to devote a portion of the vote under the head of "Minor Works" towards providing the much-needed accommodation referred to. He had no wish to press his motion, and having now drawn the attention of the Government to the matter, he would, with leave of the House, withdraw it.

Motion, by leave, withdrawn.

WAREHOUSE ACCOMMODATION ON VASSE JETTY.

MR. CAREY—who had given notice of his intention to move an address to the Governor, praying that a sufficient sum be placed on the Estimates for 1881 to provide, at the end of the Vasse jetty, a covered shed for the reception and protection of goods landed and shipped there—said he was afraid it was a hopeless task to ask the House to agree to such a motion, after the result of the resolution put forward by the hon. member for Fremantle in favor of providing warehouse accommodation at that port. If the House did not consider the latter a necessary work, there was no likelihood of its regarding such accommodation necessary at the Vasse. Under these circumstances, he felt it would be futile to submit his motion, and consequently he would follow the course adopted by the hon. member for the Murray, and withdraw it.

Motion withdrawn.

DESPATCHES RELATIVE TO PUBLIC LANDS HELD BY GOVERNMENT OFFICERS.

MR. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to direct that copies of any despatches that have passed between the Government of this Colony and the

"Secretary of State, during the past year, on the subject of Government Officers and Gentlemen connected with the Survey Department being allowed to purchase or lease the public lands of the Colony, be laid upon the Table of this House."

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): I may say, before the House proceeds to deal with the motion, that I have His Excellency's instructions that no officer connected with the Land or the Survey Department shall be allowed to purchase or lease any public lands.

MR. CAREY: I am perfectly well aware that such an order was issued, and I believe it was issued in consequence of the tenor of the despatches which I have now moved for. That much I have ascertained from His Excellency himself, and surely there can be no objection to the adoption of the proposed address, leaving it entirely to His Excellency's own discretion to determine whether it is desirable or expedient that they should be laid on the Table of the House, or not.

Motion agreed to.

JURY ACT, 1871, AMENDMENT BILL.

This Bill was further considered in Committee.

Clause 2:

MR. BURT moved that this clause be struck out, and the following be inserted in lieu thereof: "Section 18 of the said Act is hereby repealed, and in lieu thereof be it enacted that upon any trial both the prosecutor and the prisoner (and upon any trial of a civil cause by a common jury either party) may challenge six jurors and no more without cause assigned; but when two or more prisoners are jointly indicted they shall not sever in such peremptory challenge. Provided that nothing herein contained shall interfere with the right of challenge for cause shown as established by law or usage." He thought this clause would commend itself to the favorable consideration of the House, in preference to that proposed the other day by the hon. the Attorney General.

Motion agreed to, without discussion.

Clause 3:

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), moved, That

clause 3 be struck out, and the following be inserted in lieu thereof:—"Whenever a Special Jury shall have been awarded for the trial of any issue, it shall be lawful for the parties to agree that such Jury shall consist of a less number than twelve, but not less than four; and if it be agreed that the Jury shall consist of a number less than twelve, the list mentioned in the 28th section of the said Act shall be reduced by the parties or their attorneys, in the manner thereby prescribed, to two names more than the number agreed on as the number of which such Jury shall consist; and thereupon the like proceedings for summoning the said Special Jury, and their attendance and the drawing their names at the trial, shall be had, as are by the 29th Section of the said Act prescribed for a full jury of twelve." He understood that the provisions of the clause as now framed were in accordance with the wish of the House, and consequently would require no advocacy on his part.

This clause was agreed to, *sub silentio*.

Clause 4.—"The Supreme Court or any Judge thereof may, on the application of either the plaintiff or defendant in any pending action, grant a rule or order before that trial that any two or more of the jury not exceeding six shall, at the expense in all things in the first instance of the party applying, have a view of the place in question; but the expenses of such view and of such rule or order shall be costs in the cause. And such viewers shall be nominated by the parties or their respective attorneys, or (in case they cannot agree) by the Sheriff; and shall be shown the place by a person, or by two persons, to be nominated as aforesaid for such purpose. And the names of the viewers shall be returned by the Sheriff; and they shall be the first of the panel who shall be called and sworn as jurors to try the issue."

MR. BURT said it appeared to him it would be unwise to give the right of challenging the viewers—at any rate, unless it was shown that there was some special ground for the challenge. He would therefore move that the following words be added to the clause: "and shall not be challenged except for cause shown."

Motion put and passed.

Clause, as amended, agreed to.

Clause 5.—Assimilation of Acts:

Agreed to.

Clause 6.—Short Title:

Agreed to.

MR. BURT, without comment, moved, That the following new clause be added to the Bill:—"Clause 14 of the said Act shall be read with the words following 'at the end thereof:—' And the said 'Sheriff shall prefix to every name in such jurors book its proper number, beginning with the numbers from the first name, and continuing them in a regular arithmetical series down to the last name, and shall cause the said several numbers to be written upon distinct pieces of paper or parchment, being all as nearly as may be of equal size, and shall safely keep the same.'"

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he was quite prepared to accept the clause as worded.

Clause agreed to.

MR. BURT, without comment, also moved the following new clause: "Whenever the trial of any issue in a civil cause is to be had before a Common Jury, it shall be lawful for the parties to agree that such Jury shall consist of a less number than twelve, but not less than four, and the master or other proper officer of the Court shall appoint a time and place for the striking of such Common Jury, and the said officer at the time and place so appointed, being attended by the Sheriff, who is hereby required to bring with him the jurors book and the numbers prefixed to the names of forty jurors, whose turn it may be to be empanelled and summoned, such numbers being so written out as aforesaid, shall, in the presence of the parties to the issue, or their attorneys, put the said forty numbers into a box to be by him provided for that purpose, and after they shall have been shaken together each party or his attorney shall draw alternately out of the box ten of the said numbers, one after the other, and the master or other officer shall, as each number is drawn, refer to the corresponding number in the jurors book, and read aloud the name designated by such number; and when such twenty

"numbers have been so drawn and announced, the said Sheriff shall prepare two lists of those names with the numbers as they are written in the jurors book, and shall deliver one list to the plaintiff and another to the defendant or their respective attorneys; and the twenty names contained in the lists so delivered shall be thereupon reduced to two names more than the number agreed on as the number of which such Jury shall consist, and thereupon the like proceedings for summoning the said Jury, and their attendance and the drawing their names at the trial, shall be had as are by the 29th Section of the said Act prescribed for a Special Jury of twelve."

Clause agreed to, without discussion.
Preamble and title agreed to, and Bill reported.

DESTRUCTIVE INSECTS AND SUBSTANCES BILL.

This Bill was re-committed, pursuant to Mr. Brown's motion on the 18th August.

IN COMMITTEE.

Clause 2 reverted to.

MR. STEERE—in the absence of Mr. Stone, who was Chairman of the Select Committee to whom the Bill was referred and reported upon (*Vide* proceedings of August 13th)—moved, in accordance with the recommendations of the Committee, That clause 2 be struck out. He understood that the Government did not intend to offer any opposition to the motion; consequently he would content himself by formally moving that the clause be expunged.

Agreed to.

Clause 3 reverted to:

MR. STEERE also moved that this clause be struck out, in pursuance of the Select Committee's recommendation.

Motion agreed to, and clause struck out.

Bill reported.

SUPREME COURT BILL.

This Bill was further considered in Committee.

Clause 6 read:

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said it would

probably be in the recollection of hon. members that inasmuch as the House, on the 20th August, had adopted a resolution providing for the contingency of the appointment of more than one Judge, it had become necessary to alter the wording of the Bill in several parts, material only so far as they were affected by the introduction of the principle referred to. With that view he had prepared a large number of amendments in manuscript, with which, he apprehended, it would not be necessary to encumber the notice paper or the minutes of their proceedings. The principle of the Bill was in no way affected by these amendments, which were merely verbal and grammatical.

Clause 6, as amended, was then agreed to.

Clauses 7 to 32—agreed to.

Preamble and title agreed to, and Bill reported.

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

LEGISLATIVE COUNCIL,

Tuesday, 24th August, 1880.

Colonial Secretary's and Works Departments: Report of Select Committee—Recognition of services rendered by Alexander Forrest and Party—Message (No. 11) from His Excellency the Governor—Salary and allowance of Deputy Surveyor General—Municipal Institutions Act, 1878, Amendment Bill: first reading—Amendment of Scab in Sheep Act—Adjournment.

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

PRAYERS.

COLONIAL SECRETARY'S AND WORKS DEPARTMENTS.

MR. STEERE brought up the following report of the Select Committee appointed to inquire into the proposed expenditure in the Colonial Secretary's Department and in the Public Works' Department, for the year 1881: