

## Legislative Assembly,

Tuesday, 6th November, 1900.

Payment of Members Bill, Appropriation Message and first reading—Papers Presented—Motion for Return: Special Train, Cost—Return ordered: Expenditure on opened Railways—Return ordered: Expenditure on Rolling-stock, etc.—Motion: Railway Platform, Claremont—Motion: Circuit Courts and fourth Judge (Amendment passed)—Motion: Legislative Assembly, Additional Accommodation; Select Committee appointed—Motion: Exploration, from King Sound to Cambridge Gulf—Perth Electric Tramways Bill, Select Committee's Report—Hampton Plains Railway Bill, Select Committee's Report—Annual Estimates, Committee of Supply, Railways Vote, debate resumed and adjourned—\*Adjournment.

THE SPEAKER took the Chair at 4:30 o'clock, p.m.

## PRAYERS.

## PAYMENT OF MEMBERS BILL.

## APPROPRIATION MESSAGE, ETC.

Message from the Administrator, presented and read, recommended an appropriation for the purpose of the Payment of Members Bill.

Bill introduced by the Premier, and read a first time.

## PAPERS PRESENTED.

By the PREMIER: 1, Colonial Storekeeper's Report, annual; 2, Paris Exhibition W.A. Court, copy of *Le Moniteur* newspaper describing the Court; 3, Mail Service, Malcolm-Laverton, correspondence (ordered) as to deviation.

Ordered to lie on the table.

## MOTION FOR RETURN—SPECIAL TRAIN, COST.

MR. MITCHELL (Murchison) moved:

That there be laid upon the table of this House a return showing the actual cost of running a special train, consisting of an engine, tender, and one car, from Geraldton to Northampton and back, allowing for fair wear and tear, and for a detention of, say, three hours at the latter place. The said return to show in detail how the actual cost is made up.

He said this motion arose through a case of serious illness in Northampton, at a place situated six hours' drive by road from Geraldton; and to enable the doctor who was telegraphed for to arrive quickly, he engaged a special train, for which £27 4s. was charged. On the matter being represented to the department as a hardship, the charge was

reduced by £10 4s., leaving £17 for running the train both ways. He now wished to ascertain whether this charge was the actual cost, and how the particulars were made up. The persons he represented would not complain at having to pay the actual cost incurred in running this special train.

THE COMMISSIONER OF RAILWAYS (Hon. B. C. Wood): The department did not object to furnish this return of the particulars of charge; and he hoped the return would satisfy the hon. member that the reduced charge of £17 was not more than the service was worth.

Question put and passed.

## RETURN—EXPENDITURE ON OPENED RAILWAYS.

On motion by MR. CONNOR, ordered that a return be laid on the table showing works on which the moneys expended on "additions and improvements to opened railways" since June, 1896, had been expended.

## RETURN—ROLLING STOCK ON RAILWAYS.

On motion by MR. CONNOR, ordered that a return be laid on the table showing:—1. Showing the rolling stock on Government Railways existing in December, 1890, giving the number of each class of vehicle. 2. The rolling stock purchased or constructed, and charged to capital account from that date to 30th June, 1900, giving number of each class of vehicle. 3. The total of these two items. 4. The total rolling stock now existing. 5. The difference between items three and four.

## MOTION—RAILWAY PLATFORM, CLAREMONT.

MR. WILSON (Canning) moved:—

That, in the opinion of this House, great public convenience and advantage will be served by the compliance with the prayer of the petition to the Hon. Commissioner of Railways, requesting the early erection of a railway platform at Eric street, Claremont.

This motion would, he ventured to say, receive the support of every hon. member. For years past this platform had been a crying want in the district, seeing that there was a great pleasure centre at Osborne within handy distance of the railway. Some two or three years ago he

attended a deputation to the Commissioner of Railways, and the only objections then raised to the erection of this station were that it was rather near to Cottesloe and that there was a slight grade. But there was a big suburban traffic between Perth and Fremantle, necessitating a good many stopping places, and one more or less was neither here nor there, especially if the stopping place was for the benefit of the public generally. The distance from Cottesloe was, he understood, 47 chains, or over half-a-mile, and the opposition to the present proposal had been on the part of people who resided in and around Congdon street, which was nearly 57 chains from Claremont, so that there was not much difference so far as distance was concerned. There were many hundreds of people who desired to visit the pleasure resort of Osborne, and it was necessary all the convenience they asked for should be granted. Not only was Osborne interested, but there was a direct road from Freshwater Bay to the ocean beach; whereas a station at Congdon street would lead to nowhere; and he could not see why a grade of 1 in 80 should definitely postpone the erection of a station at Eric street. He knew it was objectionable to have a stopping place on a grade; but if the grade could not be got rid of, the stopping place must be there in the interests of the public, or the grade done away with. For a period of over twelve months trains had stopped at Eric street whenever there was an excursion, and, therefore, there seemed to be no reason why a platform should not now be erected there. There were many stations between Fremantle and Midland Junction which might easily be done away with, if the argument were advanced that there were now too many stations. For Karrakatta, for instance, where trains stopped daily, there were very few passengers, and there was no reason for a station there except when there happened to be a military encampment, or in the case of funerals. In this direction a saving could be effected, and there was a large residential population which would be benefited by the station which he now advocated. There was no necessity for an extensive station, and although it was said that some £3,000 would be required, he regarded that as absurd, and would say £1,500

would do all that was required. Let a platform be erected, and if the results were satisfactory, then further extensions could be made later on. He ventured to think that the motion had the sympathy of the Commissioner of Railways and other members of the Government, and anyone who looked at the petition would see that the majority of members of Parliament favoured the granting of the request which he was now making. He believed there were the signatures of 30 or 35 members of Parliament to that petition, and this alone showed the request ought to have been granted several years ago. Osborne was within 450 yards of the proposed station site, and at present that pleasure resort could only be reached by those who could afford to go by road or water. He hoped the motion would be carried unanimously, so as to strengthen the hands of the Commissioner of Railways.

MR. ILLINGWORTH (Central Murchison) moved that the word "Eric" be struck out and "Congdon" inserted in lieu thereof. Anyone who had visited the locality would see that Congdon street was the place at which a station ought to be placed, because a station at Eric street meant a station for Osborne pure and simple. Of course, if hon. members thought it proper to have a station for one place of entertainment, they would vote accordingly.

MR. VOSPER (North-East Coolgardie): The member for Central Murchison (Mr. Illingworth) really sought to make out a case for erecting a station at Kalorama. Supposing, for the sake of argument, that a station at Eric street was to be built solely and exclusively for the benefit of Osborne, that place, at all events, was well known as the resort of large numbers of people all the year round; whereas, so far as was known, Congdon street possessed no peculiar attractions whatever. The existence of Osborne alone on a line with Eric street was a recommendation and a guarantee of some lucrative traffic for the proposed station; and, in addition, Eric street was the only station from which a line could be drawn from the ocean beach, on the one side, to Freshwater Bay on the other.

THE COMMISSIONER OF RAILWAYS (Hon. B. C. Wood): There was

no particular objection to the motion, but an influential deputation had waited on him urging that a railway station should be made at Congdon street. After all, it was only a battle of sites between those interested in the two places.

**MR. MOORHEAD:** Did the Commissioner of Railways not sign a petition in favour of Eric street?

**THE COMMISSIONER OF RAILWAYS:** That was so; but at that time he was not Commissioner of Railways. At the present time estimates were being prepared by the Railway Department (he did not know why they had not been sent in before now) to show which was the best site for the railway station from the point of view of the Railway Department. That, to a certain extent, should guide us in the selection of the site if either were chosen. Of course there was a question whether a station should be erected at either site at present. So far as the remarks of the member for the Canning (Mr. Wilson) were concerned, he (the Commissioner) did not think a cheap platform would satisfy the public: there should not be cheap and nasty stations between Perth and Fremantle; the stations should be uniform with the other stations now in existence. The cost would be nearer £2,000 than £1,500, but the cost of the station was not everything. There was the up-keep, which had to be considered, and then the question of whether it would pay to have a station there or not entered into consideration. The Government had no particular axe to grind. There was a good deal of settlement about Congdon street, which was 10 chains further than Eric street, and after all a station at Eric street would only be a holiday station. Therefore we must look at the question from that standpoint. The platform would be used only as long as Osborne existed.

**MR. WILSON:** There was a beach there.

**THE COMMISSIONER OF RAILWAYS:** There was no road to the beach.

**MR. WILSON:** The Government could make a grant for a road.

**THE COMMISSIONER OF RAILWAYS:** There was an objection on his part to giving grants.

**MR. WILSON (in reply):** A station at Congdon street would serve 30 or 40

residents at the outside, who would be equally served by the Claremont station. At Eric street there were just as many residents, and a station there would be a holiday station. The Government always built railway stations for pleasure resorts. It was untenable to say the Government should not build stations to pleasure resorts, because they did it every day. Wherever there was a racecourse the Government built a station to suit the pleasure-seeking public. If the traffic warranted it there was no reason why the station should not be built at Eric street. Osborne alone warranted a station being built at Eric street.

Question put and passed.

#### MOTION—CIRCUIT COURTS AND FOURTH JUDGE.

Notice of Motion read:

That in view of the inspired declaration by Dr. Jameson, that three Judges are sufficient to discharge the judicial business of the colony, the Government take steps to compel the Judges to go on circuit; and that regular Circuit Courts be held at the earliest opportunity at Kalgoorlie, Coolgardie, Cue, Geraldton, and Roebourne.

**MR. MONGER (York):** Before I proceed with this motion, I wish to ask if I may amend the notice, so that the first line will read, "That in view of an inspired declaration that three Judges," etc.

**THE SPEAKER:** I think the alteration is a proper one to make. Hon. members should not take notice of what has been said by a member in another place. If there is no objection to the amended form of the motion, the hon. member can proceed with it.

**MR. MONGER:** It is with feelings of regret that I rise to move the motion. No one is less desirous of dealing with this most delicate question. I have no desire to cast any reflection on any Judge, or on any member associated with any other branch of the Legislature of this colony; but certain direct statements were made in another portion of the Legislature which appeared to me, and appeared to many other members, to have been of an inspired nature, and it is with the object of bringing prominently under notice the expression of opinion used that I now beg to move the motion. It will be fresh in the minds of members that only a few weeks ago we passed

through this House a Bill which was entitled the Circuit Courts Judge Bill, and that Bill was carried in this House by an overwhelming majority, in fact it was carried *nem. con.*—there was not a dissenting voice to the Bill, which passed through all its stages in the briefest time imaginable. That Bill was sent to another place, and there some very severe comments were made in connection with the Bill, which the Legislative Assembly had passed without any division, and in the shortest time any Bill has ever been passed through Parliament. In order to deal properly with the question, it is necessary for me to refer, to a certain extent, to what may be considered somewhat ancient history. Early in the year 1892 we passed a Bill through the Legislature having for its object the appointment of a third Judge. I intend to refer to some of the remarks which were made by the late Attorney General when subsequently moving the second reading of the Circuit Courts Bill, but before doing so I desire to point out that on the occasion of our passing the appointment of a second puisne Judge, the population of the colony was considerably under 60,000: to-day the population of Western Australia exceeds 180,000. On the occasion we agreed to the appointment of a second puisne Judge, the Bill was passed through both Houses almost without dissent. It was only the other day we were told by the Upper House that no colony with a population of 180,000 could expect to have more than three Judges to look after its interests. I say in all justice, if in 1892, with a population under 60,000, with our goldfields practically unknown, we in that year thought fit to increase the number of Judges from two to three, we are more justified at the present time in increasing the number of Judges from three to four. However, my motion does not deal with the question of increasing the number of Judges, but it deals with a direct statement which was made. I will read now from one of the newspapers:—

The work always has been done, and in no colony or place with a population of 180,000 people should there be more than three Judges. Under Section 3 of the Circuit Courts Act, ample provision was made for the Governor to appoint circuit courts, and in order to refresh the memories of hon.

members I will read Section 3 of the Circuits Courts Act, which states:—

The Governor may from time to time issue a commission under section twelve of the Supreme Court Act, 1880, authorising a Judge of the Supreme Court or a commissioner to hold a sitting of the Supreme Court in a circuit district, at a time and place to be named in the commission.

I want to point out that my motion only asks the Government, through the Administrator or Governor, to appoint from time to time a Judge to go on circuit. I understand that it has been the cry of the goldfields that neglect has been shown to them through the fact that no Judges have gone up to sit and inquire into very important cases, and through bringing the witnesses down to Perth people have been put to considerable expense.

MR. MITCHELL: There are other parts as well as the goldfields.

MR. MONGER: When I read further extracts from a speech which I intend to refer to, it will be distinctly understood that no layman, unless in close touch with a member of the bench, could have made use of the expressions without some inspiration; and I am absolutely justified in saying it must have been an inspired speech, because no ordinary layman would have dared to touch on the delicate points which were referred to in the remarks I intend to read. One portion of the report says:—

There had been a very absurd and ridiculous custom, for a generation back, of appointing the Chief Justice as Administrator in the absence of the Governor. That was a thing which would no longer exist.

THE SPEAKER: I do not think the hon. member is in order in quoting from a report of debates which took place in the other House.

MR. MONGER: I am reading from my own notes only, and from newspaper reports.

THE SPEAKER: But the newspaper reports of debates in the current session of Parliament are no more admissible than if they were not newspaper reports.

MR. MONGER: I am desirous of pointing out that no ordinary layman would have dared to express himself in the way in which this member of the other House expressed himself, unless he had been in touch with some person who was interested in the shelving of the Bill to which I have referred. I have no

desire to be personal, or to interfere with the terms of the relationship which exists between the Judges and members of Parliament; but as you, sir, seem to consider I am out of order in reading special or specific remarks which have been made, my only desire is that the public should infer for themselves the reasons which must have actuated any member of Parliament to discuss, in the absence of persons he was referring to, a subject of this kind, in the manner in which it was discussed in another place. And whilst on this point I desire to say that in my opinion, and I think in the opinion of most right-minded men, it is cowardly to attack a person who has no opportunity of replying. I say it is unfair for hon. members in this Chamber to avail themselves of their privileges by attacking persons unable to reply, and it is equally unfair for members of another place to practically attack members of this Chamber, who have no right of reply in the other branch of the Legislature. That was one of the reasons which, as much as any other, actuated me in moving the motion I now ask the House to consider. The result I wish to achieve by this motion is merely to have the law of the colony carried out. I say it is only fair that if a man who was actuated by inspired or by personal feelings could deliberately rise and express himself as he did, it is the duty of this Parliament to ask the Administrator to carry out the provisions of the Circuits Courts Act of 1897; and in order to impress my ideas upon hon. members, I shall refer to the remarks of the late Attorney-General (Mr. Burt) in introducing that measure. He said :

It is introduced with the object of extending circuit courts, to be held on the goldfields and other parts of the colony. This will save the expense of bringing cases to Perth for trial. Provision is made that in addition to the trial of prisoners civil issues may also be tried on circuit. Under the Bill, the Governor in Council defines what a circuit district shall be, and appoints the times and places for the courts to be held. At first there will probably not be many sittings of the circuit court; but the Bill will make provision so that the courts can sit. In the first place, the courts might sit once or twice a year on the goldfields, and that would be a great benefit. Provision is made in the Bill for the accommodation of the Judge; and the duty is cast on the Resident Magistrate to see that the Judge is properly housed and looked after while on circuit.

That Bill was carried and passed into law. I say the hon. member in another place must have been inspired before using the arguments he put forward; and if inspired, as I believe he was, why should not the Government take upon themselves, or ask the Administrator, to hold circuit courts in those out-of-the-way places such as Roebourne, Derby, and Wyndham, but more particularly on the goldfields; and why should not the second puisne Judge be appointed to hold such circuit courts? I beg to move my motion as amended.

MR. LOCKE (Sussex): I second the motion.

THE PREMIER (Right Hon. Sir J. Forrest): I had no desire or intention to speak on this motion; but as no one but the mover has spoken, perhaps I should say a word or two from the point of view of the Government. First of all, speaking for myself and for the Government, we have no desire to increase the number of the Judges of the Supreme Court; in fact, for several years past I personally resisted any increase on the judicial bench, believing, as I thought then, that three Judges were sufficient to carry on the business of this colony. This is not a new matter: it has been before the country for several years; and the late Attorney General was of the same opinion as I—in fact, I probably took my opinion from his—that it was not necessary to increase the number of Judges. Personally, I do not desire to increase their number, because that would mean considerable expense to the country; and I thought that the extraordinary amount of litigation which has been going on in this colony might, in a short time, become less, and that normal conditions would prevail; and I could not but remember that in South Australia, with a population double that of this colony, the Supreme Court Judges are only three; and I buoyed myself up with the hope that, as time went on and things on the goldfields became more settled, probably the amount of litigation here would not be so great as it had been during the last few years. I may say definitely and authoritatively that, as far as the Government and I individually are concerned, the Bill to provide a fourth Judge was reluctantly agreed to and reluctantly submitted to this House. It was only agreed to and placed before Parliament

because there seemed to be a consensus of opinion, not only throughout the country but in both Chambers of the Legislature, that a fourth Judge was necessary in order that the Circuit Courts Act might be carried out, and that suitors might have justice brought nearer to them than is the case at the present time. I was actuated by no other motive whatever. I may say—though I do not think it is necessary to say so—that the appointment of a Supreme Court Judge is a matter for whoever occupies the position of Premier of this colony. It is a matter for him, with the concurrence of his colleagues. It is a matter for him primarily, and he is responsible. It may be said that is the case with every appointment. No doubt it is to a very large extent, but not to the same extent. Look at the history of the other colonies, and what do we find? We find Judges referred to as “Sir Henry Parkes’s Judge” or as “Mr. Service’s Judge,” or as the Judge of whoever was Premier at the time of appointment, because the people know full well that the responsibility for the appointment of a Supreme Court Judge rests, to a large extent probably than any other appointment, with the man who is chief Minister of the Crown at the time. He is absolutely responsible for the appointment; he has the nomination of the appointee; and all this talk about the Attorney General nominating himself goes for nothing. He cannot nominate himself. [SEVERAL MEMBERS: Hear, hear.] A Judge has to be nominated by the Governor—by the Premier of the colony for the time being. That, I think, is well understood. I do not know what is the practice in England; but that is certainly well understood in the Australian colonies, because there have been numerous instances, to which I need not refer, but which all hon. members know, in which an Attorney General desired the appointment, and in which he was not appointed. The most notable which occurs to me is that case in New South Wales where Mr. (afterwards Sir James) Martin, was nominated by Sir Henry Parkes.

MR. MORAN: And the case of Sir Samuel Griffith, in Queensland.

THE PREMIER: Yes; but that is a case where Parliament and all concerned were in accord. This is a case where

the Attorney General desired the appointment, and said he had been promised it by the Premier; and the Premier appointed Mr. Martin to the judgeship, and the Attorney General, Mr. Butler, resigned in consequence. Apart from that, I do not mean to say that Premiers can act as they like. Far be that from me. Premiers, like other people, have, in all such matters, to act with the concurrence of their colleagues. If it were not so, a Premier’s colleagues would resign, and leave him to himself. But in a matter of this sort, men who are working together, who are inspired by the same motives and have the same object in view—that is, the good of the country and the stability of the Government—such men are not generally very adverse to being guided in such a matter by the views of their chief. I say at once, deliberately, that the appointment of a Judge of the Supreme Court and of a Chief Justice, if such appointment has to be made, rests almost altogether—at all events primarily—with the man who is, for the time being, Premier of the colony. I had no desire to make this appointment, or to place another burden on the people in respect of the judicial bench; but there was a call for it. The public of the colony demanded it; this House demanded it; and I believe the other House demanded it. I have not the record before me, but I believe resolutions have come from another place to this House asking for the establishment of circuit courts, and, in the alternative, for the appointment of a fourth Judge. As I said, we at last reluctantly agreed to introduce this measure, and it was carried without any opposition by this House, as we expected, because it was a public necessity; but when it got to another place it became, not a question whether the Bill was desirable or not, but as to who should be appointed to the office. I think that was a most unconstitutional position to take up. [SEVERAL MEMBERS: Hear, hear.]

MR. ILINGWORTH: They are going to provide a new Constitution for that House.

THE PREMIER: As far as the Government are concerned, I can speak with authority as the head of it. We have not directly or indirectly, privately or in any other way, given out who should be

appointed. I think I may say I have never spoken to any person who may be in any way considered an aspirant for the office of Judge in regard to this matter. I have never spoken to a single soul as to who was likely to be appointed to this office. As I have said, upon me rests for the time being the responsibility of this appointment, and no one can say there was anyone in my mind whom I would recommend to the Governor for the appointment. The whole action of the defeat of this Bill was not on the ground that a Judge was not necessary, but that an unsuitable appointment might be made by the Executive Government. I have now come to the point that I desire to make, and to the reason why I have risen in my place to speak in this matter. I say that during the ten years I have been Prime Minister of this colony, I have never had such an insult levelled at me as has been levelled at me by the Legislative Council in regard to this matter—[Two or three MEMBERS: Hear, hear]—because whatever I may have accomplished during the ten years I have held this office, whatever good I have done to this country, whatever great works I have carried out, and notwithstanding that we have maintained during these ten years a majority in this House and a majority in this colony, the Legislative Council have said in unmistakable terms that they will not trust me with the appointment of a Judge. I say that no greater insult has ever been levelled at any Premier in Australia than has been levelled at me by the Legislative Council. I repeat that in this matter they have said in unmistakable terms they believe that a fourth Judge is necessary, but they will not entrust the appointment of that Judge to the man who has at the present time a majority in the Legislative Assembly, and has had a majority for ten years. That is the way in which I view it. All other considerations give way. I am under no obligation to one single person in this country with regard to this appointment, because no one has been offered it, and I have never spoken to any one as to who should be the Judge, if this Bill passed. But the fact remains that the Legislative Council—a Council I have supported for ten years—have levelled at me an insult which I consider absolutely undeserved,

and one which I have a right to resent. [Two or three MEMBERS: Hear, hear.]

MR. MORAN (East Coolgardie): In 1896 we had a discussion in this House on the appointment of a Circuit Court Judge to the goldfields. I then spoke more particularly on behalf of the goldfields, and I was ably supported at that period by the other goldfields member, the present member for Central Murchison (Mr. Illingworth). I do not wish to speak of the people of Newcastle and Geraldton, who should have equal rights and facilities, but the very greatest grievance we have had on the goldfields against this Government and the Parliament for four long years has been that we have had to drag witnesses down to Perth at enormous cost in order to have justice meted out. Such a state of things has never held in any other Australian colony. I defy any member of this House to point out that such a state of things has ever existed on any goldfield in the Eastern colonies. In the great colony of Queensland, whose goldfields are far removed from railway communication, as the member for North Coolgardie (Mr. Gregory) will be able to tell you better than I can, the judges have for many, many long years past, travelled to gold-mining centres by coach and other conveniences, in order to bring justice to the hundreds, instead of the hundreds having to come to the doors of the one. A greater wrong has never been done to the goldfields than was done by the rejection of this measure, which had for its principal object the alleviation of the terrible drain upon the resources of the people on the goldfields who have to come down to Perth, and who not only have to come to Perth, but hang about here for weeks and months. In many cases people are waiting months; and what are they waiting for? In order that they may have justice done to them in their little troubles. What do we find? The candidates who have been returned to a division of Parliament by the great Reform League on the goldfields—gentlemen of great brains, gentlemen who are going to revolutionise Western Australia, gentlemen who can find nothing but terms of the greatest contempt for the Swan River Settlement when they are before their electors—have a camel string at their noses, and are led across the

House like so many mangy camels to vote against the interests of their own constituencies! That is the great result of the Reform League. "Angels and ministers of grace, defend us" from the Reform League and their great leaders! If that is the class of representatives we are to have, let us go back to the old days when we had no members of Parliament at all, and let justice be done to the goldfields by those who were always willing to do justice to them—the old inhabitants of Western Australia. I say that a greater instance of childish helplessness has never been given than that which has been displayed by such representatives against the interests of their own constituencies.

MR. ILLINGWORTH: Is that quite in order?

MR. MORAN: The hon. member has his remedy, if it is not. I have referred to nobody. I may be referring to the hon. member, as far as he knows. If so, I am doing what is right. I have no wish or desire to enter into a discussion of the terms of the motion tabled by the member for York. I do not even know to what he is referring; I do not know what he means by "inspired utterances." I am not an expert in the family relationships of Western Australia. My own family is sufficient burden for me to look after in that respect. I have no knowledge of these old connections in Western Australia. The hon. member has. I do not know what is meant by this. I do not in any way wish to connect myself with any reflections that have been cast on anybody. I rise in my place in the House to-night to ask of this Legislative Assembly, who are the people's representatives? The members of this House are the people's representatives as a whole. They are the responsible House in this colony, and in a very few years time, if I am not mistaken, judging from what is going on, it will be the only House in this colony, and if past actions have to be taken as an indication, heaven grant that there may be one good House of Parliament! I want to ask the Assembly to agree to the motion, and to take the advice tendered to the House by this so-called inspired speech to which reference has been made. Whoever inspired that speech, I thank him; because it suggests that the Judges shall be sent on

circuit, and it also suggests that there are sufficient Judges to do the work. To be plain, if that suggestion be from a Judge, I thank that Judge. He is evidently wishful to cater for the interests of my electorate. I have seen one man from Coolgardie during the last two months on three different occasions in Perth, waiting for his case to come before the Supreme Court. I mention his name—everybody knows him, and likes him—Mr. Reginald Pell, of Coolgardie. He has been summoned to Perth at least three times for a small matter of £70 or £80. Is it right that tens of thousands of pounds should be dragged out of our pockets every year? Men cannot come here unless they have a long purse, and those who do come are paying hundreds of pounds for 12, 13 or 14 witnesses to come to Perth. That is an abominable travesty of justice, and we are not going to let any civil servant dictate to the representatives of the people. Let us get up and speak our minds: let justice be brought to the thousands, and not the thousands wait upon the wishes of two or three people. It is time to speak out fearlessly. We are the guardians of the people's rights, and we are the people's House. For four long years we have been applying for a fourth Judge, and a cruel wrong has been done to the whole of the goldfields by one branch of the Legislature. We must not speak disrespectfully of a branch of the Legislature, but we must mention it, because the day will come when in this House we shall be discussing the advisability of doing with one good solid people's representative House. The whole of this session has proved to me that the existence of another branch of the Legislature is a mere sham. When members of another place should deal with big matters interesting to the country, they are dumb dogs; but when they have a chance of being tweaked by the nose and led by one or two individuals, we find them tumbling over one another like so many helpless dogs.

A MEMBER: You are speaking disrespectfully.

MR. MORAN: I believe I am; but the truth should not be disrespectful. We find that in 1899 a resolution was tabled. Mr. Speaker, am I in order in referring to a resolution of another branch of the Legislature a year ago, not in this



session, in connection with this subject, something sent down to us for our discussion?

THE SPEAKER: I think you would be in order.

MR. MORAN: Thank you. I find that the Hon. A. G. Jenkins, in accordance with notice, asked the Colonial Secretary if it was "the intention of the Government to make provision for a Circuit Court Judge, during the present session of Parliament." One year ago we had a Reform League member asking this question. Twelve months afterwards the Government, who were reluctant to make this appointment, studying, as they had every right to do, the interests of the people in the way of expenditure, yielded to an overwhelming pressure, the unanimous pressure of the members for York, Northam, Geraldton, and other centres, who urged that they were entitled to a circuit Judge. The Government, I say, reluctantly gave way. We find members, as I said before, with camel strings at their nose, led by one leader to a certain decision. I have no desire to prolong this debate, except to say I hope the Government will consider the matter. Our legal friends may tell us that half of the litigation of Western Australia comes from the Eastern goldfields, which we represent in this House; and men ought not to be still dragged down here for another long twelve months. It is most important that this should not go on any longer. If I am any judge of the Premier, he will study the interests of the people, as he always has done so far as the goldfields are concerned. Apart from politics, the right hon. gentleman has been their best friend—there is no doubt about that, and I believe that he will take steps to see that the beautiful sleeping carriages, and excellent hotel accommodation in Coolgardie, superior to anything else in Western Australia, shall be availed of by somebody, and justice be brought to the doors of people in Coolgardie and Kalgoorlie, and probably Menzies, instead of the people being brought down at a cost of thousands of pounds. We have the legislation, and all the Executive need do is to put the machinery in motion; and as it is a matter so urgent, I earnestly hope to see a Circuit Court Judge sitting in Kalgoorlie on the 1st December next, because that would

meet the wishes, not only of the people there, but of the colony generally. When I was a child, Judges had been travelling to the goldfields in Queensland, although, as a fact, there is not a railway to those goldfields yet, and the country is a most difficult one to travel. Justice has to be done, and I hope the Government will take the matter in hand. Personally, as a member who has sat in this House for five or six years in company with the Premier, I quite agree with him that the action of the Upper House will bear no other interpretation than what has been put on it; and inasmuch as the action does bear that interpretation, I extend to the Premier most heartily my condolence and sympathy, and say that whatever may be done by another place, no one thinks any other consideration would weigh with the Government in the appointment of a Judge, saving and excepting the almost sacred consideration of selecting a man who has the fullest confidence of the community at large. This House, the members of which know the Premier best, is prepared to trust him most.

MR. VOSPER (North-East Coolgardie): I entirely agree with what the member for East Coolgardie (Mr. Moran) has said with regard to the necessity of Judges on the goldfields. It has always appeared an anomaly that the Supreme Court should have its centre in Perth, because that is opposed to all tradition, not only in Queensland, but throughout the world. In England, from the most remote ages, Judges have travelled in all parts of the country for the purpose of administering justice. Why exception should be made here alone, I cannot tell, but such, unfortunately, is the case, and the people of the goldfields and the colony generally have had to suffer. Another scandalous state of affairs has arisen which ought to have been put an end to had this Bill been passed by another place; that is, the appointment in the North of people as Commissioners of the Supreme Court. It is an open secret that persons not fit for the office have been compelled to accept the responsibility, because no other persons could be found; and scandalous travesties of justice have taken place in consequence. Why this should have been tolerated is one of those mysteries in the history of the country

which is difficult to understand. No one regrets more than myself that the Bill passed by this House should have been rejected in another place; and it is a curious state of affairs that the rejection of the Bill was procured by the representatives of those very people who have been for so long clamouring for the appointment of a Circuit Judge; and the action of those gentlemen is very generally applauded by the goldfields Press.

MR. MORAN: But the people are unanimously against the goldfields Press.

MR. VOSPER: I believe that is so. Neither this House nor the Press has a right to interfere in the appointment of a Judge. We are not in the secrets of the Cabinet, and apart from the merits of the Bill, the Government would not venture to flout unanimous public opinion, by appointing a gentleman who might be considered undesirable by the majority of the electors of the country. While I agree with what the member for East Coolgardie has said about the confidence we have in the Premier in a matter of this kind, I have sufficient confidence in the strength of public opinion to believe that even had we had a Minister in whom that confidence would have been misplaced, no undesirable person would have been appointed to a position of this importance. As to the motion, I think it has hardly been sufficiently dealt with on its merits. It is a motion which requires most serious consideration before being passed; and while I am in sympathy with the object set forth by the member for East Coolgardie, whether I am fully in sympathy with the object of the member for York (Mr. Monger) is another question. I am inclined to think with some of my colleagues, that on a motion of this kind silence would indeed be golden; but the matter has come up for debate, and apart from the appeal for Circuit Court Judges—and the Premier has very properly resented the insult offered to this House by the Legislative Council—the motion, if carried, would be entering on very dangerous ground. In the first place, we should be flouting constitutional law, practice, and precedent in offering a deliberate insult to that Chamber; and even if the Council have seen fit to insult the Premier, we have no right to retaliate by insulting that branch of Parliament. So long as

the Constitution remains as it is, we must treat the deliberations of that Chamber with profound respect, because they are equal in authority with ourselves, and are elected by the people, and, according to the Constitution, occupy a position quite coordinate with our own. If we venture to reflect on their decisions, we are engaging in a task of insulting ourselves and lowering the respect which ought to prevail for constitutional government and parliamentary institutions; and apart from interfering with the dignity of the other branch of the Legislature, another phase must at once strike hon. members. I cannot suffer my intelligence to be completely blinded to the actual meaning of the motion. The member for East Coolgardie, in pursuing his own particular line of argument, has chosen to blind himself entirely to what the motion means, and the real meaning is only made the more apparent by the amendment referred to by the Speaker.

MR. MONGER: But the name of Dr. Jameson is left out.

MR. VOSPER: The object of giving notice of motion is that members may give the wording some preliminary consideration, and the matter we had before us for preliminary consideration was the "inspired declaration of Dr. Jameson." What is the position of Dr. Jameson? He has a relationship with a certain Judge, and, therefore, the assumption in the motion is that Dr. Jameson's utterances in another branch of the Legislature were inspired by that particular Judge. There is no other inference than that to be drawn.

MR. MONGER: If the verbatim report of the speech of Dr. Jameson be read, no other conclusion can be come to.

MR. VOSPER: I admit that may be justified by Dr. Jameson's speech, but we cannot pass a motion of this description, or even discuss it. It would not be decent to do so at any length, because it involves passing a vote of censure on a Judge of the Supreme Court of the colony for interfering in political affairs. The motion means that the Legislature, which is the highest tribunal, is going out of its way to insult a member of the Supreme Court bench of the colony; and the only result can be to lower the respect which is generally felt for that tribunal throughout the country. We bring the impar-

tiality, honour, and dignity of the Judges into doubt and contempt; and if we once attempt to do anything of the kind, and cast any odium on the Supreme Court, we shall diminish the respect in which the Court is held by the people, and thus diminish the respect felt for the law and the administration of justice. I cannot conceive of any action more mischievous in its effects, or more calculated to establish a dangerous precedent; and I earnestly conjure members by their respect for constitutional tradition, by their knowledge of constitutional law, and their sense of what is due to the Supreme Court bench, not to accept a motion of this description, which is certain to cast a serious reflection on gentlemen entrusted with the judicial government of the country, and bring their decisions into contempt. The motion is mandatory, and tells us we are to compel the Judges to do various things—that we are to compel the Judges to do certain things they have not hitherto been called on to do.

**THE PREMIER:** They might have been called on to do them.

**MR. VOSPER:** But there is no mandatory legislation; and in this case the proper course to pursue is to bring in the necessary mandatory legislation. If the Judges will not do their work, there is no legislation to compel them, and the only thing is to bring in a Bill to make it necessary for the Judges to go on circuit. I take it the Judges would not object; but nothing short of an Act of Parliament will apparently meet the situation, because Judges are bound to obey an Act and cannot take offence at it. But this abstract motion insults the Judges by accusing them of undue interference in politics, and goes on to say, by inference, that they have habitually neglected their duties, and that we will compel them to do those duties. A motion of this kind is a great deal too strong, and on the grounds I have stated I now ask the House to reject it. If the members of the House have any knowledge of or respect for the traditions of parliamentary government—if hon. members have any desire to see our branch of the Legislature respected by the people of the colony, and to see that no undue influence is brought to bear on questions, where such

influence should not be exercised, they will unhesitatingly refuse to indorse a motion of this nature. I shall certainly vote against the motion.

**MR. JAMES (East Perth):** I feel a sense of personal gratitude to the member for North-East Coolgardie (Mr. Vosper) for the speech he has just delivered. I do not think we ever had presented to us a more scandalous motion than that now before the House, or a motion more animated by malice, which I think is contemptible.

**THE PREMIER:** The hon. member is surely out of order.

**MR. JAMES:** The Speaker will call me to order, if I am wrong.

**MR. MONGER:** The hon. member is a bit strong.

**MR. JAMES:** I repeat the statement I made.

**THE PREMIER:** Is the hon. member in order in attributing "malice" to hon. members?

**THE SPEAKER:** No; I think the member for East Perth ought to retract the word.

**MR. JAMES:** Then I retract the word.

**THE PREMIER:** The member for East Perth ought to know better.

**MR. JAMES:** I regret I cannot find other words at the moment to convey the impression in my mind; but I never heard a more grossly improper motion, and I venture to say, without fear of contradiction, that the motion is introduced, not because of any desire to carry out any substantial object, but simply to act in a spiteful manner towards another House, because the members of that House took a step which they might, or might not, think justified.

**MR. MONGER:** Have you read the speech of Dr. Jameson?

**MR. JAMES:** I am not prepared to say the position assumed elsewhere is justified; but this is a matter for the Upper Chamber alone to determine, and it seems to me altogether unconstitutional that, because the Council adopt an attitude of which we do not approve, we should introduce a motion of this character, which is an insult to the Upper House, and a gross insult to the gentlemen on the bench. I venture to assert that it is most improper to have the words "in view of the inspired declara-

tion." What right has the House to say that any declaration made by a member in another House has been inspired?—Inspired, mark you, by one who has no right to interfere with politics at all. We ought to have some respect for a man who occupies the position of Judge in the colony, who sits on the Judicial bench, and who is entitled by virtue of his position to some protection from the people of this colony and the members of the House. The motion proceeds to say that we should compel Judges to go on circuit; an inspired declaration that we should compel the Judges to do this work. I venture to assert that any legislation which is introduced in this or any other Parliament amongst English-speaking people, brought forward to compel Judges to do work is a gross insult to the bench, and is absolutely unheard of. Surely in our sense of fair-play we should bear this in mind, that so far as we know the Judges have never yet failed in their duty. The legal members of the House will agree with me that under the present rules of court, if a person desires his case to be dealt with outside Perth, all he has to do is to state the place of the trial, at Kalgoorlie or anywhere else.

**THE ATTORNEY GENERAL:** Does he get that trial?

**MR. JAMES:** I challenge any member to quote an instance where an application has been made to have a case tried at Kalgoorlie or elsewhere, in which the Judges have refused to go.

**MR. MORAN:** I know of several cases in Kalgoorlie.

**MR. JAMES:** Where Judges have refused to go?

**MR. MORAN:** Yes.

**MR. JAMES:** We hear a great deal of cases that ought to be tried at Kalgoorlie or other places, but I appeal to the legal members of the House to say in how many instances have applications been made by persons who wished to have their cases tried away from Perth.

**MR. MORAN:** You want them always to come to Perth.

**MR. JAMES:** I am not dealing with that question. We are dealing with how far the Judges do their duties.

**THE PREMIER:** It must be cheaper to have Kalgoorlie cases tried at Kalgoorlie than here.

**MR. JAMES:** It is not cheaper. By this motion we are attacking the Judges; we are expressing an opinion that the Judges are failing to do their duty, and therefore ought to be compelled to do it. Compulsion is grossly objectionable, and more grossly objectionable when applied to the Judges of the Supreme Court. It is not pointed out that the Judges have failed to do their duty: that proposition is not asserted. If people are anxious to have their cases tried elsewhere, they can ask. Has an application been made in one case out of every twenty?

**THE PREMIER:** The bar do not want to go to the goldfields.

**MR. JAMES:** It does not rest with the bar: it rests with the members of the bench themselves; and assuming for the purpose of argument that it rests with the bar, let us put the bar on one side and consider the Judges, who are more important than the right hon. gentleman himself. It may be startling to the right hon. gentleman to be told that the Supreme Court bench is more important than the Ministerial bench. I can understand the animus which excites the right hon. gentleman because the Circuit Courts Judge Bill has been rejected by another place. I desire to say that no motion should be brought forward in this House that is such a gross attack on the Judges as this motion is.

**THE PREMIER:** Nothing should be done to take away the profits you get.

**MR. JAMES:** Nothing is to be done in the country to take away the right hon. gentleman's profits. The right hon. gentleman will sacrifice his principles, his party, his colleagues and his friends, so long as he gets the pay and the office.

**THE PREMIER:** The salary is so very important to me, I suppose?

**MR. JAMES:** I am not speaking here on behalf of the bar, but I think these aspersions should not be cast on the Judges.

**THE PREMIER:** You are thinking of self always: that is what you have done all the while you have been here.

**MR. JAMES:** I am speaking of the Judges, and not the bar. The Judges are attacked by a motion of this House: they are grossly attacked by it. Does the hon. member say that?

**THE PREMIER:** I say it deliberately.

MR. JAMES: Then you say what is absolutely untrue, and the untrue statement will go on the record. We know this motion is adduced because of certain objections made to a speech in another House. What have we to do with what is said in another place? Surely members are entitled to be free and independent. I have looked through the speech referred to, and I can see nothing that justifies the assertion that there was inspiration. I express my opinion of the Judges of this country, and I say that if they worked as Judges work in the old country, there are sufficient to do the work. If I make a statement like that, surely no one can say that it is inspired? I think there should be ample time for the Judges to go on circuit. This is the worst possible time to bring forward such a motion as this, when by a constitutional practice we are robbed of one Judge who acts as Lieutenant Governor.

THE PREMIER: The Chief Justice does his duty.

MR. JAMES: The Chief Justice is not doing his duty: he cannot do both duties. Some complaint is being made in the sister colonies of the Chief Justice being taken away to act as Administrator. Whether I am right in thinking and in expressing the opinion that three Judges ought to be sufficient for the work of the colony, still I should not vote for a motion like this, because it is undignified. We should not attach a speech which is made in another place to the personnel of the Judges, and attribute to a particular Judge the substance of a speech made by a member in another place. A Judge is raised above the House, and he certainly ought to be.

MR. DOHERTY: That has not always been your opinion. I have heard you express different opinions.

MR. JAMES: I hope I am addressing hon. gentlemen, and that private conversation will not be referred to. What I want to point out is that a motion like this should not be brought forward, because we see there is feeling underlying it.

THE PREMIER: We show no feeling. You are showing the feeling.

MR. JAMES: If the House thinks that three Judges are sufficient, let us determine the point. What matter if a

member in another place thinks three Judges are sufficient?

THE PREMIER: I am willing to put up with three Judges, myself.

MR. JAMES: Because we have passed a Bill for the appointment of four Judges—

THE PREMIER: Very reluctantly, as far as I was concerned.

MR. JAMES: If that be so, the Premier agrees with the speaker in another House that three Judges are sufficient. If that be so, members cannot think that it is right we should by motion compel the Judges to discharge their duties. Is that right? Surely we might call on the Judges and ask for some explanation why they are not carrying out the duties which it was thought ought to be carried out. They have not been heard in this connection, but because of a certain declaration we are to act in a fit of pique. Because a certain Bill has been rejected, we are going to pass a motion which is a direct insult to the people of the land. It is entirely wrong, and if we do think the Judges themselves have been remiss in the discharge of their duties, we should hesitate before we agree to a motion of this character.

THE PREMIER: No one insinuated that.

MR. JAMES: The motion is based on the charge that the Judges are not doing their duty, and we are to compel them. We can never compel a man to do anything unless he has neglected his duty.

THE PREMIER: I do not agree that they have neglected their duty.

MR. JAMES: If they have not neglected their duty, why pass a motion to compel them to carry out duties which they have not neglected? It is idle to say that the words of the motion can be amended. We must debate the motion as it stands, and even if it be amended it will be on the records, and the effect of such a motion as this which is brought forward is an absolute insult to the House and a gross insult to the Judges. I again assert that this motion would never have been brought forward if the other House had not taken a step which I personally disapproved of. If I thought four Judges necessary, I would have said so. I am not in the habit of being afraid to express my opinions on this or any other matters. Members in another House may think differently. If three

Judges are sufficient, then the three Judges ought to do the work.

THE PREMIER: I do not think three are enough to do the work.

MR. JAMES: If the Premier thinks that, then why not pass a motion that four Judges should be appointed, and not three?

THE PREMIER: If we cannot get four Judges, then three must do the work. We must carry on as we are doing.

MR. JAMES: If three Judges are not sufficient—

THE PREMIER: I think there ought to be four, and if we cannot get four we must take some other means.

MR. JAMES: Then why should not the Premier adopt some other means? But the way to deal with the matter is not by passing this motion. After all, the other House have just as much a voice in the matter as we have: they disagree on this point. Why should not the Premier meet the difficulty by appointing a commissioner?

THE ATTORNEY GENERAL: The people on the fields object to a commissioner.

MR. JAMES: I gather from the member for North-East Coolgardie (Mr. Vosper) that the Press thoroughly approve of the rejection of the Bill in the Upper House.

THE PREMIER: That cannot be.

MR. MONGER: Do the Press on the fields express public opinion?

MR. JAMES: In this connection we must take the Press, and the Press say that four Judges are not necessary—I do not know that the Press say that, but they approved of the action of the other House.

THE PREMIER: They did not say that four Judges are not necessary.

MR. JAMES: No; they approved of the action of the Upper House. The Press have approved of that; and even if they did not, what right have we to condemn the Upper House in a matter like this? We are endeavouring to do that.

MR. DOHERTY: The Upper House are dominating us.

MR. JAMES: They are not dominating us: they are entitled to reject a Bill if they think it unnecessary.

MR. HUBBLE: It was a personal matter.

MR. JAMES: That is what I most strongly objected to—the introduction of a personal matter into this public debate.

MR. HUBBLE: It is a personal matter so far as the Upper House are concerned.

MR. JAMES: The Premier objects to my attributing motives—

MR. MORAN: Were you one of the round-robin signatories?

MR. JAMES: Undoubtedly I was.

MR. MORAN: Oh! I see.

MR. JAMES: And the hon. member knew that.

MR. MORAN: No.

MR. JAMES: You did know. Undoubtedly I was one of those who signed; and if I disapproved of this Circuit Courts Bill, I should have said so in the House when the Bill came up. Members need not worry about that. Whatever may be my shortcomings, I generally express my opinions in this House, whether they are right or wrong. The bar expressed their opinion: they are right or they are wrong; but they are entitled to express their opinion. But that has nothing whatever to do with the question whether a fourth Judge should or should not be appointed; that has absolutely nothing to do with this motion; and I venture to assert that there is underlying this motion a personal feeling which ought not to be introduced.

THE PREMIER: A feeling about what?

MR. JAMES: A motion like this, which is full of objectionable features, must be the result of some such feeling. I feel strongly on the matter because I think the motion as it was worded on the Notice Paper is an insult to this House, and, what is far more important, a gross insult to the Judges.

THE PREMIER: There have been a good many more in the same category to which, during the years you have been in the House, you have taken no exception.

MR. JAMES: There has not been a motion casting censure on the judicial bench of this colony, since I have been in this House.

THE PREMIER: But there have been many others making reflections on persons just as worthy.

MR. JAMES: The Premier is absolutely incorrect in that statement, if it refer to me. On the contrary, on the last occasion on which the matter of the Perth Ice Company was before the House,

I took up the position of defending certain men who, I maintained, ought not to be condemned unheard. If the Premier can give me one instance of my having allowed such motions to pass unchallenged, I shall be glad to hear it. I shall have great pleasure in joining with the hon. member (Mr. Vosper) if he divide the House on this question. If we think, quite apart from any controversy and any heat in connection with the present position, that the Judges are not doing their duty, we ought to hear from them first before acting.

THE PREMIER: No one insinuated that.

MR. MORAN: No one has said a word about it.

MR. JAMES: I must appeal to hon. members' sense of fair-play. If we say we will compel a man to do a certain thing, is not that a suggestion that he has been neglecting his duty?

THE PREMIER: No.

MR. JAMES: You do not apply such an expression to a person who has been doing his duty. The Premier admits three Judges are not sufficient; and yet by this motion we are seeking to compel three Judges to do work which we know very well they cannot do.

MR. MONGER: The Upper House say they can.

MR. JAMES: What have we to do with what the Upper House say?

MR. DOHERTY: A great deal; and you know it.

MR. JAMES: Why, because the Upper House take up a certain attitude, should we accept what they say? If the Upper House are right in saying three Judges are sufficient—they have not said so, but assume that they have, and that they are right—then they were justified in rejecting the Bill. If so, what right have we to bring forward a motion like this?

MR. GEORGE: Why did the Upper House throw out the Bill?

MR. JAMES: As an independent branch of the Legislature, the Upper House had a right to do so.

MR. GEORGE: But why was it done?

MR. JAMES: That is for them to say, and not for us. If we think they were wrong, introduce the Bill again.

MR. GEORGE: And what are we to do in the meantime?

MR. JAMES: But if we think by this motion to rescind the motion of the Upper House, all I can say is, if we said so openly the Speaker would at once rule the proposal out of order.

MR. MONGER: You are afraid there would be circuit courts.

MR. JAMES: That does not make a bit of difference to me. I have been in practice many years in Perth, and I have not a goldfields client.

MR. MORAN: Go away! You have the very best on the fields.

MR. JAMES: I hope hon. members will bear in mind that circuit courts have never been a detriment to the metropolis. On the contrary, they have increased litigation. The appeals have to be always brought down here; and consequently Bills for the creation of circuit courts have never been opposed by lawyers. It is to the advantage of the legal profession to have Judges going on circuit.

MR. MORAN: Are you in favour of circuit courts?

MR. JAMES: If I thought three Judges were sufficient now, and that a fourth Judge was not necessary, I should have opposed the Bill when it came before the House.

THE PREMIER: There would have been no use your doing so. You would have got no support.

MR. JAMES: That would not have mattered to me. I do not count the numbers, like the Premier. I have infinitely more pluck than he. I do not give away my principles to keep my majority.

THE PREMIER: No; you generally go away home, and do nothing.

MR. JAMES: I venture to think home is really the best place, when a motion such as this is brought forward.

MR. GEORGE: Move an amendment.

MR. JAMES: I do not propose to do that, because I think the motion entirely objectionable. If we think the Judges ought to go on circuit, we have already said so: if we think they are neglecting their duties, that should be brought to their attention. And a motion like this, even if in substance it were justified, is a matter which should be introduced by one particular man, and that man only, in this House—by the leader of the Government, and by no one else; and even then, there must be very grave charges

indeed—very serious must be the position—before the Government and the Parliament of this country pass a resolution, the effect of which is that our Judges have been neglecting their duties, and that those duties the Judges must be compelled to discharge.

**THE PREMIER:** No one has said that, only yourself.

**MR. JAMES:** Pardon me; that is what this motion implies.

**THE PREMIER:** Most hon. members disapprove of the word "compel"; and there is no insinuation against the Judges.

**MR. JAMES:** But if we are going to strike out the word "compel" and the words "inspired declaration," the position is that we shall pass a second time a motion passed before. If that were so, I should support the motion with the utmost pleasure, just as I supported the previous motion when brought before this House.

**MR. MORAN:** Then give someone a chance of moving it.

**MR. JAMES:** But here is a motion brought forward which will remain on the records of the House; it is a motion which, as it stands, everybody admits to be objectionable; it requires to be amended now—(**MR. GEORGE:** Certainly)—because there are certain expressions in it which are objectionable. I do not think we ought to introduce any motion containing objectionable references to the Supreme Court Bench. I may be wrong, but I say, although technically speaking the Judges are subject to Parliament, I think the Judges are far above Parliament. I believe and I always hope that if ever a time comes when the bench, as a bench, is in conflict with Parliament, the bench will always be supported by public opinion.

**MR. GEORGE:** Why did the Legislative Council throw out the Bill?

**MR. JAMES:** That question concerns the Upper House: it has nothing to do with the Judges. I have no objection to supporting the motion I supported before, but I do object most strongly to this motion, which displays a most regrettable animus.

**MR. GREGORY** (North Coolgardie): It is my intention to move an amendment of the motion; that all the words

after "that" be struck out and the following inserted:—

That in the opinion of this House the Government should arrange for the holding of circuit courts at suitable centres, to be presided over by a Supreme Court Judge.

I have no wish to enter into any discussion as to whether the Upper House have acted properly or improperly, or to have anything to say about the Judges; but I will say that it is absolutely necessary that circuit courts should at once be established. I know of many instances in which persons who have committed serious offences have been allowed to go scot-free simply because the expense of prosecuting them would have been so great that the injured parties would not bring an action. For circuit courts we have been asking for a long time. Some years ago this House passed a Bill providing for holding these courts; and the House, being under the impression that three Judges could not do the whole of the business, decided that a fourth Judge was necessary. The Bill passed with that object has been thrown out by the Legislative Council; therefore I think it necessary that some action should be taken by this House, and I hope this amendment will be accepted by the mover of the motion, that the House will agree to it, and that, as speedily as possible, effect will be given it by the Government. I have much pleasure in moving the amendment.

**MR. VOSPER** (North-East Coolgardie): I only desire to say I welcome this amendment. The discussions in this House are gradually descending to the level of those of a parish vestry, for we are evidently abrogating all those forms which have so long been the safeguards of parliamentary government. [**THE PREMIER:** Oh!] It is all very well for the Premier to sneer.

**THE PREMIER:** I said nothing. I was thinking of last evening.

**MR. VOSPER:** Let me say this: since I have been in this House—and I have been here nearly four years—I do not think the Speaker has on a single occasion called me to order. I have never been called to order yet.

**MR. MORAN:** Yes; you have.

**THE PREMIER:** The Speaker is indulgent.



MR. MORAN: I called you to order once or twice.

MR. VOSPER: But how far were you successful? I do not think there is a single instance of my being successfully called to order; a single instance in which I have been called to order and the Speaker's decision has been given against me; showing that, although I have not a very great respect for the Government, I have for parliamentary forms; and I confess at once that I am an absolute Conservative in matters of that sort. Some little time ago, the Premier, in discussing this matter, repeatedly alluded to another branch of the Legislature by name. That in itself is a gross abrogation of parliamentary form, as the Premier must be well aware. We are constantly leaving behind us those legends and landmarks which in the past have been the safety of the Constitution.

THE PREMIER: If we brought forward a motion to abolish that House, would not its name be mentioned?

MR. VOSPER: Then it would not be referred to in that way. In any case, before such a motion could be brought forward I expect we should have to take the Speaker's ruling.

THE PREMIER: No; we could bring in a Bill to amend the Constitution.

MR. VOSPER: At all events, we should not attempt to pass a motion of that character in language so disrespectful to the other House as is the language of this motion. However, I do not want to read a homily on the forms of the House, or to enter into a vindictive altercation with the Premier; but if the Government are in earnest, there is no necessity to pass this amendment at all, because there is nothing in the rules of the House to prevent our reintroducing the Bill rejected in another place, and our sending it back to that Chamber. If this amendment be carried and the Government are in earnest, they can reintroduce the Circuit Courts Bill, pass it again, and send it to the Upper Chamber for consideration.

THE PREMIER: I do not think we can do that, this session.

MR. MORAN: The hon. member (Mr. Vosper) does not know much of parliamentary law.

MR. VOSPER: Hon. members must recollect that in the House of Commons,

in the Legislative Assembly of New South Wales, and in other Parliaments, the Lower House has repeatedly introduced the same Bill three or four times in the course of the same session, in the case of a deadlock.

MR. MORAN: Never! You are absolutely wrong.

MR. ILLINGWORTH: Not after it has been negatived by the Upper House.

MR. VOSPER: If it be negatived in one Chamber it can be reintroduced in the other. That has been done in the House of Commons.

MR. HARPER: There was a ruling here the other day on a similar point.

MR. VOSPER: There was a ruling here that we could not introduce a motion having the same effect as a Bill rejected in the same session.

MR. JAMES: In other words, that we should not go back on our own decision.

MR. VOSPER: But if that Coolgardie-Norseman Railway Bill had been reintroduced, it could have been passed in this House and sent to the Upper Chamber again; and I think, if hon. members will take the trouble to look up the point in the authorities in *May*, in *Todd*, or in *Bourinot*, these will show that I am right; consequently I say there is no necessity for an amendment of this kind, and that the Government can, if they choose, reintroduce this Bill. However, I am glad to accept the amendment as the lesser of two evils, and I think our passing it will be a far more dignified proceeding than would the carrying of the original motion.

At 6-30, the SPEAKER left the Chair.

At 7-30, Chair resumed.

MR. GEORGE (Murray): I regret I was not present when the motion was brought forward this afternoon. I do not agree with the wording of it, for I do not like the part about "inspired declaration," for I can hardly see where it comes in. We do not know where this inspiration comes from. The motion would have been better if it had simply affirmed that in view of the fact that three Judges are considered to be quite sufficient for the discharge of the judicial business in this colony, the Government should take steps to arrange for the Judges to go on

circuit. However, I shall support the amendment; but I certainly think the motive underlying this motion, that is emphasising the necessity for the holding of circuit courts, is justified by the circumstances of the colony. There are many cases which could well be tried in suitable centres where the cases arise, instead of bringing the parties down to Perth, thereby involving great expense in time and money; an expense so great that many cases which should be settled in court are allowed to go by, because the people concerned cannot face the necessary expense of coming to Perth for the trial. I trust the House will pass the amendment, and that the Government will take the necessary steps to carry it into effect. I had intended to refer to a Bill which unfortunately has now become dead; and, under the circumstances, the matter is better left alone. If this Chamber emphasises the necessity with regard to the holding of circuit courts and leaves the Government with a free hand to arrange what is necessary, I think we shall have done right. So far as the present judicial bench is concerned, the business of the colony is practically being worked by two Judges, and that is not sufficient. We have heard practitioners grumbling, and saying they are idle because cases in which they are concerned cannot be taken by the Judges. The Government should consider what course is desirable to meet what is at present a necessity in this colony. Those who are unfortunate enough to have to go to law should not have to wait an undue length of time, nor be saddled with an undue amount of costs.

Mr. DOHERTY (North Fremantle): In approaching this question, we feel that it is one which touches on a body we all respect; in fact in every British colony the Judges bear such high reputations that we as members of this House do not like to cast the slightest reflection on members of the judicial bench. But the public of this colony look on the action taken in another House as not reflecting credit on the gentleman who brought forward this question, and who took that action probably because he had formed certain opinions through his close connection with a certain member of the judicial bench. In law, we know that

circumstantial evidence is often taken, and that convictions are made on it; so in this case the circumstantial evidence we have is that the son-in-law of a certain Judge was the first person to take up this cause in that other House. I think he did not do so with that amount of good taste which is characteristic of the Upper House, and in the course he has taken he does not bear out the good opinion we formed of him when he first entered that Chamber. His action shows that there must have been something in the course he took, for otherwise why was not the question taken up by some other member of that House? The fact of that hon. member giving utterance to the opinion that three Judges are sufficient to carry on the judicial work of the colony was evidence that, in the opinion of one or more of the Judges of the present bench, three Judges are sufficient to carry on the work of the country. If the son-in-law of one Judge gives vent to that opinion, we naturally think his opinion is inspired by his close connection and his daily intercourse with that Judge. This Chamber, which supplies the money and is the guardian of the people, must necessarily have a right to say whether the Judges are to do the work of the country or not; and no amount of lecturing from the member for East Perth (Mr. James) can take away from us that direct control and that responsibility which belong to us as representatives of the people, who have a right to see that these duties are carried out by the Judges. We come naturally to the conclusion that when a member of the Upper House, who is in daily intercourse with a certain Judge, expresses the opinion that three Judges are sufficient for the work of the colony, that is an opinion derived through his intercourse with that Judge. The member for East Perth lectures us as to what is seemly and honest and just. I do not know that we have been particularly struck with the conduct of the hon. member in carrying out what he considers to be just and right in this House, because I have known private Bills introduced by him which hardly bear out that view; and some of us who were particularly struck by the hon. member's advocacy of the case of persons who hold a certain cyanide patent, naturally asked whether

the hon. member had received any fee or brief to defend them in this House.

MR. JAMES: Sir, I rise to call the hon. member to order. He asked a question which makes an insinuation. I do not know whether it is proper to say what he did, but I say there is utterly and absolutely no foundation for his insinuation. It is cowardly, improper, unworthy, and has no foundation.

THE SPEAKER: I should have called the hon. member to order, if he actually said the member for East Perth did receive a fee. But he put it in such a way that I did not think I should interpose.

MR. DOHERTY: I am not here to lose my temper. The member for East Perth lost his temper and lectured everybody, small and large, in the House this afternoon. It is not dignified for him to do so, and we are free agents here to say what we honestly think, as he says he does. As far as I am concerned, I will say honestly what I think; and when we see leading counsel constantly introducing private Bills and strongly advocating them in this House, I say that in the circumstances, and seeing the strong advocacy by the hon. member of a certain Bill the other day in which a company had patented cyanide rights—

THE PREMIER: He was opposing the Bill.

MR. DOHERTY: Yes; he was opposing the Bill brought in by the Government for preventing the company from obtaining a renewal of those rights; and it was singularly strange that the hon. member was so strong in his advocacy of that company's interest.

MR. WILSON: Why should it be strange?

MR. DOHERTY: I cannot follow the member for the Canning (Mr. Wilson). He does many strange things.

MR. WILSON: Do not make insinuations against another hon. member.

MR. DOHERTY: I am sure the member for East Perth is capable of taking his own part, and does not need the assistance of the member for the Canning. We might not attach importance to what was said about a certain Bill, if the hon. member were not associating himself with it by his remarks. I say the public have naturally come to the conclusion that the action of a certain House has brought this matter

down to the level of spite. A direct attack has been made on a particular man who holds a seat in this Chamber: there is no use disguising that fact. A certain set was made on this gentleman, and all means, whether honourable or dishonourable, were used for slighting a member of this House. I hope I shall never see such a thing again. The head and front of the movement was a gentleman who is the son-in-law of a Judge, and who has intercourse with that Judge. Naturally it was circumstantial evidence to say that that gentleman had been inspired by that Judge. No one regrets more than I do that this matter has come before the House. I was struck very much by the dignified argument of the member for North-East Coolgardie (Mr. Vosper); but it looked as if the member for East Perth (Mr. James) had received another brief, by his angry denunciations and his delivery of homilies to members on this side. I thought he would adopt the same old rule—rush into the House, get rid of his brief, and go away again. I support the amendment of the member for North Coolgardie.

MR. JAMES: Should I be in order in moving an addition to the amendment?

THE SPEAKER: First of all the hon. member had better see whether the House strikes out the words: the amendment will then become part of the substantive motion, and the hon. member can move an amendment then.

MR. JAMES: Speaking to the amendment, we agreed by an Act which was passed last session that four Judges were requisite; that the work was more than three Judges can or will do. That may be a matter of opinion. The other House disagrees with us on that point; but I think the matter can be decided and set at rest if we avail ourselves of the existing machinery under Section 12 of the Supreme Court Act of 1880, and Section 3 of the Circuit Courts Act passed in 1897. The Circuit Courts Act passed in 1897 provides by Section 3 that

The Governor may from time to time issue a commission, under section 12 of the Supreme Court Act, 1880, authorising a Judge of the Supreme Court or a commissioner to hold a sitting of the Supreme Court in a circuit district at a time and place to be named in the commission.

That implies that the commissioner to be appointed to sit in these Circuit Courts

should be appointed in the same way as under the Supreme Court Act of 1880 : a commissioner can be appointed.

THE PREMIER : We do that often now.

MR. JAMES : Only at Roebourne.

THE PREMIER : And at Geraldton.

MR. JAMES : That is only in connection with criminal cases. We have machinery by which we can appoint a Judge. The Supreme Court opposes us on these grounds ; therefore we can appoint a commissioner. Section 12 of the Act of 1880 says :

The Governor, by commission either general or special, may assign to any Judge or Judges of the Supreme Court, or to any practitioner of the said Court of at least seven years' standing, or to any magistrate of a local court, the duty of trying and determining within any place or district specially fixed for that purpose by such commission any causes or matters or any questions or issues of fact or of law, or partly of fact and partly of law, in any case or matter depending in the Supreme Court, or the exercise of any civil or criminal jurisdiction capable of being exercised by the said Supreme Court.

So that really the Government can appoint a commissioner, and confer upon him all the powers and jurisdiction which are conferred on a Judge of the Supreme Court ; therefore if the Government wish to appoint a tribunal to deal with matters, it is very easy to appoint a commissioner. Acting on the opinion of this House, expressed in the fact that we passed the third reading of a Bill for the appointment of a fourth Judge, it would be the duty of the Government to appoint a commissioner to meet the difficulties which it is suggested now arise for the purpose of hearing cases in the various places at which it is proposed to hold Circuit Courts. Under the Supreme Court Act the Government can appoint whomsoever they will, and I do not think Parliament ought to interfere and indicate who is or who is not a fit person to be appointed. The responsibility rests with the Executive Council. If I thought differently I should have taken up that position in the House. I propose, therefore, when the time comes, to move an amendment to add these words, "or by a commissioner appointed under Section 12 of the Supreme Court Act of 1880."

THE ATTORNEY GENERAL (Hon. R. W. Pennefather) : On this subject now raised by the member for East Perth, I desire to say a few words. Three

months ago a very large and influential deputation from Kalgoorlie came to Perth, and interviewed me on this subject. They then wanted the Government to introduce, as speedily as possible, a Bill for appointing a fourth Judge to enable the Judge to go on circuit. I pointed out to the gentlemen that under the statutory authority, to which the hon. member (Mr. James) has just referred, there was power to appoint a commissioner, and I asked if that would not meet their case. Their answer was quick and sharp. They had a decided objection to commissioners, as they were only temporarily appointed, and the person appointed would go back to the profession. Commissioners were subject to weaknesses and temptations, and it would lead to a dangerous practice. The deputation led me to understand that they did not want a commissioner in any shape or form ; therefore the hon. member will see that his proposal will not meet the difficulty. The gentlemen on the fields want a permanent Judge appointed.

MR. JAMES : I think their fears are groundless.

THE ATTORNEY GENERAL : I have stated the reason they gave, and to my mind it is a very strong reason. It may be said that the goldfields people may change their minds ; but during the last two years, if I have received one deputation on the subject, I have received four or five ; and the Government, in deference to the wishes of the gentlemen who come from long distances and have expressed their views and want their grievances redressed, only wish to comply with their request. There is one matter to which I shall not refer at all, because certain parties have expressed opinions that are not complimentary to myself, and these gentlemen are not in the House to defend themselves ; therefore I could not say anything of them in their absence. It is a question whether now, if the hon. member moves an amendment that the Government should exercise the powers conferred on them by statute, that will meet the necessities of the case. I honestly think it will not. I would like to make one or two observations which have occurred during the course of the debate ; a subject which to every member in the House belonging to the legal profession is a

painful one. I do not think that in any way we should make observations relating to Judges of the Supreme Court Bench. I certainly feel very grieved. The language of the motion as originally presented I would not adopt, and I am exceedingly glad the member has seen his way to amend the motion in the direction indicated, because by that means no reflection is made at all on the Judges. From my knowledge I know these Judges are very hard worked, and if anyone said, in another place or anywhere else, that three Judges can cope with the work—can do circuit court work as well as the work in Perth—that is not my opinion. They are worked very hard at all times doing the metropolitan work: that is only my opinion. I desire it to be said that I do not wish to give countenance to any observations made by members in regard to the bench. With these few observations, I will say no more on the subject. If an amendment is made that a commissioner should be appointed, the people on the goldfields do not desire that at all in any shape or form.

Mr. MONGER (in reply): I am sorry the member for East Perth was not in his place when I moved the motion in its original form, or I think he would have learned from my remarks that nothing was further from my mind than to cast any insinuation on the Judges. What I wished to infer and impress on members was that if a slight is shown to us by another portion of the Legislature, it is only fair and right that we should take the necessary steps to defend ourselves. When, as I pointed out in the course of my remarks, an hon. member in another place takes upon himself the duty of saying a certain Bill which has been passed by this House *nem. con.* is absolutely not required, I say that member, unless inspired from some source—and we have to look at the source from which that inspiration can arise—unless inspired in some way, no ordinary layman would have taken on himself to have made the statement which that hon. member in another place made. I am sorry for the benefit of the member for East Perth that the rules of Parliament will preclude me from reading, practically *verbatim*, the speech which the hon. member in another place made. I regret equally with the member for East Perth that an

incident like this should have occurred in the history of our present Parliament; and I hope that during the remainder of the session no such unpleasant incident will occur again. The hon. member for East Perth (Mr. James) was more than strong in his remarks—I think that is putting it in a mild way—when he said there was malice, and all sorts of little nasty expressions of that kind, animating me in bringing forward a motion of this kind. I would like to assure hon. members there is no malice as far as I am concerned. As to malice, as far as I can judge, I will only ask members when they get a copy of *Hansard* to read the speech of the hon. member for East Perth, and see where the malice lies. From the remarks which were made in another place I was absolutely justified in moving this motion in the way I did. I could not, however, sit down without congratulating the member for North-East Coolgardie (Mr. Vosper) on the very able and eloquent style in which he referred, in his usual nice manner, to the remarks which I made. I am, however, to a certain extent surprised that he should have been filled with such a volume of oratory in defence of another Chamber. The hon. member was eloquent in defence of another place, and his remarks always command the highest respect in this Chamber. I hope as long as the hon. member continues to occupy a place in this portion of the Legislature, his remarks towards another place will be confined in that able and elegant style in which he addressed the House this afternoon. With the permission of the House, I am quite prepared to agree to the amendment of the member for North Coolgardie (Mr. Gregory); but I do not feel disposed to agree to the additional amendment suggested by the member for East Perth (Mr. James). I think the particular section of the Circuits Courts Act to which the member for East Perth has just referred, gives the power which that hon. member, by his amendment, is trying to confer upon the Government. Before sitting down, I have only one further remark to make. In 1897, when the Circuits Courts Bill was under consideration, whilst very nearly every legal representative in the House spoke on the Bill, whilst the then Attorney General (Mr. Burt) gave the explanation of it, which I

read this afternoon, one of the few representatives occupying a seat in this House on that occasion who did not speak to the Bill was the member for East Perth; and in this amendment which he now suggests he is giving us, practically, what was dealt with at that time, when he was not in his seat. I hope that when the hon. member next has occasion to censure me or anyone else, he will be in his proper place in the first instance, to listen to whatever arguments may be urged, and will then condemn fairly on the remarks made. As it is, he comes in here this afternoon in his usual way, takes everything for granted, and condemns unheard. I say that is quite as unfair as it is for members in another part of the Legislature to condemn members of this House in the manner adopted by the gentleman to whose remarks the bringing forward of this motion may be attributed. I am prepared to support the amendment of the member for North Coolgardie.

MR. ILLINGWORTH (Central Murchison): I hope it will not be necessary for any other hon. member to express himself upon a motion which has caused so much discussion this afternoon. At the same time the motion itself is altogether out of place and unseemly, to say the least of it; it would have been better if the House had dealt with it in silence; and as far as my influence extended, I endeavoured to have that course pursued. However, the Premier saw fit to debate the question, and I deeply regret that in doing so he felt it desirable to make distinct reflections upon hon. members of another place. I think it is undesirable, to say the least, that such reflections should be made. I think, moreover, that it is entirely contrary to constitutional parliamentary practice. As the question now stands, however, I desire to say I am most anxious, as I have always been most anxious, that we should have some arrangement whereby the wants of the goldfields should be met without the necessity for litigants being compelled to come to Perth. With other hon. members in this House, especially with those interested in the goldfields, I have always urged upon the Government the great desirability and necessity of having some convenience of this kind; and when a Bill for the creation of a fourth Judge came into this House, I was pleased to

see it, and give it my fullest support. I much regret that Bill has been rejected in another place; but we must accept that rejection, and always maintain and respect the rights of another place to deal with legislation in any way that may seem fit. The question as it now presents itself to me is, how are we to reach our end in the circumstances? We cannot introduce the Bill again this session. I hope that next session the new Parliament will take the steps which have been urged upon this Parliament during the whole time of its existence, and that a Judge will be appointed whose duty it will be to go round on circuit, so as to prevent the necessity of litigants coming to Perth. But in the meantime, it seems to me there are powers in the existing Act quoted by the member for East Perth (Mr. James) which enable the Government to appoint as a commissioner any gentleman whom they may desire to do this work. They can by the existing law appoint a commissioner to do this work until the next Parliament meets. It seems to me that appointment would give a very good trial to the qualifications of the gentleman the Government may have in mind, by allowing him to do this circuit work for, say, six, eight, or nine months, until Parliament met; and then the general public would have in view the qualifications of the man whom it might be desirable to appoint as the fourth Judge. I do not think it is within the power of the present Judges to do the circuit work required. Of course it may be, and it has been said that in South Australia three Judges are sufficient to do the necessary work. But the Premier, who said that, knows quite well that in South Australia there are no such large centres apart from the capital—no such centres of the proportionate dimensions of Coolgardie and Kalgoorlie; there is no district in South Australia which has a centre larger or as large as the capital itself, as we have in this colony; and therefore the conditions are not at all equal. And then, if we are to meet the wants of our people, it seems to me it would be more desirable that, in present circumstances, we should divide the bench rather than put litigants to the trouble now involved. If the Government can see their way to make arrangements with the Judges, during the next

eight or nine months, to do the work until another Judge can be appointed for this specific purpose, I shall be pleased to support the motion now before the House. Year after year, hon. members have pleaded for this assistance for the gold-fields. Again and again the member for East Coolgardie (Mr. Moran) has moved in this direction, and other members have supported him. It is an urgent matter for the colony, and I hope the Government will take some kind of step in the direction indicated.

**THE PREMIER:** Judging by the action taken, the matter does not look urgent.

**MR. ILLINGWORTH:** But we have to deal simply with the action of this House, and the Premier has no right to make reflections on another place. This House passed the Bill without a dissentient voice, and we have nothing to do with what happened in another place. We cast no reflections upon the Bill; we cast no reflection upon the Premier; and I quite agree with the stand the Premier took regarding one point in his speech, though I very much regret he ever made such a speech, and I hope we shall never hear from him again another of the same character, in which hon. members of another place and the Judges of the Supreme Court were placed in a most unsatisfactory light. But I quite agree with the position taken up by the Premier—a proper position—that the right of the appointment of a Judge rests with the Premier for the time being. Unquestionably it does; but we all know that is practically a nominal right, because no Premier, unless he be himself a lawyer, would take upon himself to settle such a question without consulting his legal adviser; and the Attorney General in every Government has more influence in reference to an appointment of this character than has the Premier.

**THE PREMIER:** I do not agree with that.

**MR. ILLINGWORTH:** Personally I am quite prepared to trust the Premier; because the appointment is in the hands of the Premier, and I think a good deal of mistaken feeling has arisen in the country through the impression that it was the intention of the Government to make a certain appointment. I do not think the Government intended to make that appointment; but that is not the

question I have to discuss. I have to discuss the desirableness of getting over the existing difficulty. At the present moment the Chief Justice is engaged in doing political work. I do not know whether he does any Supreme Court work at the same time. I understand that he does not. [THE ATTORNEY-GENERAL: He does.] If he does, then of course the objection does not lie. But we could not expect the Chief Justice to go on circuit. I do not know whether I can altogether express what is in my mind; I hope the Attorney-General will, perhaps, catch an idea of what I mean, because I do not understand the existing Acts sufficiently to speak of them in legal terms. But I understand there is power in the existing Acts for the Government to appoint a commissioner, and I suggest that such commissioner be appointed. That would require no resolution of the House. I suggest that the commissioner should be a gentleman who, if the new Parliament next session decided to create a fourth Judge, should be able, in the meantime, to show the people of the colony some of his qualifications for that office, and that the next Government should be to some extent guided by his practice or by his action during the time intervening between his appointment and the introduction of a Bill for the creation of a fourth Judge. I think that would meet all we desire. But whether the appointment of a fourth, a fifth, or a sixth Judge be necessary, one thing is necessary: we must have law brought to the big centres of this colony; we must have our Judges going to the people, and must no longer compel the people to go to them. It is said that in Kalgoorlie and Coolgardie alone there is a population of something like 30,000 people, and in the outlying centres of the same district, such as Kanowna and Menzies, there are many more. We might have a centre for those districts in which a circuit Judge could sit, and such a Judge would have within his jurisdiction nearly one-third of the whole population of this country.

**THE PREMIER:** A Commissioner has to be specially appointed for each sitting.

**MR. ILLINGWORTH:** Is that necessary under the Act?

**THE ATTORNEY GENERAL:** Yes.

**MR. MORAN:** Why can we not have a Judge?

MR. ILLINGWORTH : I am arguing for a Judge who shall be appointed to do the specific work ; and I say again that the argument that three Judges are sufficient for South Australia does not hold good for this country, because in South Australia the mass of the people is within easy distance of Adelaide, while we have in this colony, within a short radius of Kalgoorlie, a population as large as that of Perth. Therefore the conditions of South Australia and this colony are not equal ; and although we have a smaller population, that is no reason why we should not have a fourth Judge, at any rate in the particular centre I have mentioned. A Bill passed in this House has, however, been rejected in another place, and it cannot again be introduced this session ; and to get something done before next session I propose that the Government, taking advantage of existing powers, should appoint a commissioner to do this work, and that commissioner would probably be a gentleman whom the next Parliament would appoint as Circuit Court Judge.

MR. MORAN : Is it not possible to send a Judge on circuit ?

MR. ILLINGWORTH : The statement is made that a Judge cannot be spared ; but I am not quite sure that is correct. The hon. member knows that Judges in Victoria are in the habit of sitting a great deal longer than are the Judges of this colony. I do not know why.

THE ATTORNEY GENERAL : The hours are the same.

MR. ILLINGWORTH : It was my unfortunate experience as a jurymen, and on one occasion as a defendant, to be in court till seven or eight o'clock at night.

THE ATTORNEY GENERAL : That is very exceptional.

MR. ILLINGWORTH : Consequently, I know some of the leading Victorian Judges sit much longer hours than the Judges do here. Another thing : as regards the assizes, dealing with criminal cases, the leading Supreme Court Judges travel all over Victoria ; and they did that at times when there were no such conveniences for getting from Melbourne to places like Bairnsdale that there are now for going from Perth to Coolgardie. I have travelled by Cobb's coach with a

Judge who had been travelling hundreds of miles ; and we are not asking the Judges to do that here. We are only asking them to go to such centres as the railway has reached, to places to which they can get in less than a day. We are asking them to go to Geraldton, where there is a train ; to Cue, where there is a train ; and the only place to which they could not travel by rail would be Roebourne. The hardship entailed upon a Judge in this colony would not at all equal what Judges in the other colonies have had to endure ; and I really think we must not give so much consideration to the mere convenience of the Judge as to the wants of the people of the colony. The argument does not apply, as far as numbers are concerned, to my own electorate, because we are a small community, although people would have to go 150 or 200 miles to Cue if we had a court there. But if at no other place, there should be a Supreme Court Judge at Kalgoorlie or Coolgardie—at a convenient place for the whole of the people of that district ; and I contend the Government could meet the present necessities until the next sitting of Parliament, by appointing some person temporarily as a commissioner. It seems to me the next Parliament will have before them this Bill, which will have to be passed. It will no doubt be passed in this Assembly, and I hope it will have a better fate in the Council. In the meantime, I hope the Government will take some steps to give effect to the suggestion I have made, and in order that we may get something done, I intend to support the amendment of the member for North Coolgardie (Mr. Gregory).

MR. JAMES (East Perth) : My object in moving this addition to the amendment was not, as the member for York (Mr. Monger) thought, because I was under the impression this motion could convey any power to the Government. No such motion can give power to confer on a Commissioner, or any other individual, the jurisdiction of a Supreme Court Judge. I was well aware of the Circuit Courts Act, and also of the Supreme Court Act ; but I inserted the words in question so that, if the Government thought it desirable, they could make arrangements for a commissioner to be appointed. I think a suitable man could be found.



MR. MORAN: He would have to be imported, they say.

MR. JAMES: I think we could find in the colony a commissioner qualified to do the work. Personally, I do not see why the Attorney General should not act as commissioner. I do not know that such would be an office of profit. Under Section 12 of the Supreme Court Act, I think there is the necessary power.

THE PREMIER: Could a Minister of the Crown be a commissioner also?

MR. JAMES: I agree that would be most unusual, but it could be done.

THE PREMIER: How could it be done?

MR. MORAN: He would be instructing himself.

THE ATTORNEY GENERAL: Yes; in criminal cases.

MR. JAMES: The hon. member is quite right. In criminal cases the Attorney General could not well sit as commissioner; but if thought desirable, a commissioner could be appointed under Section 12 of the Supreme Court Act of 1880, and Section 3 of the Circuit Courts Act of 1897.

THE PREMIER: We have that power already.

MR. JAMES: I never for one moment thought that by adding to a motion we could give power to confer on any individual the jurisdiction of a Judge. An Act of Parliament could alone do that. I am pointing out that this amendment will bring under the attention of the Government our opinion that it is desirable, if practicable, that a commissioner should be appointed.

THE PREMIER: We do that every day. We appoint commissioners to try cases away from Perth.

MR. JAMES: Yes; we do appoint commissioners for trials at Roebourne and perhaps farther North.

THE PREMIER: At Geraldton also, sometimes.

MR. JAMES: Mr. Justice Stone has always been willing to go on circuit, when asked. I move this amendment, leaving entirely to the Government to give effect to it. Section 3 of the Circuit Courts Act contemplates that; and why should we not avail ourselves of that provision for overcoming the present difficulty? I want to point out that a fourth Judge cannot be appointed at all until the next session of Parliament.

MR. MORAN: Why appoint a fourth Judge, if three are enough? Why not send one of the three on circuit?

MR. JAMES: I say that if no arrangement can be made with the present Judges, and if the Attorney General thinks it unfair to ask any of the present Judges to go on circuit at a time when the Chief Justice's time is almost entirely occupied with duties attaching to his position as Administrator of the colony, then a commissioner should be appointed.

THE PREMIER: The reason why the Chief Justice has not been sitting lately is that he is not very well. That is well known.

MR. JAMES: I was going to add also that the Chief Justice is not well at the present time.

THE PREMIER: His duties as Administrator of the colony do not take him away from the Supreme Court work.

MR. JAMES: His duties are sufficient to make it difficult for him to go on circuit, and his duties as Administrator prevent him from sitting as Judge in certain cases. We are in a peculiar position in having only two Judges who are doing the work of the colony, and I suggest the expedient of appointing a commissioner. If the Government can find a suitable man, I think they should try. I move the amendment as an addition to the amendment before the House.

MR. GEORGE: If a commissioner be appointed, can the parties appeal from his decisions?

MR. JAMES: Yes; they can appeal. A commissioner can be appointed to take cases at particular sittings, as is done in the old country; and the commissioner so appointed is to all intents and purposes, except in name, the same as a Judge of the Supreme Court.

MR. GEORGE: He would not have the dignity of a Judge.

MR. JAMES: Many men act as commissioners in the old country, and I think the same can be done here until a fourth Judge can be appointed next year.

MR. KINGSMILL (Pilbarra): I second the further amendment.

MR. MONGER (mover): I fail to see the necessity for the further amendment moved by the member for East Perth (Mr. James), and I think every member who has the slightest knowledge of interpreting from a layman's point of

view any section in an Act will see that the amendment moved by the member for East Perth is embodied in Section 3 of the Circuit Courts Act of 1897, to which the hon. member has himself referred. If that hon. member had been in his place at the proper time this afternoon, he would have seen that this section had been dealt with in the discussion, and that the amendment he now moves is quite unnecessary. May I ask hon. members who have looked at the section or heard it read, what is the difference between the amendment now moved by the member for East Perth and Section 3 of that Act, which already gives the Government power to appoint a commissioner? I say this amendment is an attempt on the part of the member for East Perth to bring in some amendment that would turn into ridicule the amendment moved by the member for North Coolgardie (Mr. Gregory), and which we are all ready to accept. I appeal to the Speaker, to the Attorney General, and to every member of the House whether Section 3 of the Circuit Courts Act does not embrace the amendment which the hon. member has moved, and has tried to tack on unnecessarily to the amendment of the member for North Coolgardie, thereby making it look ridiculous. I hope hon. members will not agree to make this addition, because it is already distinctly laid down in the Circuit Courts Act that the Government have the power which the hon. member now desires to tack on as a further amendment before us.

Question—that the further amendment be added to the amendment—put and negatived.

Further question—that the amendment (Mr. Gregory's) be inserted in lieu of the words struck out—put and passed.

Resolution as amended agreed to.

#### LEGISLATIVE ASSEMBLY BUILDINGS, ADDITIONS.

##### A SELECT COMMITTEE.

MR. ILLINWORTH (Central Murchison) moved :

That a Select Committee be appointed to inquire and report to this House as to the necessary additional accommodation required for the proper performance of the business of the Legislative Assembly, and for the convenience of the members thereof.

For a long time past in this House there has been a feeling that some kind of accommodation further than we now possess should be provided for hon. members. We know that under the Constitution Act lately passed, the number of members elected to this House will be increased, and hence the difficulties under which we labour will also be increased. Two sessions ago a Select Committee brought in a report in favour of some alteration to the present Chamber, and the character of that report was that it was intended to erect buildings which were part of the original plan for extending the Public Works Offices, and to be used temporarily for the purposes and convenience of hon. members of this House. I think that scheme ought to have been accepted and gone on with some time ago. Personally, I do not favour the idea of starting upon any extensions to this building which will be of a permanent character in regard to the building itself. We might add to the conveniences of the building very largely by erecting the proposed extension of the Public Works Offices, according to the plan previously recommended, at the rear of the present Assembly buildings, and so providing additional accommodation for hon. members until we see our way clear to deal with the site selected some time ago at the head of St. George's Terrace. When I asked a question in this House the other evening in reference to increased accommodation, the Premier seemed to desire that another Select Committee should inquire into the matter. I have no objection to that course; but I should like the committee to consist of at least seven members, and I hope the hon. the Speaker will see his way to accept nomination on the committee, because it is desirable he should be a member of it. The fact that we had a report and plan before us previously will be of assistance to the committee, and I presume that report will be placed before them again. I therefore move the motion.

THE PREMIER (Right Hon. Sir J. Forrest) : I am quite willing to have a select committee, and I shall be prepared to take a part in its deliberations if hon. members desire to appoint me on it. I may say at once, I am of opinion that a large amount of money should not be spent on this building; that to spend

£9,000 or £10,000 on this building would be an absolute waste of money at the present time.

MR. ILLINGWORTH: I have not suggested that anything should be spent on this building.

THE PREMIER: We might do something to make this building more comfortable for a little while, but we should also realise that this is not going to be the Legislative Chamber of this colony for a great length of time; a place close to the street, noisy, without any conveniences at all, abutting directly on the street, and presenting no appearance. This Chamber is not bad—indeed that is the best part of it; but the sooner we make up our minds to try and get away to a proper abiding place for both Houses of Parliament, the better. That has been my view; and if appointed on the committee, I shall be glad if we can do something to make this building more convenient and more comfortable, but I think we should not do anything to create the idea that we intend to make this the permanent home of the Legislative Assembly of this colony. Let us look forward to having a place by itself, isolated, in a prominent position, and presenting a good appearance. In fact we have already decided—[MR. ILLINGWORTH: Both Houses]—yes, both Houses have agreed upon the site at the top of St. George's Terrace; though we must not spend too much money on it now—no one desires that under present circumstances. I believe that £20,000 or £30,000 would be sufficient to do something suitable for housing the members of both places under one roof. When I look at the plans of that palatial building we are erecting for the Supreme Court-house, which I think is quite good enough for the purpose, and is going to be erected for £60,000, a palatial structure one-half of which would comfortably house the members of both branches of the Legislature; when I see that a building one-half that size would comfortably house both the Legislative Council and the Legislative Assembly, and give us accommodation for a time that will be far and away superior to anything we have here, ten times better; seeing that we could do this for £20,000 or £30,000, leaving out the piazza, the approaches, for the present; I say if we can embark

on a building for the Supreme Court at a cost of £60,000, we can embark on a building to cost £20,000 or £30,000 sufficient for the Parliament of the country at the present time. We have heard clamours from lawyers and other persons about the inconvenience of the present Supreme Court-house, and we have heard this until the Government could resist no longer; but it does appear to me that if this clamour had been directed to reducing the exorbitant charges of lawyers and others in connection with litigation, there would have been more sense in it. At any rate we must not think the building in which we now are is going to be the Legislative Chamber of the colony for a great length of time; and I hope therefore the committee, when appointed, will set to work and be very economical in trying to make this building more comfortable, by spending £2,000 or £3,000 on it in view of the early commencement of a building on a magnificent scale, suitable for the Parliament of Western Australia. I shall be glad to be a member of the committee, if it be the desire of the House; but before anyone votes for me, I have thought it right to tell them my sentiments.

MR. PIESE (Williams): Before the question is put, I would like to say that in regard to the appointment of a select committee, much good would result from the appointment with a view to inquiring into the question as to what provision should be made here for temporarily accommodating the members of this House, and those who are attached to it in connection with their various official duties. There is very little prospect of doing much with an expenditure of £3,000 or £4,000, because the works to be carried out here would have to be somewhat of a permanent character, to be subsequently made use of for extending the offices of the Public Works Department. In regard to the construction of such a building, there are only two ways of looking at it. One is to do very little on the present building; to spend £1,000 or £1,500 on this building to provide the necessary accommodation; or, secondly, we might spend about £10,000 in building the wing which was proposed to be constructed some time ago as an ultimate extension of the Public Works offices, and the plan for that building seemed to meet

with the approval of hon. members when it was before them. To construct a building on those lines would mean an expenditure of £10,000, with very little prospect of having the building completed so as to accommodate members of this House by next June, because it is a work that will entail a good deal of expenditure. There seems to be another course. We might do something which would entail only a small expenditure. Either of these things must be done. If we intend to go on with the wing, it is better to do only a little work here and make a commencement with our new Parliament buildings. Very little work can be done if we are to be accommodated by the time the next Parliament meets. Whichever we commence, the wing or the new Parliament Houses, neither will be ready for us by the time the next Parliament is called together. That we shall have to do something in the way of making a commencement with either of these buildings is apparent; and that will be a matter for the committee to inquire into. Something more could be done in the way of improvement here, and perhaps it would be wise not to do anything with regard to the wing if it is intended to go on with the Parliament Houses for the future. We could make some additions at the back, or arrangements could be made to have one of the floors in the public offices, and make provision for the officers now occupying that floor in another part of the city; it would only be necessary to take temporary offices. This would meet our requirements for the time being. All these things can be looked into by the committee, but we should take seriously into our consideration the ultimate erection of the new Parliament Houses. I think that question should be dealt with, because it is said that it would be wise to commence the new buildings perhaps at an early date. I am in favour of the appointment of the select committee, because I think much good will result from its deliberations. All of us know the difficulties as to accommodation, and as soon as we can relieve the members of this House, and those who are attached to it in an official capacity, the better it will be for all concerned.

Question put and passed.

MR. ILLINGWORTH: I move that the committee consist of seven members.

THE PREMIER: This is not a matter of startling importance which requires seven members. Five is a more suitable number, and, another thing, seven members could not be got to attend.

MR. ILLINGWORTH: I do not think we can get sufficient representation on the committee with less than seven members.

Motion put and negatived.

A ballot having been taken, the following members were elected (in addition to the mover, Mr. Illingworth):—Sir John Forrest, Mr. Kingsmill, Mr. Piesse, and Sir James G. Lee Steere.

Power was given to sit during any adjournment of the House; to report this day week.

#### MOTION—EXPLORATION, KING SOUND TO CAMBRIDGE GULF.

MR. MONGER (York): I beg to move:

That, in view of the expression of public opinion, it is the duty of the Government to send an exploration party to the country lying between King Sound and Cambridge Gulf.

He said: It seems that I am occupying more than my usual time in wearying members with expressions of opinion which I hold, and which I believe are invariably held by the people of this country. I am sorry that the Premier and the members representing the two Kimberley districts are not present here to hear the few remarks I have to make in support of my motion. It may be information to every member that as far back as 1864, an attempt was made to stock and settle practically the locality to which I now make reference. Nothing transpired on that occasion; no benefit was derived by the intending settlers. Their stock was lost, and they had no desire to make any examination for minerals, or to deal with the country in any other way. From information that has been gleaned by the visits of occasional prospectors to the locality—I am referring to an area embracing some 30 or 40 million acres of territory—we are left to infer that there are big possibilities and big probabilities before this portion of the country. It is the only portion at the present time, of the whole of Australia, which is practically unknown; and

I think on the eve of a dissolution of this Parliament it would be anything but a feather in our cap if it should go forth to the world that the people of Western Australia, owning this immense tract of country supposed to be the best-watered and embracing the largest number of natives in the whole of Australasia, were afraid to place on the Estimates a sum of money for the purpose of exploring and exploiting that country. I think, as the Premier has notified to us his intention to retire from Western Australian politics, considering the way the name of the Premier has been associated with the exploration of parts of Western Australia for the last 20 or 30 years, it would be only fitting on his part to agree to the motion that I now bring forward. An item of £10,000 to a country like Western Australia to explore and exploit any unknown portion—practically of the whole of this vast territory—would be well spent; and I hope the Premier will see his way clear to say that he is in favour of a sum of money being expended by the Government to properly explore the country lying between King Sound and Cambridge Gulf. In 1883, Mr. Alexander Forrest explored Kimberley. He kept between the Leopold Ranges and the Fitzroy River, with the result that the country discovered by Mr. Alexander Forrest in 1883 is now the main cattle-producing portion of Western Australia. We hear occasionally accounts from an old prospector who has paid a running sort of visit to this particular locality, that there is country - -

THE PREMIER: In 1879, I think it was.

MR. MONGER: I am not certain as to the date: at all events, whenever Mr. Alexander Forrest's exploration took place it led to that portion of the country being used for the supply of cattle for Western Australia. We are told that the country on the other side of the Leopold Ranges, and in the vicinity of Prince Regent's River, is equal to any in Australia. It is fitting that on the eve of the Premier's retirement from office he should place on the records of Western Australia that it is his intention to support, as a Government concern, the proper equipment of an exploration party to explore and exploit the country between King Sound and Cambridge Gulf.

THE PREMIER (Right Hon. Sir J. Forrest): The difficulty with regard to such a motion is that there are at present no funds available to carry out the work. I do not think anything could be spent this year, except in preparation for the expedition. It would be impossible to go into that country until March or April next, after the wet season. Of course an expedition to any part of Western Australia not very well known must be productive of good, especially if it be carefully fitted out and accompanied by geologists, who can give a geological report of the country. Years ago, the whole of the Kimberley district was mapped out by the Survey Department, when a survey was carried through from Broome and Roebuck Bay, right up to the Fitzroy and Barnard Rivers, the Leopold Ranges, the Margaret River, and down the Ord to Cambridge Gulf—all this before we had responsible government. Afterwards we gave up exploring that country. There is no reason why the Survey Department should not undertake to map the country named in the motion, excepting that this piece of country, especially on the coast, is about the roughest in all Western Australia.

MR. MORAN: And the fullest of niggers.

THE PREMIER: Yes; but I do not think we are afraid of natives. I do not suppose they are worse there than at Cambridge Gulf. And the land surveyor (Mr. Johnston) landed at Cambridge Gulf and surveyed the whole of the country with a few men, seven or eight, and carried out a triangulation over the country; therefore what we did before can be done again. I hope the day has not come when people are afraid to go into the bush because there are a few aborigines about. I have never been afraid to do so with even one man. What we want, in the part of the country indicated in the motion, is a geological survey. We know pretty well what the country is for pastoral purposes, because in 1864 or 1865 the Government sent an expedition there with Mr. Sholl, afterwards Government Resident at Roebourne; and a lot of people from Victoria went to Camden Sound, where a Government station was formed. They remained there for some time, perhaps a year; but they found the country so inhospitable, so rocky, that

they abandoned it and came down to Cossack and settled in Little Bay District, Roebourne, and the surrounding country; and Mr. Sholl became the first Resident Magistrate of Roebourne, or the "Nor'-West," as it was called. Since then, other people have made several attempts; there was a settler there a few years ago, whose name I forget, who turned his attention to pearling. It is a splendid region for harbours and tides. The harbours are the most splendid in all Australia, but the tides are extreme. I believe there is in some places 40 or 50 feet of rise and fall; and the tide in the Prince Regent's River is quite a remarkable natural feature. It runs for an immense distance — about 100 miles — into the country in almost a straight line.

MR. MORAN: Is it a tidal river so far up as that?

THE PREMIER: Yes; it is called the Prince Regent's River, but it is really an inlet of the sea. Then further up, there are cataracts, where the naval officers who were surveying that part years ago used to water their ships. They filled their casks under the cataracts. It is a very interesting country. The pine tree grows there, but I do not think in such large quantities as to be considerable. I should say it is a country well worth prospecting for minerals. That is the hope I have regarding it. I may say the country near the coast is very rough, precipitous, and hilly; and as a consequence, the rivers are short. The rivers run rapidly from the high tableland into the sea. There are not many alluvial flats: the Glenelg, I think, is one of the best. Once arrived at the tableland, the traveller finds no more rivers running to the coast. He reaches a plateau of undulating country which extends all the way to Cambridge Gulf, and several people have travelled from Cambridge Gulf to where the descent begins from the plateau to the coast. That country is, I believe, very good for cattle. It has been described by a great many people, whose descriptions I have read; but the coast line itself from Cambridge Gulf westward to Camden Sound has as yet had very little attention. Of course the bays have been surveyed by the Admiralty, but the land adjoining those bays has not had much attention, the reason being that it is not much good.

MR. ILLINGWORTH: Is there any timber in the country?

THE PREMIER: The Cambridge Gulf timber is very useful, but not very large. It is useful for local purposes, but not for export. It would be a very good thing if we could spend about £10,000 in exploring this country, but of course we have made no provision for that on the Estimates, and there is no balance available for the purpose. It is a work we ought to undertake very soon; I do not know there is any great necessity for it at the present moment, but it should be undertaken in the near future. It is somewhat of a reproach to all of us that there should be country between King Sound and Cambridge Gulf not very well known. Of course, Camden Harbour was explored by Sir George Grey, I think in 1830, or at any rate not long after the date when this colony was founded; and he spent, I think, six months there, having been sent out with a naval officer from England to explore the district. They took ship from Mauritius, were landed there with a lot of ponies, and remained there six months or more, and then the ship came back and took them off. It was an unfortunate expedition. They did very little, owing to the country being so rough and inhospitable. They could not travel. I have often thought how different it would have been if Sir George Grey had landed at Cambridge Gulf or King Sound. He would have explored all that country, and the Ord and Fitzroy Rivers would have been known from the time this colony was founded; and who can say what would have been the future of that North-West territory had it been known from the earliest period of the colony's history? If he had landed at King Sound, he would have traversed the valley of the Fitzroy, a running river, on which he could have ascended 100 miles to the interior; or, if at Cambridge Gulf, he could have gone hundreds of miles up country, and formed a settlement which might have altogether changed the future of that part of the country; but instead of that he went to this inhospitable place which my friend the member for York now wishes us to explore. I mean, it is inhospitable because of its inaccessibility. It is the roughest place in all Australia. Captain King, afterwards Admiral King,

surveyed all that coast, and in 1818 to 1821 discovered all those magnificent harbours—St. George's Basin, Prince Regent's River, Camden Sound, and all those bays and inlets looking magnificent on the chart, and which were thought to be places where great cities would arise; whereas Cambridge Gulf and King Sound, which afterwards were populated, were places with some great marshes near the coast, difficult to land at, and presenting no attraction to the mariner. That was the reason given by Sir George Grey and others for deserting this inhospitable and inaccessible country; and the only reason for our doing anything in regard to it is the hope of finding minerals. It may be rich in minerals. On the banks of the Glenelg there are some alluvial flats which may grow sugar. As for the aborigines, they are said to be numerous. They were troublesome to Grey, and also to Mr. Sholl and his party; but the aborigines are supplied with so much food from the sea that the country does not need to be rich in game; and so far as I know, the Fitzroy and the Ord river districts, and those about Cambridge Gulf, are not good country for any game except wildfowl, which would, of course, be troublesome for the natives to catch; therefore, I think the natives depend very largely upon fish; and I know there is no place where the natives thrive better than on the seashore, and all the way along this coast they seem to get plenty of food from the sea, and are always in good condition. That is my experience of the natives all the way from the Gascoyne to the extreme North: they seem to eat mostly fish, turtle, and other marine animals. I feel some difficulty as to this motion. I am not inclined to oppose it. I should support an expression of opinion in favour of what the hon. member desires. I think that is the least we can do. But whether we shall be able to give effect to it immediately will depend upon circumstances. We could not, at any rate, do anything until Parliament meet next year; and if we were to do anything, I should advise that some experienced officer of the Survey Department should form an expedition, and be landed in one of those bays with a party; that a steamer should call on its way to Cambridge Gulf, and that the officer should have with him

one or two geologists, so that a geological report on the country could be framed; but I can assure hon. members it is a rough place, and therefore the expedition will not do very much in a short time. They will not be able to traverse and to map hundreds of miles of country as other explorers and myself have done in years gone by. The difficulties Grey found in 1830 and, later, Sholl in 1865, and others who went there about the same time, including the member for Wellington (Hon. H. W. Venn), who, I think, was wrecked there, and Mr. E. T. Hooley, the ex-member for the DeGrey, and the late Mr. McRae, who all deserted the country and did not seem to think much of it—similar difficulties would still confront this projected exploring party. The gentlemen I have named all left the place and came down to Cossack, so that the country has not been altogether neglected, but deserted by a lot of experienced men. My idea is that we should have a geological survey of the country: there may be great wealth there, and we should do our best to try to have it investigated.

MR. MONGER (in reply): All I need say in reply to the Premier's remarks is, nothing is required save a sum of money to keep the exploring party going from the middle of March to the end of the financial year; and surely the Government might manage the £500 asked for. That is a trifling sum, to my way of thinking, and the Premier should absolutely agree with the expressions I have used. I hope before this Parliament prorogues, the Government will place, at all events, a preliminary vote upon the Estimates, so as to insure a proper exploration of this locality.

Question put and passed.

#### PERTH ELECTRIC TRAMWAYS LIGHTING AND POWER BILL (PRIVATE).

MR. MOORHEAD brought up the report of the Select Committee on this Bill; and, in formally moving its adoption, said: The committee sat on seven occasions and examined 35 witnesses; and from these facts the House will have the assurance that the committee have carefully inquired into the Bill, and they suggest certain amendments.

Question put and passed, and the report adopted.

# HAMPTON PLAINS RAILWAY BILL (PRIVATE).

MR. MOORHEAD brought up the report of the Select Committee on this Bill; and, in moving its adoption, said: The committee have made several recommendations in their report. We had the advantage of the assistance of the late Commissioner of Railways (Mr. Piesse), and that will be a guarantee to the House that the public interests have been conserved in the recommendations made by the committee.

Question put and passed, and the report adopted.

## MR. SPEAKER'S REMARKS ON PROCEDURE.

THE SPEAKER: I would like to draw the attention of hon. members who are in charge of private Bills to No. 51 of the Standing Orders under Private Bill Legislation, which says:—

No Bill whereby any Crown lands or Crown property or the lands or property of the Government of this colony may be affected shall be considered in Committee of the whole House, until the Governor shall have informed the House by Message that, having been informed of the purport of the Bill, he gives his consent, as far as her Majesty's interest or the interest of the Government is concerned, that the House may do therein as they may think fit.

The Hampton Plains Railway, I believe, takes a great deal of Crown land; therefore, before it can be considered by a Committee of this House, there must be a Message from the Administrator intimating that he will allow us to proceed with the Bill.

## ANNUAL ESTIMATES.

### IN COMMITTEE OF SUPPLY.

Consideration resumed from the last sitting.

RAILWAYS DEPARTMENT (Commissioner, Hon. B. C. Wood).

Vote — *Railways and Tramways*, £920,716:

MR. GEORGE: The other evening he found it necessary to make a few remarks with regard to the railways, and some of those remarks were emphasised more than he had intended, because of interjections made by members. If the hon. member for East Kimberley (Mr. Connor) were now present, it might be desirable to reply to certain remarks made by him with reference to the action

of the Engineer-in-Chief as affecting the General Manager of Railways. Seeing the hon. member was not present, he would refer to that incident only briefly. He had never said a single word derogatory to the Engineer-in-Chief. On the contrary, no one had endeavoured more than himself to treat the Engineer-in-Chief with due consideration for the high and responsible office he held, and the great abilities he brought to bear on the work. He (Mr. George) had long held the opinion, and expressed it more than once in this House, that the salary paid to the present Engineer-in-Chief was miserable for the high attainments of that gentleman, and for the magnitude of the works he was carrying out. The Premier did on one occasion propose to increase the salary to £1,500 a year, and at that time he (Mr. George) urged the increase should be to £2,000. He would say now that a gentleman in the position of Mr. O'Connor, and carrying out the important works which he had in charge, ought certainly to receive not less than £2,000 a year; and the present salary of £1,500 was miserable payment for the work he had to do and the high attainments brought to bear on it. While criticising Mr. O'Connor from time to time, as he always claimed a right to do, and would continue to do, he must say also what he considered to be fair in regard to the eminent abilities of the Engineer-in-Chief. Mr. O'Connor, when giving evidence before a Royal Commission which inquired some years ago into the organisation of the civil service, said then that he desired to be relieved from the duties of General Manager of Government Railways, that the time for which he had been appointed General Manager had, in his opinion, gone by, and that a change in the system should be made. Therefore he (Mr. George) had stated the other evening, and repeated now, that when once the Engineer-in-Chief was relieved from the duties of that office, or relinquished the duties as a result of the recommendation of that Commission, which recommendation was made without the least feeling or ill-will, and certainly he (Mr. George), as a member of the Commission, had no ill-feeling towards Mr. O'Connor—the change having been made, Mr. O'Connor should have re-



frained from further interference with the working of the Government railways. The public works of which he had the control were sufficient for his attention. Still, it was a fact that Mr. O'Connor had on occasions button-holed members of this House in connection with matters relating to the Government railways since he had ceased to have charge of them, and he had also drawn the attention of members of this House to apparent discrepancies in the figures connected with the working of the railways. This statement could not be denied. It was also true that a discharged servant of the Railway Department was employed by Mr. O'Connor for some months in the Works Department, and while there a considerable portion of that officer's time was given to collating figures connected with the management of the railways. The facts and figures so prepared were brought forward in a pamphlet, copies of which were sent out for distribution, and probably Mr. O'Connor had a copy now. Therefore he (Mr. George) must say with regard to those matters that it would have been more in keeping with the dignity of the position of Engineer-in-Chief if he had left the railways severely alone, after he ceased to have charge of them. So far as Mr. Davies and Mr. O'Connor were concerned, there was friction between them. The present General Manager was engaged in England through Mr. Burt, then a member of the Ministry; and the instruction given by the Premier to Mr. Burt as to making that engagement was that a gentleman was wanted who could manage our railways on commercial principles. When Mr. Davies came out to do that, he found the Engineer-in-Chief had been appointed General Manager; and seeing that he (Mr. Davies) would have to alter the railways by cutting down the grades and making various other improvements, he naturally wanted to be able to do that work without having to ask permission from the authority in charge of the railways. So far as the results of the railway working were concerned, they were no reflection on Mr. O'Connor, nor were they a feather in his cap; but when relieved from the duties of managing the working of the railways, the least he should have done was to leave the working of the railways alone. He (Mr. George) had nothing to

retract from what he had stated the previous evening.

Mr. PIESSE expressed regret that he had not been present during the discussion on the previous evening in regard to the railways; otherwise he would probably have had an opportunity of saying something which might have relieved the minds of hon. members, and thrown some light on one or two matters raised by different speakers. If some information were not given now, the statements previously made might cast reflection upon the management, which would be detrimental to those who were carrying on the work of the Railway Department by misleading the public in regard to the general position. The member for East Kimberley (Mr. O'Connor) had stated last evening that the railways were not satisfactorily managed, and that there was need for a better system being introduced on the Boulder railway. That question of the Boulder railway had received consideration from members at various times, and had been a subject of comment by the public; and he might say that every effort was being made to prevent the leakage referred to, by instituting a better system until such time as the new stations on that line were completed for the more effectual collection of tickets. He believed the leakage was exaggerated, though there evidently was a leakage. He hoped the assurance he had given would relieve the department from the charge of neglect in that matter. The same hon. member had also alluded to the General Manager coming out in 1891 to take charge of the traffic. The question of the General Manager's status was finally settled in 1892, while the Premier was the acting Commissioner of Railways; and in a minute which the Premier addressed to the Chief Traffic Manager, he set forth the status of that officer, and placed under his charge the branches of Ways and Works and Locomotives, which were formerly under the direction of the Engineer-in-Chief. The new General Manager had been expected to take up the Traffic branch and make it a success, and he was to carry on that work without placing everything before the Engineer-in-Chief, as at one time it was thought he should do. The General Manager was to have a free hand in regard to the traffic; and the Engineer-

in-Chief, in his report written in 1895, attributed a great deal of the success of the railways to the able and zealous administration of the General Manager. In that report he said :—

That the whole of the decreases in working expenses are due to improvements in construction works should not, however, for a moment be imagined, as it is in the power of the Traffic Branch (whilst performing its most important function of keeping in touch with and meeting the requirements of the public) to very considerably diminish or increase the working expenses, not alone of its own branch, but also of all other branches of the Working Railways Service, by good or bad administration, as the case may be. That is to say, the results as a whole must necessarily depend very largely on the arrangement of the train services, so as to work with the least possible waste of time and power; and it cannot therefore, I think, be doubted by anybody that the very satisfactory results which have recently accrued on the railways are largely due to the zealous and capable administration of the General Traffic Manager, and also to the loyal service of the officers whom he has got around him.

The allusion made to the services of the General Manager, and the statement made by the member for the Murray (Mr. George), would lead one to believe there had been great friction between the two officers. According to the report from which he had quoted, the Engineer-in-Chief evidently thought in 1895 that the General Traffic Manager had carried out his duties satisfactorily. This spoke very highly for the officers who had carried out their duties. There seemed to have been some differences between the Engineer-in-Chief and the General Manager, resulting from the inquiry by the Royal Commission appointed to inquire into the civil service, which included the Railway Department. From that time the relationship between the two officers was not so cordial as it had been, although there did not appear to have been any public allusion to the matter which would lead members to suppose that the two officers were not working together as satisfactorily as they might do. If the officers had worked together satisfactorily, no doubt a better result would have followed. It was to be regretted that a more amicable relationship did not exist between the two principal officers of the department. This country was not singular in this respect. In the other colonies similar differences

existed between officers high in the service; but disagreements must be put down as much as possible, and he (Mr. Piesse) had always endeavoured to bring about an amicable relationship between the two officers. He regretted the allusions which had been made the other evening as to these differences; but the remarks having been made, he could not allow them to pass without saying that he thought many of the statements made from time to time had been the result of needless comment on the part of the Engineer-in-Chief on the working of the railways after he had given up control. Once an officer gave up control of a department, it was sufficient for him to look after his own duties, and not to interfere with another department. There was sufficient to do in his own department, and each officer should confine his attention to his own special sphere, and not look into the workings of other departments. The member for the Murray (Mr. George) had alluded to the General Manager, but from his (Mr. Piesse's) experiences the General Manager had never brought under his (Mr. Piesse's) notice, by word or action, anything that would interfere or seem to interfere with the working of the Public Works Department; on the other hand, there had been a tendency on the part of the Engineer-in-Chief to criticise unduly the working of a department which was not now under his control. Needless to say, having been long connected with the railway system, the Engineer-in-Chief took a great interest in the working of the railways, and watched their further progress after he had relinquished control. But there was no necessity for one to unduly interfere or criticise the work of another department. Members had alluded to the increase in the working expenses since the Engineer-in-Chief relinquished the control of the railways. The increase had gone up since 1896, from about 50 per cent. to 77 per cent.; but in 1898 the expenses began to recede again. He believed that some strictures had been made by the Engineer-in-Chief in regard to this, and members had taken his side of the case in putting before the House their opinions. No doubt members must have gone carefully through the different reports to have in so short time mastered the figures. Hon. members must have spent a good deal of time in

going through the voluminous reports which had emanated from the Railway Department since 1896; and it seemed that the hon. member for North Murchison (Mr. Moorhead) had in a very little time been able to master figures which had taken him (Mr. Piesse) years to become acquainted with. The hon. member had been able to place before the House facts which showed that a master mind had been at work. He had been able to give to the Committee certain particulars, and if the hon. member had got off the beaten track, probably he would have lost himself in that maze of figures which the reports contained; but with the careful attention which the hon. member had given to the matter, he was able to display to the Committee a keen knowledge of the working of the railways and their financial condition.

MR. MOORHEAD: Would the hon. member just explain the £63,000?

MR. PIESSE: That would be explained directly. A great deal had been said as to the difference since the General Manager took control in 1897. It had been shown that the working expenses had gone up considerably. He would like to refer to the report of the Engineer-in-Chief for 1896. On pages 10 and 11 of the report there were certain remarks which would bear out what he (Mr. Piesse) had said a few nights ago on the subject. The report said:—

I now come to the consideration of the financial results of our railways last year as compared with those of the adjacent colonies, and as to the causes of our results being, in many cases, so much better than the results in the said adjacent colonies. These are, in my opinion, principally as follow:—

Then the General Manager gave a paragraph which he (Mr. Piesse) would not read, but cause 2 said:—

The higher rates prevailing on the goldfields lines, the effect of them having been as follows:—That is to say, if the rates on the goldfields lines had been the same as on the other lines, the railway revenue would have been some £60,000 less last year than it actually was; and by consequence, the working expenses, instead of being 49·79 per cent. on gross earnings, would have been 56·15 per cent.

Cause 3: The large proportion of long distance through traffic, to which these higher rates applied;

Cause 4: The fact that we have had more goods and passengers to carry than we could conveniently convey, which of course entailed

the whole of our rolling-stock and staff being kept fully employed;

Cause 5: That the railways have been undermanned;

Cause 6: That the employees have been underpaid, especially in view of the high cost of the necessities of life. This has already, to some extent, been amended, but further amendments in the same direction will be necessary in the future.

The reducing of the rates on the goldfields lines, so as to bring them on a par with the rates prevailing on the other railways, having been determined upon, to take effect from the 30th June last, this reduction will thus operate throughout the whole of the present financial year, and it is estimated to be equivalent to a reduction in revenue (as compared with what the revenue would have been on the previously existing tariff) of about £100,000; and, taking that fact into consideration, in conjunction with some of the other items hereinbefore mentioned, and also in conjunction with the fact that 60 miles of additional railway (from Southern Cross to Boorabbin) came into operation on 1st July, and that further lengths of additional railway, as indicated in table under paragraph 21 herein, will come into operation during the present financial year, it is estimated that the percentage of working expenses to gross earnings during the current year will be 64·57 per cent.

He (Mr. Piesse) had dealt with these very points himself. He had proved that one of the reasons why the earnings were so much out of proportion to the expenditure was in consequence of the higher rates, which were reduced in July, 1896; also an increase in the number of men employed, and in the rates of pay. All these things resulted in additional working expenses. Anyone dealing fairly with the system placed before him from time to time in the reports would agree that the condition to-day was not the result, as pointed out by members, of injudicious expenditure, or unsuccessful working, or management, but the result, first, of the reduction in the rate made in July, 1891, the increase of pay, the increase of staff, and other things; also having to extend our railway system on the goldfields together with the increased wages the Government had to pay there, having to allow the men 25 per cent. higher wages than were paid in the coastal districts. These things easily accounted for the difference mentioned. It was unfair to charge the Manager of the Railway Department, and his officers, with the increased working expenses without giving them some credit for the

causes which brought about that result. Then there was the difficulty of having to deal with the people at the end of the line, the contractors. The member for South Fremantle (Mr. Solomon) stated that the goods traffic should be placed on a better basis, and the hon. member said he understood that £5,000 had been paid this year for goods which had been lost. He (Mr. Piesse) would like to correct that statement, because the amount paid by the Government this year was only £595. That was for four months: the amount for 1899-1900 would therefore amount to about £1,595, so that the statement made was quite erroneous. If we took the amount paid away for losses at £600 for the three months, the total amount for the year would be £2,400; which was very different from the amount mentioned by the member for South Fremantle.

MR. HOLMES: The amount was shown in the return as £5,000.

MR. PIESSE: That included personal injury and loss of life, which was a very different thing. As to the question of auditing, he might state that this colony was in exactly the same position as the other colonies, excepting New South Wales. In all the other colonies they adopted the same system that we adopted here, but in New South Wales the Auditor General's travelling inspectors periodically examined the accounts at the railway stations. The Chief Commissioner of Railways, however, kept his own staff of auditors for the examination of accounts at railway stations. The examining officer attached to the Western Australian Auditor General's office visited the Perth Station daily and audited the accounts of the railway cashier. The officers of the Western Australian Auditor General also made daily visits to the Perth Station and examined and checked all vouchers for payments made from day to day by the paymaster of railways, and these officers also periodically examined the balance-sheet which the paymaster prepared.

MR. HOLMES: If it was necessary to check at Perth, why not check at other stations?

MR. PIESSE: That was done by departmental auditors, and the returns were sent to the head office. That was really the system adopted in all railway

systems in the world, travelling auditors going from place to place to examine the accounts. In regard to the amount of £63,000 which the member for North Murchison (Mr. Moorhead) was very anxious about, and led the Committee to believe that it was a discovery on his part—

MR. MOORHEAD: Certainly not: he was not so childish as that.

MR. PIESSE: Reference had been made to this amount. In 1898 or early in 1899, some hon. members referred to this subject, and it was the cause of some debate. An explanation was then given which appeared to be satisfactory to the House. Taking the account, it would be found in the statement published in the report on page 29 of 1898, table No. 3, that the railway expenditure for the year ending 1898 upon railways and tramways was £788,941. That was on working expenses, but there was also an expenditure in that year of £63,707 on improvements and renewals. This item of £63,707 was provided for on the Estimates of 1898. The Committee voted a sum of £90,000 for the carrying out of works which might be termed improvements and renewals, and which properly should have been charged to capital account. Of that amount only £63,707 was spent. If hon. members referred to the report of that year they would find the total amount expended on working expenses, improvements and renewals was £850,024. It was shown that there was a saving after paying working expenses of £233,784; and the £63,707 which the hon. member alluded to was charged to the Treasury, but was not shown as part of the working expenses. The amount did not go astray, as the hon. member would lead the Committee to believe, and disappear altogether.

MR. MOORHEAD: Where was it shown?

MR. PIESSE: In the statement on page 29, table 3. There it was charged as an item, "improvements and renewals to opened lines."

MR. MOORHEAD: It was easily understood how it took a couple of years to make up the figures.

MR. PIESSE: The accounts explained themselves.

MR. MOORHEAD: That was what they did not do.

MR. PIESSE: As to the £1,400,000 expended out of the consolidated revenue in improvements to opened lines during the last four years, he would like to point out that portion of the amount expended was out of loan, and not out of the consolidated revenue. The amount provided from loan was something over £1,000,000, and the amount from the consolidated revenue mentioned from year to year in the accounts totalled about £383,641. In regard to the interlocking gear, it was stated that Mr. Evans was engaged to take up the interlocking work, and that he was agent of the company from which the goods were purchased. Mr. Evans was agent of the company for a short time. He was selected to take up the position under the Government, being well recommended by the late Mr. Eddy, of New South Wales, as a well-deserving officer, and a man who had worked under the late Chief Commissioner of New South Wales. Mr. Evans when taking up the position relinquished a post which was equally remunerative to him, but the prospects here were of a better character than those he had in New South Wales. The Government had no reason to regret having taken this officer into the service. Regarding purchases alleged to have been made without tenders being called, these were made at schedule rates through the Agent General, and the prices were those ordinarily paid by other people using that class of machinery. The interlocking gear was of the type known as the "McKenzie-Holland," generally used in most of the other colonies. It was also said this officer had a brother here who was agent for the company supplying the machinery. His brother might be agent for the company, but he did not reside in this colony, nor was he at present engaged here.

MR. CONNOR: Was the brother at present the agent for the manufacturers?

MR. PIESSE: Yes; in New South Wales.

MR. CONNOR: Did the orders for the colony go through him?

MR. PIESSE: He could not answer that question, but all indents were forwarded to England through the Government Storekeeper to the Agent General, and purchases made were through the Consulting Engineer in England.

MR. HOLMES: Did the Government Storekeeper stamp the machinery "N.B."?

MR. PIESSE: The statement about "N.B." was a joke. Machinery so stamped was as good as any other.

MR. HOLMES: It was said to be old material condemned by the North British Railway Company.

MR. PIESSE: That was not so. Regarding the interlocking gear and its installation on various sections of the railways, the Engineer-in-Chief doubtless had good reasons in the early days for recommending the construction of these railways upon very economical lines, with which he (Mr. Piesse) did not disagree, because in those days that method was justifiable. But subsequently, owing to the rapid increase of traffic, provision had to be made for the safety of the travelling public; and the introduction of the interlocking gear, together with the perfect signalling we now had, resulted in the prevention of serious accidents. It had been stated that in South Australia a large part of the railway system was not interlocked; but interlocking gear was provided at all the busy stations of that colony: the whole line between the border and Adelaide was interlocked, and most of the other busy portions.

MR. HOLMES: Did South Australia interlock lines like our South-Western Railway?

MR. PIESSE: The last-mentioned line was interlocked at busy places only, as, for instance, at Pinjarra, through which station many trains passed. Hon. members should not cavil at the expenditure incurred. Prior to 1896, though the mileage was very short, accidents were numerous; and in the absence of interlocking, the damage resulting from accidents would have amounted to a far greater sum than that spent on this gear. The £50,000 so expended would not have counterbalanced the loss, by accident, of even one life. The colony of New Zealand, whose railways were held up as an example of commercial working, had a severe shock in a recent accident, which had cost the Government between £35,000 and £40,000, simply for the want of a similar system; and that colony was now introducing an interlocking system, which would ultimately cost £60,000 or £70,000. Many a time the officer alluded to during the debate, as an example of economy, had

held up to the Government here the example of New Zealand. Though sorry to see such an accident occur, he (Mr. Piesse) maintained that accident proved that we might go on for a long time in apparent security, and then suddenly receive the shock experienced by the New Zealand Government, in the absence of proper precautions. Let us make the railways, as far as possible, safe for the travelling public. In 1896 there were at Perth station only one or two ground discs and one at Fremantle. The accident at Northam, where a goods train ran into a goods shed, might have resulted in a serious loss of life to the passengers in the Kalgoorlie express. Such an occurrence was impossible to-day, owing to the interlocking system.

MR. MOORHEAD: What had the system cost?

MR. PIESSE: About £50,000 up to date; and the upkeep of the whole system cost some £9,000 or £10,000 per annum. Allusion had been made to the vote of £5,465 to provide salaries for carrying out new works and improvements. When this was asked for, it was intended that the amount expended should be slightly larger, nearly £100,000; and it was now intended to appropriate from that amount, and also from ordinary expenses for carrying out new works and improvements from loan, an amount of £98,000; for nothing under the head "Departmental" had been asked for out of loan. Out of moneys so appropriated it was intended to carry out the Boulder railway duplication, at a cost of £36,000; to provide rolling-stock costing £65,000, the total being £220,448; and so far in the statement of the member for North Murchison (Mr. Moorhead), that 20 per cent. of the entire expenditure was for salaries, being correct, the fact was that the departmental vote represented less than 2½ per cent. of the capital expenditure, and this without considering expenditure on account of rails and fastenings. Certainly the amount needed explanation, but it was singular that the hon. member should pick out all these small items, to perceive which the eye of an expert was required.

THE PREMIER: Evidently the hon. member had an assistant.

MR. PIESSE: It was very regrettable that there should have been necessity for

alluding to the two officers prominently mentioned. No doubt the colony had received great professional assistance from the Engineer-in-Chief, who had carried out the earlier-constructed portion of the railway system very economically. Since that time it had been found necessary to build up and extend the railways, which had been started as pioneer lines. That policy must be continued. The figures given by the member for East Coolgardie (Mr. Moran) the other evening, with which he (Mr. Piesse) did not disagree, proved the necessity for making some provision in that direction. That hon. member's speech was full of information regarding the future of the railways, and showed that improvements must continue. It was regrettable that the General Manager of Railways had also been mentioned in connection with the Perth Ice Company's frauds. Surely hon. members had had enough of that subject, and should not blame the General Manager for the neglect.

MR. GREGORY: The Government were blamed.

MR. PIESSE: One would not defend the neglect, because it was apparent, and no doubt punishment would be meted out to the guilty persons; but why should we mark out such officers as the General Manager for the condemnation which some hon. members had showered upon him and his administration, considering that in 1891 Mr. Davies was appointed to take charge of these railways at a salary of £800 a year, and that he had worked from 1891 to the present time, some nine years; and now the Committee were asked to give him a salary of £1,500. It was an infinitesimal fraction of the net earnings of this great railway system. Not for a moment should that increase be cavilled at, for every credit was due to that officer. Surely when this item came forward, there should be no discussion upon it such as hon. members had threatened, for enough had been said on the matter, and sufficient explanations given.

MR. GREGORY: The Government had been blamed for not giving explanations about the Royal Commission.

MR. CONNOR: Who was responsible if not the General Manager?

THE COMMISSIONER OF RAILWAYS (Hon. B. C. Wood): Just a few

words before going on to individual items.

MR. GEORGE: Do not worry! The general debate had not yet closed.

THE COMMISSIONER OF RAILWAYS: The member for North Coolgardie (Mr. Gregory) had asked about the Royal Commission. The names of the members of that body had been agreed upon, and only their consent to be appointed was required. Some of them had been communicated with that day, and when hon. members heard the names, it would be found that good business men had been appointed, who had no connection with the Government. Last night some members seemed to be very gullible, in listening to the man in the street with regard to Mr. Jaques having something up his sleeve in the shape of a letter from his superior officer.

THE PREMIER: The member for North Coolgardie (Mr. Gregory) said that.

THE COMMISSIONER OF RAILWAYS: Mr. Jaques had been communicated with to-day by the Chief Traffic Manager, and a reply had been received. He would read the correspondence. The Chief Traffic Manager, Mr. Short, wrote as follows:—

It was stated in the House of Assembly last night that you were in possession of a letter instructing you not to weigh the Perth Ice Company's traffic; and I would be glad to know from you definitely—for the information of the Right Hon. the Premier—if you have such an instruction; if so, the date of it, by whom signed, and reference. Please place your reply in the hands of Mr. Hope, whom I have deputed to see you with respect to it.

MR. GREGORY: Another man agreed to withdraw letters from the file. That was in evidence.

THE PREMIER: Would the hon. member accept this letter now?

MR. GREGORY said he would accept the Select Committee's report.

THE COMMISSIONER OF RAILWAYS: The reply received from Mr. Jaques was as follows:—

Your favour of date, without reference. I know absolutely nothing of the file referred to. Had I any such papers, I should only be too pleased to produce them in my own defence.

A. W. JACQUES.

In forwarding the above reply, the Chief Traffic Manager made this comment:—

Respecting the statements made in the House of Assembly last evening, to the effect that Mr. Jaques was in possession of a letter

instructing him not to weigh the Perth Ice Company's traffic, and our conversation hereon this morning, I have the honour to attach, for your information, copy of a letter addressed by me to Mr. Jaques to-day, and his reply thereto. This, I think, disposes of the statements referred to.

With regard to the audit, of which so much fuss had been made, the member for the Williams (Mr. Piesse) had to-night explained that matter very fully. He (the Commissioner) took the trouble this morning to get a minute from the Auditor General, which he would read to the Committee; and in order to show the matter fully, he would also read the letter from the Under Secretary which elicited the reply. The Under Secretary wrote to-day to the Auditor General:—

I am directed by the Hon. Commissioner of Railways to inform you that certain statements have been made recently in the Legislative Assembly, to the effect that the railway accounts are not audited by your department. Will you please advise me for the Hon. Minister's information, to-day if possible, whether such statements are true, or whether this department's accounts are regularly inspected and audited by your officers.

The reply of the Auditor General was as follows:

1. As reported to Parliament in previous reports on record, my department audits in detail the whole of the expenditure vouchers, but with regard to the revenue only a partial audit is made, consequent upon the fact that the Railways Department has its own auditors, and it is impossible for me to undertake with the staff at my disposal a detail station audit, which, as you are aware, is performed by Government auditors attached to the Railways Department. 2. I may add that an officer attached to my department visits the Central Railway Station at short intervals, mostly daily, and verifies the revenue items in the cash book by documentary evidence known as "cash dockets," which are signed by the stationmasters when making their remittances, and they are subsequently countersigned by the cashier. 3. The piermaster's accounts are audited by my department monthly.

FRED. SPENCER,

6-11-1900.

Auditor General.

In reference to that, he might add that to-day the authorities in the Eastern colonies had been communicated with by telegraph in reference to the system of audit prevailing in the Railway Department in each of those colonies, and after the replies which were expected came to hand, it would be for the Railway Department here to decide whether they would

bring the system of this department into harmony with the systems prevailing in the other colonies.

THE PREMIER said he had himself telegraphed to all the Premiers, on the subject. With regard to Jaques and Manson, they had been given till Saturday next to show cause why they should not be dismissed; and they had been suspended in the meantime, of course. In regard to the prosecutions, that matter had also been attended to, and summonses would be issued to-morrow morning. In a case of conspiracy, the procedure was by summons.

MR. GEORGE: The procedure for conspiracy was by warrant, as he understood.

THE COMMISSIONER OF RAILWAYS: When the items of the Railway Estimates were being dealt with, the details could be gone into.

MR. GREGORY: It was only fair to make an explanation in regard to what had just been stated. He (Mr. Gregory) said last evening that there was a charge of conspiracy affecting a large number of persons; that it had been stated openly in the streets that Mr. Jaques had a certain letter in his possession which he received from a superior officer. So far as members of this House were concerned, they knew nothing at that time about the intentions of the Government. It had been difficult to get anything definite from them. First, the Attorney General told hon. members that a commission was to be appointed to inquire into the Customs Department and the alleged frauds in connection with it; but no reference was made in that statement to what was being done in regard to the railways. Then the Premier said he had been in communication with the Customs Department, and that no frauds had taken place there; he (the Premier) being quite satisfied on that point.

THE PREMIER: No; he said nothing of the kind.

MR. GREGORY: Next, we had the statement of the Commissioner of Railways this evening that there was to be a commission of inquiry appointed at once; so that it was not until this evening the Government had given any definite idea as to what they intended to do, and it now appeared they intended to act at once. This would be the best course in the interests of the Railway Department,

in the interests of the Government, and in the interests of the country. He was pleased to think that the Opposition side of the House had compelled the Government to act promptly in this matter; and he hoped that the commission, when it inquired into these matters, would show that the heads of the Railway Department had been quite clear from collusion in the frauds, and that the commission would further exonerate the directors of the Ice Company. Members on the Opposition side could take credit for having forced the hands of the Government on this question.

THE PREMIER: We would give you all the credit.

MR. HOLMES: Having asked for information in connection with the Railway Department, and being unable to obtain it, he intended to press for that information before this vote passed. He had queried 297 items in the Railway Estimates as printed—[SEVERAL MEMBERS: Oh! ]—and he wanted these queries answered before the items were passed. Before passing the first item, there were three or four points of information he wanted to elicit, and he must insist upon having the information. With regard to the first item, the figures relating to it were to be found in a report on the table and in the report of the General Manager of Railways, showing that the Railway Department purchased five and a half million gallons of water from the Jobson Railway Company for £11,500. The General Manager's report showed that the department purchased altogether only about 17 million gallons of water; and if members would check those figures, they would find that the Railway Department paid £11,500 for five and a half million gallons purchased from the Jobson Railway Company, and paid £4,500 for 12 million gallons purchased from other persons. It would thus be seen that the department paid the Jobson Railway Company three times the amount for one-half the quantity, or six times as much as they paid to any other persons. In other words, the department paid to the Jobson Company £2 a thousand gallons, and paid to other companies or persons about 7s. a thousand gallons. This one item ran into some thousands of pounds, and he would block the



Estimates until he got an explanation. In addition to this, the department gave to the Jobson Railway Company £16,000 worth of credit, according to the return on the table; £13,500 worth of credit for railway sleepers, and £2,500 of credit for water and timber carried by the Government. For these credits, no security and no bond was taken. In addition, the Jobson Railway Company got the use of rolling-stock on their private railway without any charge; and of course no firm could get the use of a single truck unless they paid a deposit. [MR. PIESSE: That was wrong.] This was rolling-stock belonging to the Government, and used on the Jobson railway line. Hon. members must know the department could not run rolling-stock on a worse line than the one which had been "thrown down" in the manner this one had been. Then there was the item he had been questioning all along, the £60,000, and we had the admission of the Premier that he had been 10 years in office now, and that he had been granted 10 years' supply for that time, yet the Premier could not say what salaries were represented by the £120,000? If it was only a fortnight's salaries then the amount would be £60,000. At least the Committee were entitled to some explanation on that point. This was the information he was going to have, or try to obtain. We had the admission from the late Commissioner of Railways that his two principal officers had been quarrelling for years. The Minister controlling this department for some years had come to the House and admitted that for years past the two principal officers had been quarrelling practically from Monday morning until Saturday night. The late Commissioner should have put his foot down long before this.

MR. PIESSE: The late Commissioner had put his foot down.

MR. HOLMES: The late Commissioner should have decided that both officers were to agree or leave the service. How was the present Commissioner going to conduct the department, when he was not half as strong a man as the late Commissioner. If these two officers had been quarrelling during the late Commissioner's term of office, they would be fighting during the present Commissioner's term. We were told that the

officers of the Audit Department went to the Perth Station and checked the accounts there daily. If there was a necessity for checking the accounts at the Perth Station, then there was a necessity for checking the accounts at the railway stations throughout the colony. The reason the Auditor General did not check the accounts at the outside stations was that he had not the staff. If the Auditor General was given the auditing staff provided for on the railway estimates, the whole of the accounts of the Railway Department could be properly audited, and without any extra expense to the country; the Committee would then be satisfied that a correct audit was obtained. He was pleased to learn from the late Commissioner that he (Mr. Holmes) was right in assuming that "N.B." did not mean "newly bought," but "North British." It was condemned North British material which was foisted on to this Government.

MR. PIESSE: That could be all dealt with by the Royal Commission.

MR. HOLMES: The report of the Government Storekeeper had been laid on the table of the House to-night. Why this report should not have been sent down at an earlier date he did not know. It was purely an accident that the report was handed in this afternoon, and it so happened that the railway estimates were blocked last night, or he (Mr. Holmes) could not have pointed out what the Storekeeper said. This officer said that there was £53,357 2s. 9d. worth of locomotive engine duplicates, indented for by the Railway Department, in stock. The words of the report were:

I regret to say that this stock is not drawn from in such quantities as to indicate that it should have been imported.

That meant that there was £53,000 worth of duplicate pieces of engines lying in the Fremantle Government stores which were not wanted, yet we had the suggestion to take the stores out of the hands of the Government Storekeeper and place them under the command of the General Manager of Railways, and the General Manager wished a suspense account of £200,000.

MR. MORAN: In the Financial Statement, cash was taken for stores.

MR. HOLMES: According to the report, one-sixth of the value of the

Government stores was represented by duplicate parts of engines that the Government Storekeeper said the department would not use.

MR. GEORGE: There were so many different classes of engines that these parts must be kept in stock.

MR. HOLMES: These were just half a dozen items he wished explained. If the Government wished to get their Estimates through, they should give him (Mr. Holmes) the information, otherwise it would be his unpleasant duty to challenge the 297 items on the Estimates.

MR. PIESSE: In regard to the water question, it was quite plain on the face of it that a certain amount was paid to the Jobson Company for water, and that the balance was paid for water supplied by other people. The water that was supplied outside the Jobson Company was obtained from a dam at Coolgardie, and pumped from that dam alongside the railway line, so that the water could be supplied easily to the trains trading there. This water was pumped to the line's side at a very low rate.

MR. GREGORY: Did not the department get 12,000,000 gallons?

MR. PIESSE: Water was supplied from the dam he referred to, and other places, and it would be found that the water was supplied at a cheap rate, in some instances at 12s. 6d. per 1,000 gallons.

MR. HOLMES: The Jobson people had free use of the rolling-stock to bring the water in.

MR. PIESSE: There was a difference between hauling water 32 miles and having water pumped to the side of the railway line. In one case tanks had to be taken out in trucks, the tanks filled, and hauled back again, altogether a distance of 64 miles. In the other case the water was pumped from a dam, a distance of a mile from Coolgardie, to the train's side; therefore the service performed in each instance was dissimilar.

MR. HOLMES: That explanation did not go quite far enough. The late Commissioner had explained that the water supplied to the railways had cost some £6,000 a week, and the report showed that outside the Jobson company the department only purchased water to the extent of £4,785. If only that amount of water was purchased from others out-

side the Jobson company, he (Mr. Holmes) could not see how the Commissioner was paying £6,000 a week for water. The late Commissioner, the other night, explained that the Government had entered into a contract with the Jobson company, and were buying £6,000 worth of water a week.

MR. PIESSE: Nothing of the kind. It was £600 a day.

MR. HOLMES: The Premier had interjected that £1,000 a day was being paid for water, and the late Commissioner then said the amount was about £6,000 a week. He moved that progress be reported.

Progress reported, and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 10.45 o'clock until the next evening.

### Legislative Council,

Wednesday, 7th November, 1900.

Land Resumption Amendment Bill, third reading—  
Noxious Weeds Bill, in Committee, progress—  
Killing of Kangaroos for Food Bill, third reading—  
Coolgardie Exhibition Lands Repeal Bill, second reading, in Committee, third reading—  
Exportation of Arms Bill, second reading, in Committee, third reading—  
Streets (Victoria Park) Closure Bill, in Committee, third reading—  
Roads and Streets Closure Bill, second reading, in Committee, reported—  
Trustees (Colonial Securities) Bill, second reading, in Committee, third reading—  
Adjournment.

THE PRESIDENT took the Chair at 7.30 o'clock, p.m.

#### PRAYERS.

#### LAND RESUMPTION AMENDMENT BILL.

Read a third time, and passed.