LEGISLATIVE COUNCIL,

Friday, 13th August, 1880.

Correspondence and Returns—Destructive Insects and Substances Bill: Report of Select Committee—Perth Church of England Collegiate School Act, Repeal Bill: Report of Select Committee—Petition of Directors of Bunbury Jarrah Timber Co. (Limited)—Northern Railway: Settlement of Contractor's Claim—Preparation of Returns for Select Committees: Names of Officers employed and time spent—Supreme Court Bill: second reading—Wines, Beer, and Spirit Sale (Consolidation) Bill: third reading—Adjournment.

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

PRAYERS.

CORRESPONDENCE AND RETURNS.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) laid upon the Table—"(1.)—Further correspondence between "His Excellency the Governor and the "Secretary of State relative to Roads "Loan, moved for by Mr. Carey [*Vide* "p. 62, *ante*.] (2.)—Return showing "in detail the expenses of the Superintendent of Roads on his late trip to "Albany, asked for by Mr. Shenton, on "Monday, 9th August. (3.)—Return "showing disposal of Saving's Bank Deposits, asked for by Mr. S. H. Parker, "on Thursday, 12th August. (4.)—"Return showing how Loan of £17000 "has been expended, asked for by Mr. "Marmion, on Friday, 30th July."

DESTRUCTIVE INSECTS AND SUBSTANCES BILL.

MR. STONE brought up the following report of the Select Committee appointed to consider the Bill for preventing the introduction and spreading of insects or of matter destructive to vegetation:—"Your "Committee, having duly considered this "Bill, have to report to Your Honorable House, as follows:—That they "consider the Bill should simply provide "against the introduction into the Colony "of such insects. Your Committee are "further of opinion that the first clause "of the Bill is sufficient for this purpose. "Your Committee would also recommend "the adoption of a part of Clause 5, and "the whole of Clauses 6, 7, 8, and 9 of "the Bill.—E. A. STONE, Chairman."

The report was received, ordered to be printed, and the further consideration of the Bill in Committee made an Order of the Day for August 17th.

PERTH CHURCH OF ENGLAND COLLEGIATE SCHOOL ACT—REPEAL BILL.

MR. STONE brought up the following report of the Select Committee appointed to consider the Bill to dissolve the Corporation of the Governors of the Perth Church of England Collegiate School and for other purposes:—"Your Committee "have to report to Your Honorable "House as follows:—That Your Committee have taken evidence in support "of the allegations in the preamble, and "that the principal parties concerned "have given their consent to the satisfaction of Your Committee. Your "Committee have also to recommend "that the preamble of the Bill be "amended by adding the words 'principal surviving' before the word "'donors' in the fourteenth line. Your "Committee have further to report that "eleven donors, whose contributions "amount in the aggregate to £1,300, "have given their consent; and sixteen, "whose contributions amount to £117, "have not been consulted.—E. A. STONE, "Chairman."

The report was received and ordered to be printed.

PETITION OF DIRECTORS OF BUNBURY JARRAH TIMBER CO. (LIMITED.)

MR. CAREY, in accordance with notice, moved, "That the House resolve "itself into a Committee of the whole, "to consider the petition of the Directors "of the Bunbury Jarrah Timber Co., "praying for certain concessions."

Agreed to.

IN COMMITTEE.

MR. CAREY said hon. members would observe, on reference to the petition, that the concession asked for by the company was the exclusive right to cut timber upon some 4,000 acres of land in the Wellington district, and to have four reserves, of forty acres each, granted to them within that area, at the usual rental of ten shillings per acre. The company did not ask to have this land alienated,

but leased for a term of fourteen years, paying for the same at the rate paid by Mr. M. C. Davies for the land granted to him for the same purpose. The company also asked that the timber which they hereafter exported should be exempt from export duty, but he did not suppose the House would be inclined to accede to that request. It might be said that they had as much right to that concession as other companies, already in operation, had; but he was informed that, although that provision was part of the agreement entered into between those companies and the Government, it would not avail them the least in the event of the Legislature imposing such a duty, from the operation of which they would be no more exempt than any other exporters. He hoped hon. members would bear in mind that this application emanated from a purely local company. Large concessions, very large concessions indeed, had been granted to other companies coming here from the "other side;" but surely a company formed in the Colony, with local directors and local management, was entitled to greater consideration at the hands of the local Legislature than a foreign company was. Mr. M. C. Davies had received his 90,000 acres on very liberal terms indeed; the Ballarat Company had also been very generously treated at the expense of this country; yet these companies imported their own stores and stipulated that their employés should deal with them, and whatever profits were made went out of the Colony. It would be very different with a local company, as the money spent would be retained in the district. He might add that the reason which had induced the company to memorialise the House was, that having applied to the Government for these concessions they were informed that the Government were debarred from granting any further concessions without reference to the House, in pursuance of a resolution passed last Session. He did not think he need say any more, and would now move, "That an Humble Address be "presented to His Excellency the Gov- "ernor praying that he will be pleased "to favorably consider the petition of the "directors."

Mr. STEERE thought the memorial was worthy of the consideration of the House, though for his own part he failed to see why it was necessary to come before the Legislature in the matter at all, for the Government on all former occasions had taken these concessions into their own hands. The company, as had been pointed out, was a local one, and as the directors did not ask for any greater concessions than had been made to companies coming here from the other Colonies, he failed to see what possible objection there could be to granting the prayer of their petition. So far as the question of exemption from export duty went, he quite agreed with what had been said—that it was totally immaterial whether such a condition was embodied in the agreement or not.

Mr. MARMION said he would support the motion, for the reasons already given by other members. He thought that, as a rule, the Government of this Colony had been more ready to extend the hand of friendship and good-fellowship to outsiders than to those within our own borders. He saw no reason whatever why this company, formed by residents in the Colony, and established with a view to benefit the Colony, should not receive at the hands of the Government and of that House at least as favorable a consideration as had been extended to people coming here from other parts of the world. He did not think the concession asked for was a very great one. As to the price to be paid for the land, perhaps it would be as well to refrain from drawing any invidious comparisons between the present Company and Mr. M. C. Davies, for it must be borne in mind that the locality of their intended operations was more eligibly situated, being in a more central position, than the site of Mr. Davies's station at the Augusta, which he might say was almost outside the boundaries of the settled portion of the Colony. Under these circumstances, he did not think it would be unfair if the Bunbury company were charged a little more. At the same time, he should be sorry that they should be dealt with in anything like an illiberal spirit.

Mr. BROWN said he always understood that the principle of granting concessions to timber companies had been adopted for the express purpose of developing an industry that at one time

required some such stimulus; and he did not think they were justifiable on any other ground. He thought the concessions made in the earlier days of the trade had had that effect, and that the object in view had been fully accomplished. It was not his intention, however, to vote against the motion before the Committee, though he did think the Legislature ought to consider that the jarrah timber of this Colony was of great value, and that we should not lightly grant a monopoly of the trade. He thought the time was not far distant when the Government should put its foot down, and refuse any further concessions. And had not the company whose application was now under consideration been a local company, he certainly should have voted against it. He quite agreed with the hon. member for Fremantle that it was too much the fashion with the Government of this Colony, and also the public, to think that no good could come out of Nazareth. Outsiders, in too many instances, had all the plums, and the Colony had to be content with the suet. The very fact of being a Western Australian was quite enough to justify a man being looked upon with disfavor in Western Australia —not only by the Government but also by the public. He should vote for the present motion, but he hoped it would be the last time that the House would be asked to approve of a similar concession. Unless he altered his mind very considerably, on the subject, he certainly should never vote for another.

MR. VENN cordially supported the motion. In doing so he must, however, say that the hon. member for Geraldton had taken a somewhat prejudiced view of the claims of outsiders. One thing was very certain—had it not been for these outsiders the timber trade of this Colony would have remained *in statu quo*.

MR. CAREY said it might appear inconsistent on his part to have brought forward this motion, seeing that last Session he had opposed the granting of a similar concession to another party. But he did so simply on the ground that this company was a purely local one. He believed with the hon. member for Geraldton that the days for granting concessions for the development of the timber trade had gone by.

The motion was then agreed to.

NORTHERN RAILWAY: AS TO SETTLEMENT OF CONTRACTOR'S CLAIM.

MR. CAREY, in accordance with notice, asked the Colonial Secretary, "If he "could give the House any information "as to when the question of the con- "tractor's claims in respect of the "Northern Railway would be settled."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the subject was then under arbitration, and as he was not in the confidence of the arbitrators he could not give the information asked for.

MR. CAREY thereupon moved, "That "in the opinion of this Council the "settlement of recent claims against the "Government (Northern Railway and "others) have been unnecessarily de- "layed." He said it was notorious that several claims had been made, within the last two or three years, against the Government by private parties, and the result in each case had been a large expenditure of public money. There was, for instance, Mr. W. W. Miles' case, which was about twelve months on hand. The original claim—which was in respect of the Eucla Telegraph Line—was for £500, but the Government, after investigating the contractor's claim, offered him £333 in full settlement. But Mr. Miles refused to take less than £400, and as the Government would not pay him that amount, the claim was referred to arbitration. He believed the arbitrators awarded the contractor £435, and he had reason to believe that the cost of the arbitration amounted to nearly £300 more. So that the Government had to pay, out of public funds, a sum of between £700 and £800 for what might have been settled amicably for £400. That was one instance of the unnecessary and costly delays which characterised the action of the Government with regard to the settlement of claims made against it. He understood that at the present moment there was another very heavy claim pending, in respect of the Lacepede Islands (Mr. McDonald's claim), which had been on hand since the beginning of the year, and which, if it proceeded at

the same rate as some of the other claims, would probably be settled one way or the other in the course of two or three years' time. Mr. McDonald and his partners, he understood, were led to believe that there were fifteen thousand tons of guano on the islands, whereas in reality there were only about one thousand tons.

MR. SPEAKER: I would call the hon. member's attention to the fact that he is wandering somewhat away from the subject matter of his resolution. I do not think there is anything with reference to guano before the House.

MR. CAREY said the resolution embraced all "recent claims against the "Government," and this was one of them.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) thought it would be most inadvisable at the present time, when claims were still pending, to have them openly discussed in that House. He must say it appeared to him that the interests of the Colony would suffer if these claims were made the subject of debate and comment while they were *sub judice*.

MR. CAREY said there existed a very strong feeling throughout the Colony with regard to the manner in which the Government had treated the railway contractor whose claims were now the subject of arbitration, and he thought it would be well if an expression of opinion on the part of the members of that House were elicited with regard to the matter, and especially with reference to the great delay that had taken place in the settlement of the contractor's claims. The line was given over by the contractor on the 18th June last year, and on the 15th July he rendered his claim, but meeting with all sorts of obstacles and delay on the part of the Works Department, the contractor appealed to the Governor, and after some further delay the contractor asked that the claim should be referred to arbitration,—which the contractor was perfectly justified in doing, according to the terms of the agreement and the Act of Council. This was in October, three months after the claim was sent in. Then arose the delay as to the appointment of an arbitrator on the part of the Government. Mr. W. D. Moore was duly appointed by the contractor to act in his behalf, but the Government refused to recognise Mr. Moore in the matter, and declined to appoint another to act with him. On the 6th of November, the matter was argued before the Chief Justice, and, the Government still declining to appoint an arbitrator, the Chief Justice confirmed the appointment of Mr. Moore. Matters went on until the 3rd December, when, at last, the Governor (Sir Harry Ord) consented to go to arbitration, but upon his own terms only, one of the conditions being that Mr. Blackwood, of Melbourne, (who was connected with the contractor in the matter) guaranteed the costs of the arbitration, in the event of the decision being adverse to the contractor. Another condition upon which His Excellency consented to go to arbitration was that he should appoint his own umpire, in the event of the arbitrators disagreeing on any point of reference. The contractor, anxious to obtain a settlement of his claims, agreed to these conditions, and others equally arbitrary, and on the 9th January the agreement for reference to arbitration was forwarded to the Governor, who was then sojourning at Rottnest. It was not signed, however, until the 3rd April, and two days afterwards His Excellency left the Colony. He (Mr. Carey) had mentioned these different dates in order to show how the matter had been delayed—vexatiously delayed he might say—by the Government from time to time. The arbitrators met towards the end of April and on the 5th of May the Government moved in the Supreme Court, calling upon the contractor to show cause why the submission to arbitration should not be set aside, and the work re-measured. He would ask hon. members particularly to bear that in mind. The Court refused to make an order to that effect, but, after some demur, and a further reference to the arbitrators, it was agreed that the work on the line should be re-measured, thus involving further delay. This order was made on the 19th May, and on the 31st of that month the surveyors went up to Geraldton for that purpose. They were absent nearly six weeks, and on their return the arbitrators proceeded to take their evidence with regard to the re-measurement. On the 4th August, the Government again appealed to the Supreme Court, the Attor-

ney General moving for a *rule nisi* for a revocation of the submission to arbitration on the ground that the arbitrators had erroneously held that the original contract had been abandoned during the progress of the work, and that the contractor ought to be paid in accordance with a certain schedule of prices agreed upon. Finding the re-measurement was in favor of the contractor—at least, so he supposed—the Government sought to set the reference to arbitration aside. He need hardly say that all these vexatious proceedings involved the Colony in considerable expense, as well as the contractor. The House had already had a return furnished to it, showing the expenses connected with the trip to Geraldton of two of the clerks employed in the Works Department, and whose duty was confined to holding the measuring tape. The expenses of those two young gentlemen alone amounted to £63 19s. 4d., for work that might have been done on the spot for about £10. Altogether, it had cost the Colony a sum of about £200 (in round numbers) for the re-measurement of the line, independent of the expenses of arbitration. He thought that, in view of what he had stated in the course of his remarks on this subject, it would be readily admitted that there had been unnecessary delays in connection with the settlement of the contractor's claims, and that those delays were solely attributable to the action of the Government, and had unnecessarily involved the country in a great deal of expense that might have been avoided. He need not point out how injurious it was to the interests of the Colony that contractors for public works should be treated in this way. It was but natural to suppose that other contractors, tendering for work hereafter, would bear in mind the delays which were likely to take place in the settlement of their claims, and would regulate their tenders accordingly, the result being that the Colony would have to pay a considerable sum more than it need pay, if the contractors were satisfied that their claims would be liquidated without delay. He now begged to submit the resolution which he had already moved for the affirmation of the House.

MR. CROWTHER thought that, taking the resolution on its actual merits, there was scarcely a member in the House who would not go with it. At the same time, he thought most hon. members would doubt the expediency of putting forward such a resolution at the present moment. He believed the opinion of the House was that the contractor's claim had been unnecessarily delayed, but as to putting that opinion in the form of a substantial resolution he doubted the wisdom or the expediency of the step. There was a general feeling of satisfaction throughout the whole Colony when it was made known that the dispute between the Government and the contractor had been placed in the hands of Mr. Moore and of the hon. member for Swan. He and many others with him then thought that a dispute which, so far as the Government was concerned, threatened to be interminable, would, in the hands of those two gentlemen, be adjusted within a few weeks; and, had the Government not again intervened, no doubt such would have been the case. He had no hesitation in saying that if the dispute submitted to arbitration had arisen between two houses of business, and if one or the other of the parties concerned had acted in the manner the Government of this Colony had acted in this matter, the party so doing would no longer have held up his head in mercantile circles. He did not intend to travel over all the history of this wretched dispute—the Northern Railway stank in the nostrils of the colonists, who would be heartily glad if the claim in respect of it was settled once and for ever. He had been very pleased indeed to read what had fallen from the learned Judge before whom the matter was argued, namely, that there had been a great deal too much litigation in connection with it, and that it must be stopped. He thought if the law officers of the Crown had taken His Honor's good advice, and treated the contractor and the arbitrators fairly and openly, the matter in dispute would have been settled long ago.

MR. BROWN had entertained a hope, when he heard the few opening remarks of the hon. member for Greenough, that the hon. member would have refrained from giving his support, active or passive, to the ill-judged resolution before the Committee. He would ask hon. mem-

bers to bear in mind what must be the effect of such a resolution, and how detrimental it must prove to the interests of the Colony. The claim in dispute was now *sub judice*, and he hoped the Government would not be led to reply to the allegations made by the hon. member who had submitted the resolution to the House. So far as he (Mr. Brown) was concerned, he was not personally aware that there had been any undue delay in the matter, and he questioned if any other member (who had not been professionally connected with the case) was. And before the House should be asked to support a resolution which affirmed that there had been "unnecessary delays," hon. members should acquaint themselves with the whole facts of the case. He thought it would be very undesirable, and injudicious on the part of the Government that they should make any statement in answer to the allegations put forward by the hon. member for Vasse, who seemed to think that it was the duty of the Government—who were entrusted with the protection of the interests of the Colony—to submit, without demur, to any claims made upon it, and to pay contractors any sums they chose to ask for.

MR. CAREY: As those hon. members who have spoken on the subject think it would be inadvisable at the present time to pass such a resolution as that now before the Committee—one hon. member going so far as to characterise it as "ill-judged"—perhaps it would be wise on my part to withdraw it; and, with leave of the House, I beg to do so.

Motion, by leave, withdrawn.

PREPARATION OF RETURNS FOR SELECT COMMITTEES.

MR. STEERE, in accordance with notice, moved, "That an Humble "Address be presented to His Excel-"lency the Governor, praying that he "will be pleased to cause to be laid on "the Table of this House the names of "all officers who have been engaged in "preparing returns for Select Commit-"tees or for the Council, and the number "of hours each individual officer has "been engaged working beyond the usual "office hours in preparing such returns." The hon. member said he had been induced to move for the present return in consequence of the statement made the other night by the Colonial Secretary that public officers had been working night and day in preparing the returns asked for by the House. He could not reconcile that statement with the fact that there had been more delay in the production of returns this Session than there had ever been before. He understood that the last Administration had issued an order to the effect that no public officer was to be employed after office hours in preparing the returns asked for by that House. If so, he thought it showed a great want of consideration towards the members of the House, who attended there at much personal inconvenience, in the interests of the public, and he thought it was the duty of the Government to expedite the sessional business rather than to interpose vexatious delays in the preparation of the returns asked for.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he had not the least objection to the production of the return moved for by the hon. member. As he had stated before, the officers employed in certain departments had been working after office hours, and when he said they had been at it night and day he had only stated what was perfectly correct. He would, however, remind hon. members that there was no provision on the Estimates for the extra expenditure involved by this extra labour.

Motion agreed to.

SUPREME COURT BILL.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), in moving the second reading of a Bill to make provision for the better administration of justice in the Supreme Court, said his task in framing the measure had been very considerably lightened by reason of its being a modification, condensation, and, to a great extent, a mere transcription of English Acts. He had simply followed in the wake of very eminent men, the commissioners appointed by the Imperial Parliament to deal with the same subject at home, and whose labours extended over many years, resulting in the passing, in the first

instance, of the Supreme Court Judicature Act, 1873, and, subsequently, of another enactment, passed two years afterwards, regulating the course of procedure and the operations of the Superior Courts at Westminster. The Bill, he might also add, was a mere modification of the Ordinance under which justice was now administered in our own Supreme Court; it trenched only on that Ordinance so far as related to mere procedure. It was not introduced because at present there was any imperfection in the law or its administration, but that the operations of the Colonial Court should be technically adjusted with those of the higher Courts in England. He need hardly point out how desirable it was that the procedure of our Supreme Court should as far as possible be kept assimilated to, and governed by, the rules and regulations of the English Courts. Within the last few years the English procedure had been completely changed, and he thought the House would agree with him as to the desirability, in the best interests of the Colony, of adopting here—so far at all events as they may be deemed practicable—the rules and regulations now in operation at Westminster, as prescribed by the Imperial Acts referred to. Those Acts were very voluminous, but the present Bill was comparatively a short one. Here, justice was administered by two Courts only, one being the Supreme Court, and the other the Court for Divorce and Matrimonial Causes, whereas in England there were many jurisdictions and many Courts—different Courts, many Courts for the administration of law, different Courts, many Courts for the administration of equity. There was also a Court of Bankruptcy, which was a branch of the Court of Chancery, and also Courts of Divorce and of Probate. All these various jurisdictions, with the exception of the Divorce Court, had hitherto been administered in this Colony by the Supreme Court. But even that Court had had what he might call different divisions, in which the presiding Judge was called upon to administer with one hand the law, and with the other hand equity: also a division for bankruptcy, which branch, instead of being a separate jurisdiction as in England, was here a branch of the Supreme Court. That Court, in its ecclesiastical division, also exercised jurisdiction over wills, and, further, exercised the jurisdiction of the Lord Chancellor in matters of lunacy. The Bill which he had now framed did not touch upon the Vice-Admiralty jurisdiction of the Colonial Court, for that jurisdiction was prescribed, and its practice regulated, by a specific Act. The great benefit that was proposed to be effected by the introduction of this Bill was, that it abolished the difference as to procedure between law and equity. At present, while the Chief Justice to-day may be called upon to administer one species of relief, to-morrow he may be called upon to administer another species of relief; but the Bill now before the House proposed to alter that, and to entirely assimilate the mode of administering relief, both as regards law and equity. At the same time it proposed to leave untouched the practice in Bankruptcy and Divorce, and matters of Probate; and those matters were left untouched because they were so entirely different from the other matters dealt with in the Bill, and because the practice introduced in England with reference to those heads of jurisdiction was in fact regulated by separate codes. The Bill, as he had already said, did not touch at all upon our present Supreme Court Act, except so far as mere procedure was concerned. It left justice to be still administered by one Judge, who would still enjoy the title of Chief Justice of Western Australia,—at the same time, he need hardly point out to the House, that, should the necessity arise, it would be perfectly competent for the Legislature to provide the means for the appointment of another Judge, or for an increased number of Judges. But it was not considered desirable to embody that suggestion in the present Bill. He had already said that the Imperial Acts upon which this measure was based were very voluminous enactments, and one great reason why the present Bill was so much shorter was, that under the old system in England there were several Courts, those Courts having separate and distinct jurisdictions, and a great many of the provisions necessary to be embodied in the English Acts were not necessary here. If hon. members would take the pains, as he was sure they would, to

peruse the Bill, they would see that he had marked in the margin the corresponding Imperial enactments which he had copied and embodied in the Bill. Those enactments, it would be observed, were to be found for the most part in the Judicature Act of 1875. There was yet another reason why the present Bill was so much shorter than the English Acts: In England it was thought proper to lighten the duties of the Judges by embodying, in the schedules to the Acts, long enactments as to practice. Here, these rules remained to be prescribed by the Chief Justice,—upon whose care and intelligence in their preparation he was sure the House would be ready to rely. In England those rules, which governed the practice of the Courts, had engaged the attention of the Judges on at least six different occasions, so that the present Bill—which it was necessary to pass in order to enable the Chief Justice of this Colony to make such rules as will be required to govern the practice here—really imposed upon His Honor what might certainly be looked upon as a very onerous task. That task, however, would most fortunately be very much relieved by the text books that had been published embodying the rules and regulations which governed the practice at Westminster. He might state—and it was a somewhat singular thing—that, at present, as regards procedure in our Supreme Court, it might be said there were no rules of practice—at all events, no rules that had in reality been drawn for the special guidance of the Court, which heretofore had been governed by the rules in force under the old English system of procedure. That system had of late years been completely changed, and swept away, and we were therefore left to work with tools that had been rejected by those who administered justice in England. He would also point out another reason why the rules of practice which were appended to the Imperial Acts did not appear in the present Bill, and that was—it would have enhanced the labors of the printer immensely, and also add enormously to the labour of digesting and arranging them. And if the Bill was not to be brought in until the necessary rules were prepared, it would delay the introduction of the measure for something like two years, and it would be impossible for that House to take them into consideration unless it was prepared to sit for very many months. As it was, the duty of framing those rules would be cast upon the Chief Justice, and he did not think he was violating any confidence when he stated that he was indebted to His Honor, to a considerable extent, for his assistance in the preparation of this Bill, and when he further stated that he believed His Honor would cheerfully undertake the additional task of framing the necessary rules for guiding the practice of the Court under the Bill. If hon. members would observe, it would be seen that it was proposed to fix a time for the coming into operation of the Bill, which time it was left for the House to determine. On the other hand, provision was made that the Act should come into force so soon as the rules to be made by the Chief Justice became valid,—whichever happened first. They would also find that all rules made in pursuance of the Bill were to be laid before the Legislative Council within forty days after they were made, if the Council should happen to be then sitting, or, if not, then within the same period after the next meeting of the House. And it would be competent for the House to address the Governor, praying that any of the rules should be annulled, if deemed objectionable; and any rules so annulled by the Governor in Council would thenceforth become void and of no effect. One great and beneficial object to be attained by the Bill was manifold—it would ensure a much cheaper administration of the law, as well as greater celerity in its administration. The Imperial law would still be, as it hitherto had been, our guide, and we should be enabled, in consequence of the close assimilation to the procedure of the English Courts which the Bill would ensure, to be guided more closely than at present by the judicial decisions of those Courts. He might also state that a Bill analogous in almost every respect to the measure now before the House had been in vogue in South Australia for upwards of a year, in Queensland for a longer time, and he believed also in New South Wales and in Tasmania, but not hitherto in the Colony of

Victoria,—though even there the most eminent lawyers were eager for its introduction, and that, too, upon the same ground as that upon which he now urged its acceptance upon the House, namely, that it would ensure a less costly and at the same time a more facile but equally efficacious administration of justice. Surely, those hon. members who had the misfortune—and even those of his professional brethren who derived profit from it would admit that in some cases it was a misfortune—to become involved in a law suit, must have been struck with the prolixity and the tediousness of Chancery proceedings, not exactly from the uncertainty of such proceedings, but from the difference existing between the practice in Equity and the practice as to Common Law procedure, in its relation to the duration of a suit. That difference would now be abolished, the two systems of procedure would be assimilated, and equity suits would consequently be shorter, the pleadings would be more certain, and the proceedings generally would, he did not hesitate to say, be greatly to the advantage of the suitor, and of course would tend to the benefit of the general public. It had been suggested that the introduction of this Bill should be deferred; but he submitted that it should not. It was a beneficial measure, and why delay it? The only unavoidable delay would be that arising consequent upon the time which must necessarily elapse before the Chief Justice would be able to prepare the rules of practice, for placing in the hands of practitioners. So far as the principle of the Bill was concerned, the measure was one that had attracted the attention of the wisest and brightest men in England, for a long time, and whose labours culminated in the Judicature Acts of 1873 and 1875. The present Bill, as he had already said, was in a great measure a transcript of such portions of those enactments as were essential to meet our local requirements—enactments which had been adopted with the very greatest benefit in nearly all the neighboring Colonies. He might state that so far as regards the province of South Australia, he had received a communication on the subject from the Chief Justice of that Colony, who spoke in the highest terms of the facilities which the South Australian Act—of which the present Bill was almost a copy—had afforded to suitors, of the great celerity with which conflicting interests were decided under it, of the ease that it afforded even to the Judge as well as the suitor by reason of the comparative simplicity of its operations, and, singularly enough, of the great impetus it had given to business. Some time ago, as hon. members would recollect, another measure ("The Transfer of Land Act, 1874,") having for its object the simplification of procedure with reference to transactions in land, was passed by our local Legislature. Until that time, the proprietors of land were almost in the hands of the practitioners, and he might remind the House how a whole cloud of chicanery and rubbish was swept away by that measure, and he might further point out how the facilities which, by its very simplicity, it afforded persons having dealings in land had given a remarkable impetus to transactions in real property. He might state, to his own knowledge, and it must be within the knowledge of many other people, how a great number of persons, who, prior to the introduction of that Act, hesitated to assert their rights to property—owing to the tediousness, the prolixity, and the expense of the proceedings necessary to enable them to do so—afterwards availed themselves of its provisions. So far as clearness of pleadings was concerned, the system proposed to be introduced by the present Bill would undoubtedly very much facilitate the ascertainment of a man's equitable rights; and one object in particular would be attained, namely, that in any suit instituted in respect of any equitable estate, as well as in respect of any legal right or title, the Court might grant relief not only as regards the original subject of the suit, but also as regards any collateral claims arising therefrom,—thus avoiding all multiplicity of legal proceedings concerning matters in controversy between the parties. He did not wish to trespass further on the time and patience of the House. If, however, hon. members would wish to have the principles of the Bill further elucidated, he would refer them to the report of the Judicature Commissioners which had led to the passing of the same law in England. He had been told that,

in consequence of the novelty of the measure, and of its great importance, a very laudable wish had been expressed by many hon. members to become further acquainted with the principles of the Bill, and he hoped, when he closed the few remarks which he had made, somebody would move the adjournment of the debate, in order that a further opportunity be afforded hon. members for perusing the Bill, and also that it might be placed in the hands of those practitioners who had not seats in that House. He would merely add, in formally moving the second reading of the Bill, that, in his opinion, if the House agreed with him in passing it, they would be helping in conferring an incalculable benefit as well upon the general public as upon those who would have to practise the law under it.

Mr. STONE moved the adjournment of the debate. Hon. members had only had the Bill—a most important one—in their hands for a few days, and the members of the legal profession outside the House had not had an opportunity of perusing its provisions. He would therefore move that the debate on the Bill be adjourned until Friday, 20th August.

Agreed to.

WINES, BEER, AND SPIRIT SALE (CONSOLIDATION) BILL.

Read a third time and passed.

The House adjourned at a quarter to nine o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 16th August, 1880.

Dog Nuisance in Country Districts—Warehouse Accommodation at Bunbury—Clergymen and their Obligations to the Laws—Jury Act, 1871, Amendment Bill: second reading—Main and Minor Roads—Railway Terminus at Fremantle—Message (No. 6)—Public Works Loan (1878): How disposed of—Registration System—Returns asked for by the House—Jury Act, 1871, Amendment Bill: in committee—Adjournment.

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

Prayers.

THE DOG NUISANCE IN COUNTRY DISTRICTS.

In reply to Mr. VENN,

The COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the Government had taken no further steps to abate the dog nuisance in the country districts, adding that he thought the settlers themselves would act wisely if they were to manifest a little more spirit of self-reliance in these matters, instead of looking to the Government to do everything for them.

WAREHOUSE ACCOMMODATION AT BUNBURY.

IN COMMITTEE.

Mr. VENN, in accordance with notice, moved, "That an Humble Address be "presented to His Excellency the Gov- "ernor, praying that he will be pleased "to place on the Estimates a sum of "money sufficient to provide warehouse "accommodation for merchandise landed "and shipped from Bunbury." The hon. member said he had already pointed out to the House that this was a work of pressing necessity, and was then told by the Colonial Secretary that nothing could be done in the matter because no provision was made for it on the Estimates. That being the case, he thought the best thing that could be done, and what was justly due to the district, was that a sum should be placed on the Estimates for this object. At present they had no warehouse accommodation whatever at the port of Bunbury, and it had been suggested, with a view to save expense, that the old bonded store at the shore end of the jetty might be utilised for the purposes of a warehouse, which he believed could be done at very little cost. As this building, however, was in a somewhat dilapidated state, and it would be necessary to roof it afresh, or reshingle it, it was just a question whether it would not be better to erect a small iron structure to serve for a warehouse at the end of the jetty. The coastal steamer always arrived at Bunbury after Customs hours, and the goods which she brought, whether in bond or out of bond, were left on the jetty, exposed to all sorts of weather. A watchman was placed over them, for whose services the consignees had to pay—sometimes as