

West coast, in preference to the duplication of the Port Darwin cable; but at that time he did not meet with the support he had expected. He told the other delegates, however, that we should yet have a cable laid to the North-West coast of this Colony before they attained their rival object, of a cable from the Gulf of Carpentaria to Java, and he was now glad to think there was some prospect of his prophecy being fulfilled, and that Western Australia would soon be placed in the foremost place as regards telegraphic communication with Europe. Looking at this project, in conjunction with the other important proposals awaiting our consideration, with a view to connect us with the other colonies by rail,—if the year 1890 saw us in the enjoyment of direct cable communication with Europe, and direct railway communication with our Eastern neighbors—if not established, at any rate in a fair way of being accomplished—he thought we might fairly congratulate ourselves upon the progress we were making. He had much pleasure in supporting the resolution put forward by the hon. member for the Swan, for he thought that in a matter of this kind, where the advantages were all on one side, we could not reasonably expect to dictate our own terms. The proposals now put forward, were put forward as a speculation, and, as hon. members were aware, the Colony itself was now speculating in various directions, and if we succeeded in getting so distinguished and successful a speculator as Sir Julius Vogel to take an active interest in the Colony, as he had done in another Colony (New Zealand), and if, in the result, we attained only a portion of the success and prestige which New Zealand owed to the exertions of Sir Julius Vogel, we should have no reason to regret or to be dissatisfied with the negotiations which we were now about to enter into with that gentleman.

The resolution was then put to the House and agreed to unanimously.

IMPERIAL PAUPER INVALIDS BILL.

This Bill was agreed to in Committee, *sub silentio*.

The House adjourned at a quarter-past three o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 25th July, 1883.

Message (No. 5): Reports on Kimberley District—
Message (No. 6): Proposed Transfer of Lunatic Asylum—Posting shipping news at Perth Telegraph Station—Reports of Mr. Foss on the Murchison and Gascoyne Districts—Rottneest Penal Establishment: treatment of native prisoners—Return of Leases Pastoral Lands in Kimberley and Eucla—Grand Jury Abolition Bill: second reading—Adjournment.

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

PRAYERS.

MESSAGE (No. 5): REPORTS ON KIMBERLEY DISTRICT.

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"In reply to Address No. 2, of the 23rd inst., the Governor forwards to the Honorable the Legislative Council, for their information, a report dated the 28th May last, received from the Government Resident for the Kimberley District.

"Captain Archdeacon's report upon King Sound has been published, but a copy is transmitted.

"Government House, Perth, 25th July, 1883."

MESSAGE (No. 6): TRANSFER OF LUNATIC ASYLUM, FREMANTLE.

THE SPEAKER also announced the receipt of the following Message from His Excellency the Governor:

"The Governor lays before the Honorable the Legislative Council Despatch No. 52, dated the 11th of April last, from the Right Honorable the Secretary of State for the Colonies, with enclosures, respecting the proposed transfer of the Lunatic Asylum from the Imperial to the Local Government.

"This subject was alluded to in paragraph 26 of the Speech with which the Governor opened the Session.

"It will be seen that the Imperial Government propose to transfer the Lunatic Asylum and its management entirely to the Colonial authorities, who will be reimbursed the cost of lunatics chargeable to Imperial funds, at the rate of £42 per head per annum.

"The Governor is advised that this sum will be adequate to cover all expenses; and the arrangement is therefore recommended for approval.

"Government House, Perth, 25th July, 1883."

The consideration of this Message was made an Order of the Day for Monday, 30th July.

POSTING SHIPPING NEWS AT PERTH TELEGRAPH STATION.

MR. SHENTON asked the Colonial Secretary, "Whether it is possible for the Telegraph Department to give greater facilities to the public, in the way of the arrival and departure of ships being posted at the Telegraph Office at Perth, with less delay than at present?" Vessels now often came in or went out one day and were not posted up until the next, and ships sighted were never notified at all.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the Telegraph Department had no means of collecting Shipping Reports, and had to depend upon the Water Police bringing these reports to the several offices, which they are instructed to do. The Water Police having other duties to perform, it sometimes happened that a report was not brought to the Telegraph Office immediately after a vessel had arrived or sailed. The Postmaster General, however, had seen the Superintendent of Police on the subject, and the Superintendent's further instructions to the Water Police would, it was hoped, ensure greater promptitude in the matter.

MR. FOSS'S REPORTS ON MURCHISON AND GASCOYNE DISTRICTS.

In reply to Sir T. Cockburn-Campbell, the COLONIAL SECRETARY (Hon. M. Fraser) said copies of the reports of Mr. Foss, Itinerating Magistrate for the Murchison and Gascoyne Districts, mentioned in the annual report of the Superintendent of Police, would be laid on the Table of the House as soon as the reports were copied.

ROTTNEST PENAL ESTABLISHMENT: TREATMENT OF PRISONERS.

MR. CAREY asked the Colonial Secretary, "If the attention of the Govern-

ment had been drawn to a leading article published in the *Inquirer* newspaper of the 27th June last and of the 4th July, on the treatment of Native Prisoners at Rottneest; and if any steps had been taken to inquire into the truth or otherwise of the statements therein given?" The hon. member said he had himself conversed with some people who had lately visited the island, from whom the Government could easily ascertain whether there was any truth in the allegations referred to.

THE COLONIAL SECRETARY (Hon. M. Fraser) replied that on the appearance of the newspaper articles in question, proper inquiries were made and the truth of the statements referred to had been emphatically denied by the Superintendent of Rottneest Native Prison, whose letter was, on the 9th instant, forwarded to the Visiting Magistrates, who had previously been requested to make a special surprise inspection of the whole of the Rottneest Establishment, and to report with particular reference to the allegations in question. The Magistrates, however, had not yet been able to visit the Prison; but it was hoped they would do so on an early date.

RETURN OF LEASES: KIMBERLEY AND EUCLA PASTORAL LANDS.

MR. CAREY moved "For a Return of all lands leased for pastoral purposes in the Kimberley and Eucla Districts. Such Returns to give the lessees' names, and in the case of Companies, the names of the individuals forming that Company; the amount of rent received by the Government, up to date, for each separate lease; the name or names of the original applicants, as well as the names of the present holders, and the dates of all transfers." The hon. member trusted there would be no objection made by the Government to furnish these returns. The House would very shortly be called upon to deal again with the Kimberley land regulations, and, before doing so, he thought it would be as well hon. members should have an opportunity of seeing the names of the holders of land in the district. He thought the returns would show the House that there was a necessity for more stringent regulations being adopted than perhaps some hon.

members at present wished to see enforced.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he had no objection to furnish the returns asked for, but it would take three or four days, or possibly a week, to prepare them.

GRAND JURY, CONSOLIDATION AND AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in accordance with notice, moved the second reading of a Bill to consolidate and amend the laws providing for the abolition of grand juries, and for the summary discharge, in certain cases, of persons under committal for trial for felonies and misdemeanors. The hon. and learned gentleman said: In rising to move the second reading of this Bill, I desire to say a few words as to the reasons which have caused the measure to be brought forward. As hon. members are well aware, before anyone can be put on his trial in England for an indictable offence a true bill must be found against him by a grand jury, and formerly the same practice obtained here; but in the year 1855 grand juries were abolished in this Colony, and in lieu thereof the Attorney General, in the Supreme Court (then called the Court of General Session), and the Chairmen of Quarter Sessions at the Court of Quarter Sessions, were made the authorities for finding true bills, or, in other words, for filing informations. It was afterwards found, in those days, that a hardship was caused, by reason of this circumstance—that, supposing the Attorney General or the Chairman of Quarter Sessions eventually did not file an information against a person who had been committed to gaol, that person was kept waiting in prison until either the Supreme Court or the Court of Quarter Sessions sat, as the case might be; so that, although in the judgment of those in whom the power of deciding was vested there was no *prima facie* case against the accused party—who, therefore, must be presumed to be innocent—still the man was liable to be kept in custody for some time afterwards. In order to remedy this, in 1859 a Bill was brought in, amending the former Act, and providing that there should be power given to discharge the person committed,

if the Attorney General was of opinion that there was no *prima facie* case against him; and, upon the Attorney General giving a certificate to that effect, the person in custody was immediately discharged. But, curiously enough, no provision was made for the discharge of persons committed for trial at Quarter Sessions, and against whom no information was filed by the Chairman. Those persons had still to remain in prison until the time came when they could be discharged by the court to which they had been committed for trial. The main object of this Bill is to rectify that omission, and it provides, therefore, that if a Chairman of Quarter Sessions declines to file an information against any person, he shall have power forthwith—for with him alone is vested the discretion—to cause that person to be discharged from custody. In other words, having exercised the functions of a Grand Jury previous to the trial, the ordinary consequence follows, that, there being no bill against the man, the Chairman is authorised to order his immediate release. That is the leading principle of the measure. But in this case I have adopted a plan which I must say seems to me reasonable, and which I think this House will concur in agreeing is a proper plan, and that is—instead of having three different Acts dealing with this matter, I propose to have only one. If this Bill merely amended the two former Acts, we should have had three Acts on the statute book dealing with the same subject, when one would answer every purpose. Therefore, it appeared to me desirable to consolidate the provisions of the two Acts already in force with the provisions of the present Bill, and to make one comprehensive but concise measure of them. The Bill has this further advantage: language which was applicable at the time the first and second Acts were passed has now ceased to be applicable, and more proper words have been introduced to meet the changing circumstances of the Colony. There is a further provision which I think the House will agree with me is desirable, and that is: where a person is committed to take his trial but is let out on bail, there has hitherto been no provision for informing that person, or for informing those who are responsible for his appear-

ance at the trial, and who, therefore, may have to keep their eye upon him,—there has hitherto been no provision for informing the person out on bail, or his sureties, that there is no bill to be filed, or no information to be laid against him. This Act provides that when the Attorney General or the Chairman of Quarter Sessions declines to file an information, it shall be the duty of certain officers of the court at once to acquaint the person admitted to bail of that fact, and also to acquaint those who have become sureties for his appearance, so that they may be at once relieved from their suspense. There is another provision introduced at the end of the Bill, in order to meet a difficulty which has arisen before now, and which has been brought rather prominently forward by the recent division of certain magisterial districts. As hon. members are aware, until this year, there were only two magisterial districts in the northern part of the Colony, namely, Geraldton and the North, and each of these two districts was the seat of Quarter Sessions, one held at Geraldton and the other at Roebourne. Recently these districts were divided each into two, making four separate magisterial districts—Kimberley and the North on the one hand, and Geraldton and the Gascoyne on the other. The result is that the jurisdiction of the Court of Quarter Sessions at Roebourne does not now extend over the whole of the northern part of the Colony, nor does the jurisdiction of the Court of Quarter Sessions at Geraldton extend to the Gascoyne. Therefore, there are now two new magisterial districts neither of which is the seat of Quarter Sessions, and in order to meet the difficulty, and all other difficulties of the same kind which may arise, this Act provides that no information shall be bad or invalid by reason of its having been filed, or of the trial having been held, in a district other than that in which the committing magistrate resides, or in which the offence charged was committed. The effect of this provision will be that magistrates in the northern parts of the Colony may commit prisoners for trial at the Quarter Sessions held at Roebourne, and justices in the Gascoyne district can commit to the Quarter Sessions at Geraldton. If this Act were not passed, it is a great question, and I think

a difficult question, whether magistrates in the districts referred to would not be obliged to send cases which could not be summarily dealt with, to Perth for trial, which would entail great expense and be an undesirable thing altogether. I have therefore endeavored to meet that difficulty by the introduction of a section dealing with it in the measure now before the House. These, Sir, are the main provisions of the Bill, and, with the exception of the last matter I have referred to, the Bill is merely a consolidation and amendment of existing statutes,—a filling up to a certain extent of the original Acts, which are very thin and somewhat vague. Therefore, without further preface, I now beg to move its second reading.

Motion agreed to, without discussion.

Bill read a second time.

The House adjourned at twenty minutes to eight o'clock, p.m.

LEGISLATIVE COUNCIL,

Thursday, 26th July, 1883.

Terminus of Northern Railway—Land Regulations alteration of 56th clause—Ecclesiastical Grant: how expended—Queen's Plate for Roebourne—Select Committee for consideration Message re Land Regulations—Volunteer Bill: second reading; referred to Select Committee—Imperial Pauper Invalids Bill: third reading—Grand Jury Abolition Bill: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

TERMINUS OF NORTHERN RAILWAY.

MR. WITTENOOM, in accordance with notice, asked the Commissioner of Railways, "(1.) Whether the Government were aware that the buildings in connection with the terminus of the Northern Railway are built on the property of the Estate of the late George Shenton. (2.) If so, what arrangements have