

Secretary that the work would not be pushed on until the other railway contracts were let. I should have taken that course because I think the other railways were of more importance, inasmuch as they will bring population, and then, having the population, we shall want to supply the necessaries of life. I have therefore much pleasure in supporting the second reading of the bill.

Question—That the words proposed to be struck out stand part of the question—put and declared carried.

THE HON. G. W. LEAKE called for a division, with the following result:—

AYES.

The Hon. M. Grant
The Hon. J. W. Hackett
The Hon. E. Hamersley
The Hon. E. W. Hardey
The Hon. E. T. Hooley
The Hon. G. Shenton
(Teller).

NOES.

The Hon. J. G. H. Am-
herst
The Hon. W. D. Moore
The Hon. J. Morrison
The Hon. G. W. Leake
(Teller).

Majority of two for the Ayes.

Bill read a second time.

BOYANUP-MINNINUP RAILWAY BILL.

This bill was considered in committee and agreed to without amendment. The bill was reported, and the report adopted.

ADJOURNMENT.

The Council at 5:10 p.m. adjourned until Thursday, 7th January, at 8 p.m.

Legislative Assembly,

Tuesday, 5th January, 1892.

Plans and papers to accompany bills transmitted to the Legislative Council—First Offenders Bill: in committee—Titles of Public Officers Bill: second reading—Bills of Sale Act, 1879, Amendment Bill: further considered in committee—Third Judge of the Supreme Court: Provision for salary of a—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

PLANS AND PAPERS TO ACCOMPANY BILLS TRANSMITTED TO THE LEGISLATIVE COUNCIL.

THE SPEAKER: I would like to ask the wishes of the House with reference to forwarding to the Legislative Council plans and papers relating to railway and other bills, which may help them in considering such bills when forwarded to them by this House. According to parliamentary rules and practice all papers and plans laid on the table of this House cannot be removed; they are the property of the House. But members of the other House complain, and, I believe, justly, that when they receive bills connected with public works, they have not the plans and papers which were placed at the disposal of members here when dealing with these bills, and that they are thus placed at a disadvantage in not having at their disposal that information which I think the members of this House will agree with me they ought to have. I am informed it is the practice in New Zealand, when any bills are brought in with reference to any public works of which plans and papers are laid on the table of one House, to transmit those plans and papers to the other House when the Lower House has done with them. It seems to me that is a very admirable arrangement, and, if adopted here, it would save a great deal of expense in making separate plans and maps for each House. I think, if it is the wish of the House, we should adopt that practice here.

THE PREMIER (Hon. Sir J. Forrest): Acting in accordance with your Honor's suggestion, I beg to move that the following message be sent to the Legislative Council:—"The Legislative Assembly,

having this day passed a resolution to transmit herewith, for the information of the Legislative Council, the map which was laid upon the table of the Legislative Assembly, showing the proposed route of the Boyanup-Busselton railway, presents the same to the Legislative Council for its information."

Question—put and passed.

FIRST OFFENDERS BILL.

This bill passed through committee without discussion.

PUBLIC OFFICIALS TITLES BILL.

THE ATTORNEY GENERAL (Hon. S. Burt): I rise to move the second reading of a Bill to authorise the alteration of the titles or designation of public officers. This is a very short Act, and I may inform the House that the object of it is simply to enable an alteration to be made from time to time, if necessary, in the designation of any officer in the public service. It will be within the knowledge of members that in some of our statutes certain officers, such as the Commissioner of Police or the Commissioner of Lands, are named as the officers to do certain things under the statute. It may be necessary at any time to vary the title or designation of these officers referred to in the statute. Formerly, as members are aware, the Commissioner of Police was known as the Superintendent of Police; and many of our Acts speak of the duties of the Superintendent of Police, whereas we have altered the title of that officer to Commissioner of Police. That is one instance. This Act simply provides that if at any time it may be expedient to alter or vary the title of any officer referred to or created by any statute, it may be done by a proclamation in the *Government Gazette*. That is the sole object of the present bill.

Motion agreed to.

Bill read a second time.

BILLS OF SALE ACT, 1879, AMENDMENT BILL.

IN COMMITTEE.

THE CHAIRMAN said the clauses of this bill as printed had been all agreed to, but when they arrived at the preamble the Attorney General moved to report

progress with the view of introducing some additional clauses.

THE ATTORNEY GENERAL (Hon. S. Burt) moved the following new clause: "The execution of every bill of sale by the grantor shall be attested by one or more credible witness or witnesses, not being a party or parties thereto. Sub-section one of section ten of 'The Bills of Sale Act, 1879,' relating to the attestation of a bill of sale is hereby repealed." The sub-section which it was proposed to repeal provided that the execution of every bill of sale should be attested by a solicitor of the Supreme Court, or, in the event of there being no solicitor residing or practising within five miles of the residence of the grantor of the bill, then it might be attested by a person other than a solicitor. It had been found very difficult to apply this provision of the law in country districts, and particularly in the Northern part of the colony, where, he was happy to say, there were very few solicitors. That provision was taken out of the English Act passed in 1878, but that Act had long ago been altered, and this particular provision had been struck out as unworkable; and he now proposed to put the law here on the same footing as it had been in England for years past, and to allow a bill of sale to be attested by any credible witness, who could read over the bill just as well as a solicitor could. As a matter of fact, as they all knew, this reading over was performed in a very perfunctory manner, and people were not in the habit of giving bills of sale without knowing what they were about.

Clause—put and passed.

THE ATTORNEY GENERAL (Hon. S. Burt) moved an additional clause as follows: "Nothing in this Act or the principal Act shall apply to any debenture issued by any mortgage, loan or other incorporated company and secured upon the capital stock, or goods, chattels, and effects of such company." In the definition of "personal chattels" in the Bills of Sale Act, there was exempted from the operation of the Act any bill of sale given in respect of the capital or property of incorporated or joint stock companies, but it had been found out that a bill of sale given as security upon the debentures of such companies had by inadvertence been included in the operation of the Act.

This defect had been remedied in England, and it was proposed here to follow English legislation on the subject.

Clause—put and passed.

Preamble and title :

Agreed to.

Bill reported.

PROVISION FOR THE APPOINTMENT AND SALARY OF A THIRD JUDGE.

IN COMMITTEE.

Debate resumed upon Sir JOHN FOREST's motion, "That it is expedient that an appropriation be made out of the Consolidated Revenue Fund for the purposes of a Bill to make provision for the appointment and payment of a Third Judge." (*Vide p. 163, ante.*)

MR. CANNING: I moved the adjournment of the debate the other day simply in order that a larger House than was present on that occasion should have an opportunity of considering the question. I see a great many more members present to-day than there were at the time we adjourned for the holidays. I have no objection to offer, myself, to this measure in any way whatever, nor did I intend to oppose it. I simply moved to report progress so that the question might be considered in a fuller House.

MR. R. F. SHOLL: I should like to ask the Government, before this resolution is carried, what are supposed to be the duties of this third Judge, and whether there will be a clause inserted in the bill that one, at least, of the Judges shall travel in the out-of-the-way districts of the colony, instead of always remaining in Perth. I do not think that, so far as actual work goes, anyone can say that our Judges are at present overworked; and I think the House, before passing this resolution, should be satisfied that one out of the three Judges will be required to go on circuit, for trying cases in remote parts of the colony, instead of bringing witnesses down to Perth at very great expense to the colony, and also great loss of time to the parties concerned. Many people are now brought down long distances from their stations and places of business at very great inconvenience and expense; and I think it should be the duty of one of the Judges to travel on circuit to different parts of the colony. Take Roebourne, for instance, or Wynd-

ham or Derby; cases are now brought down to Perth at very great expense, and people are compelled to leave their stations, possibly at a very critical time and a very inconvenient time. I think we ought to provide in this bill that one of the Supreme Court Judges shall occasionally travel to these distant parts to hear cases. With regard to the most important reason for making this appointment of a third Judge, in order to have a properly constituted Court of Appeal, I think that is one of the strongest arguments in favor of this appointment. While it is not in any way my intention to oppose this resolution, I do hope that the Government will assure this House that one of the duties of one of these Judges will be to go on circuit to distant parts of the colony.

THE ATTORNEY GENERAL (Hon. S. Burt): In answer to what has fallen from the hon. member for the Gascoyne, I may say that the intention of the Government, in asking for this vote in order to secure the services of a third Judge, is that he shall make himself, or that one of the Judges should be made, more useful in going about the country to try cases. Furthermore, if the Bankruptcy Bill passes through the House there will be a great deal of bankruptcy work, which will be thrown chiefly upon one Judge, who will be selected for that work. A further reason for the appointment is in order to have a Court of Appeal constituted of three Judges. At present the Court of Appeal is anything but a satisfactory Court. As to one of the Judges going "on circuit" (as it has been called), although there is an idea in country districts that it would be advisable to have cases tried on the spot by a Judge of the Supreme Court, for my part I think that people make a mistake in wishing for additional facilities for litigation. I think the less litigation they have in these country districts the better off will they be. No doubt if greater facilities are given them than they have now, cases will crop up that do not crop up now, and there will be more litigation. I do not think they will find that an unmixed blessing. At present there is very little litigation in these country places, probably because people know they are not likely to have their cases tried on the spot by a Judge of

the Supreme Court. However, we propose to allow country people to engage in as much litigation as they think fit. They can have it to their heart's content, and before a full-fledged Judge of the Supreme Court if they like. Of course that means expense. A Judge of the Supreme Court does not travel alone; he must have his clerk and a certain following, which, as I say, means expense. At the present moment the Government are considering the question of establishing what I may call District Courts for the trial of both criminal and civil cases. I do not know whether we are quite ripe enough for establishing a system of District Courts, or whether it would be more expedient, for the present at any rate, to continue to provide for the administration of justice in country districts as is done now, by virtue of a commission from the Supreme Court, which is issued as occasion may require. For instance, in a trial lately at Albany a commission was issued and a Judge went to try the case. Commissions are also issued in criminal cases at the North, which are generally tried by a barrister of the Court. Another way, as I have said, is to establish regular District Courts; and the Government are now considering the question. Whether these Courts are established or not, I think it will be admitted that for purposes of appeal alone we require the services of a third Judge. Also, if the Bankruptcy Bill passes, a third Judge will have plenty to do. But on the ground alone of the necessity for forming a proper Court of Appeal, I think it will be admitted that another Judge is required. It is most unsatisfactory at present to have one Chief Justice and one Puisne Judge, and allowing the opinion of the first Judge who may happen to try the case to prevail, whether it is the Puisne Judge or whether it is the Chief Justice,—unless they both agree and one gives way. I know myself that the Judges feel their position very keenly indeed, that unless they do agree the voice of the one who first gets hold of a case prevails. That is a very sorry Court of Appeal, and I think the House will consider that on that ground alone this resolution to provide funds to pay an additional Judge should be agreed to.

MR. PARKER: It seems to me that there is some misconception abroad with

reference to Judges travelling. I am under the impression that, even now, if any persons have a suit or cause of action, say at Geraldton, if the parties like to set down their case for trial at Geraldton they can do so. Under the rules of the Supreme Court, under the law as it at present stands, parties may set down their cases for trial where they like, and a Judge will go to try them. Judges do not go on circuit. It would be perfectly ridiculous to do so, in the present circumstances of the colony, when there are so few cases in the country. The Judges would simply be travelling about, with nothing to try from one year's end to another; and their services, which might be very useful at Perth, would be completely lost, while they were travelling about the country with nothing to do. I cannot but think that the rule at present existing is amply sufficient; that is, if parties at Roebourne or at Albany or anywhere wish to set down their cases for trial on the spot, the Judge will go there to try them, if it is considered by the parties that it would be more convenient for the witnesses and more expedient to have their cases tried on the spot, rather than in the Supreme Court at Perth. We must bear in mind that parties, as a rule, do not forget this; that it is often very much more expensive to bring their solicitors and counsel from Perth than it is to bring their witnesses down here. We had a great trial a short time ago at Albany, referred to by the Attorney General, and I firmly believe it would have been much less expense if that case had been tried at Perth. Parties as a rule do bear this in mind when they consult their solicitors as to where their cases should be tried, and they come to the conclusion generally that it is cheaper to have them tried at Perth. Of course I am not taking into consideration at all the question of the expense of sending a Judge and his retinue to try cases all over the colony; but that is a matter we ought to take into consideration in dealing with the public funds. So far as the civil business is concerned, I think myself that the present provisions are ample. With regard to criminal business, I believe that jurisdiction in all cases other than those involving capital punishment is vested in the Courts of Quarter Sessions, and that

the Judges are only necessary to try capital offences. We know they very seldom occur, and I believe that at Roebourne a barrister of the court tries these cases. So far as the Courts of Quarter Sessions are concerned, we do not hear any complaint as to the mode in which they carry out their duties. I believe they give general satisfaction; and it is only in cases of capital offences that it would be advisable for Judges to travel, in lieu of issuing commissions, as at present. That is a matter which no doubt the Government will consider. If any important case should arise in a country district which they think they would not be warranted in letting be tried by an ordinary commissioner (a barrister of the Supreme Court) no doubt they would commission a Judge to try it.

Motion—put and passed.

ADJOURNMENT.

The House adjourned at 20 minutes past 3 o'clock, p.m.

Legislative Assembly,

Wednesday, 6th January, 1892.

Petition—Transcontinental Railway—Classification and Regulation of Civil Service—Closure of Perth Cemetery—Certificate upon Timber Exported—Leases North of Geraldton—Forest Conservation—Settled Land Bill: third reading—First Offenders Bill: third reading—Public Officers Bill: in committee—Municipal Institutions Act Amendment Bill: in committee—Third Judge Bill: first reading—Reorganisation of Colonial Hospital—Representation of Western Australia at Chicago Exhibition—Raising of Loan—Electoral Roll Returns—Improvements to Murray bar—Goldfields Act Amendment Bill: first reading—Harbor Improvements at Fremantle—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

PRAYERS.

PETITION.

MR. PARKER presented a petition from William Wilkinson respecting the refusal of the York Roads Board to close certain minor roads running through his property.

Petition received and read.

TRANSCONTINENTAL RAILWAY.

MR. PARKER, in accordance with notice, asked the Premier, Whether the Government had entered into any agreement with any person or persons relative to the construction of a line of railway to the South Australian border; and, if so, the effect of the agreement.

THE PREMIER (Hon. Sir J. Forrest): The Government have not entered into any agreement.

CLASSIFICATION AND REGULATION OF CIVIL SERVICE.

MR. CANNING, in accordance with notice, asked the Premier, Whether the Government had it in contemplation to introduce, during the present session, a measure for the classification and regulation of the Civil Service.

THE PREMIER (Hon. Sir J. Forrest) replied: The Government does not propose to deal with this important subject during the present session.

CLOSURE OF PERTH CEMETERY.

MR. CANNING, in accordance with notice, asked the Premier, Whether, in view of the rapid increase of population in all parts of the City, more especially in the Eastern portion, the Government would, so soon as practicable and convenient to do so, close the present cemetery, and form and proclaim a new cemetery in a suitable locality, at a reasonable distance from the City.

THE PREMIER (Hon. Sir J. Forrest) replied: The Government will consider the matter. There is a site for a new cemetery near Claremont, but at present it is an inconvenient and distant one.

CERTIFICATES UPON TIMBER EXPORTED.

MR. PATERSON, in accordance with notice, asked the Premier, What steps the Government had taken to carry out the resolution passed by this House last session to the effect, "That it is desirable, in the interests of the timber trade of this colony, that some means should be devised by which all timber (the growth of this colony and exported therefrom) should be accompanied by an official statement certifying to the proper name of such timber."