

LEGISLATIVE COUNCIL,

Wednesday, 18th April, 1883.

Reduction of Port Dues at Albany—Signalling Station, Breaksea Island—Contract with Messrs. Lilly & Co.—Telephone Exchange between Perth and Fremantle—Maintenance of Water Police—Steam Launch for Admiralty Survey—Renewal of Leases to Lessees in Central District—Albany Goods Shed—Mt. Barker Telegraph Station—Goods Traffic at Guildford Station—Tramway from Cossack to Roebourne—Railway from Bunbury to Timber Ranges—Repairs to South Jetty, Fremantle—Revenue Returns from Kimberley District—Appointment of Mr. E. A. Stone as Puisne Judge—Eastern Railway Extension: Branch line from Clackline to Newcastle—Responsible Government: Terms upon which it will be granted—Native Convictions Validity Bill: third reading—Adjournment.

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

PRAYERS.

REDUCTION OF PORT DUES AT ALBANY.

SIR T. COCKBURN-CAMPBELL intimated that at the next Session of Council he would draw the attention of the House and of the Government to the question of port dues at Albany. The hon. baronet said he brought forward the matter in consequence of urgent representations on the part of his constituents, who felt very much disappointed, and very sore on the subject. It appeared that His Excellency Sir William Robinson, when leaving Albany on his departure for South Australia, made certain promises—at least so it was alleged—with regard to a reduction of port dues, not only as regards the P. & O. Co.'s steamers, but also other steamers calling there, and, in consequence of this promise, letters were written by the local merchants to shipping firms, not only throughout the Australian colonies but also in England, representing that the port dues were to be reduced, and he had been asked by his constituents to inquire whether the Government were going to carry their promise out. Consequently he interviewed His Excellency the Administrator on the subject, but he was informed by His Excellency that he had received no intimation of such a promise having been made, and, in the absence of such intimation, His Excellency objected to take any action in the matter, without a direct expression of opinion on the subject from the Legislature. In deference

to the opinion expressed by His Honor the Speaker, and by the Administrator himself,—that the business of the present Session should be confined to the special business for which it was convened, he did not think he would be justified in bringing this matter forward for discussion now, and, under the circumstances, it appeared to him that the only course open to him was to give notice of his intention to do so next Session.

SIGNALLING STATION, BREAKSEA ISLAND.

SIR T. COCKBURN-CAMPBELL notified that at the next Session of Council he would move, "That an humble address be presented to the Governor, praying that he will be pleased to place such sum upon the Estimates as may be necessary for the purpose of bringing Breaksea Island into telegraphic communication with the mainland and for establishing an efficient signalling station upon that island." The hon. baronet said it was with the greatest regret he felt himself unable to move in this matter this Session, for there could be no doubt whatever that it was absolutely essential that this signalling station should be established. He understood it could be done at a very reasonable rate, and he did trust the Government, before the next Session of the House, would be prepared with a scheme to carry the work out.

CONTRACT WITH MESSRS. LILLY & Co.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary, "To lay on the Table a copy of the contract existing between the Government and Messrs. Lilly & Co., with reference to the steam coastal and intercolonial service." Before the Session closed, he would probably have something to say on this subject.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid the original contract on the Table for the information of hon. members, until the end of the Session.

TELEPHONE EXCHANGE.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary, "What steps were being taken by the

"Government to establish a Telephone Exchange at Perth and Fremantle?" Hon. members were aware that he brought this subject forward last Session, and the Government then promised to take the necessary steps to ascertain whether a Telephone Exchange was likely to be a success—whether, in fact, a sufficient number of subscribers could be secured to justify the Government in establishing that means of communication, and, if so, that steps would be taken to establish the proposed exchange. It was now the middle of April, and he should like to know whether the Government had taken any steps in the matter.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid on the Table the correspondence which had taken place on the subject, showing that the only difficulty in the way was as regards obtaining a sufficient number of subscribers to cover the expense of establishing and working the exchange. It was estimated that the cost of establishing a Telephone Exchange would be about £1,300, and that the working expenses would be about £450 a year. It was estimated that from 25 to 30 subscribers would have been obtained, but he found on inquiry from the Postmaster General that, including the Custom House, Telegraph and Post Offices, and other public offices—which of course would yield no actual revenue—the number of subscribers as yet obtained would not be more than 25. It was merely a question of cost, and he hoped when the House met again the Government would find itself in a position to establish an exchange, which no doubt would be a source of great convenience to the commercial community.

MAINTENANCE OF WATER POLICE.

MR. BURT, in accordance with notice, asked the Colonial Secretary, "If any reply had been received from the Secretary of State to the resolution of the House, passed last Session, on the subject of the maintenance of the water police?" That resolution, it would be remembered, set forth that in the opinion of the House there was no justification for the proposal to make this Colony bear the whole burden of the maintenance of the water police, which had been established for Imperial purposes, and the House pro-

tested against the action of the Imperial Government in withdrawing its share of the expense, and, it would be remembered, refused to pass the Excess Bill on that account.

THE COLONIAL SECRETARY (Hon. M. Fraser) said Governor Robinson had addressed himself at length on the subject to the Secretary of State, and had strongly advocated the claims of the Colony in the matter. The question, however, was still under consideration, in conjunction with other Imperial questions, such as the transfer to the Colony of the Convict Establishment and of the Lunatic Asylum at Fremantle. His Excellency the Administrator was now in correspondence with the Home Government on the subject.

MR. BURT hoped His Excellency would bear in mind that that House had positively refused to pay the claim made upon the Colony by the Imperial Government in respect of the maintenance of the water police. The Council distinctly declined to pass the Excess Bill embodying that claim until the Imperial Government refunded the amount they had deducted from the Imperial grant on that account. That was done in order to bring the matter forcibly under the attention of the Secretary of State, and he did not think the House would be inclined to budge an inch from the position it had taken up as regards this matter.

STEAM LAUNCH FOR MARINE SURVEY.

MR. BURT, in accordance with notice, asked the Colonial Secretary, "Whether Government have had any correspondence with the Lords of the Admiralty in reference to the purchase of a steam launch or cutter for the Marine Survey; and, if so, the result of such correspondence?" At the last Session of Council, it would perhaps be in the recollection of the House, the noble lord who then represented the Government on the Treasury bench assured them that negotiations would be opened up with the Admiralty, with a view of obtaining the assistance of the Home Government in purchasing a suitable steam launch for this service, this Colony undertaking to pay one half the cost of such a vessel, which amount the noble lord said he

hoped to be able to squeeze out of the vote for "Incidentals." If no favorable reply had been received from the Admiralty he should like to know—so deeply impressed was he with the necessity of providing such a vessel for the North-West Survey—whether the vote for incidentals was not elastic enough to admit of our paying the whole of the cost of a steam launch ourselves.

SIR T. COCKBURN-CAMPBELL said, before that question was answered, he might say he was informed that quite a new vessel, suitable for the requirements of the Marine Survey, might be purchased at Albany, it having been obtained from Melbourne by a mercantile firm there, but it was found to be not large enough for the requirements of the parties who bought it, and it was now on sale. He believed it might be purchased for £500 or £600, and it could be forwarded by the *Otway* to the Nor'-West on her next trip, if the Government were to buy it.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the Government had been in communication with the Admiralty and the Colonial Office on the subject, and the proposal that we should pay half the purchase money and maintain the steam cutter entirely at colonial expense was regarded by the Home Authorities as a very reasonable proposal; but a question had arisen as to the cost of bringing the vessel out. It was estimated that a suitable launch could be purchased in England for £600, that the freight from England here would be £200, and that the working expenses would be about £300 a year. Possibly the Home Government might be induced to pay a moiety of the freight as well as of the first cost; if so, we should require a vote of £700. As to its being charged against "Incidentals," that item was already, he was sorry to say, almost scattered to the wind. He hoped to be able to bring the matter forward again next Session, but, in the meantime, he would communicate with the parties in Albany, referred to by the hon. member for Plantagenet.

PRE-EMPTIVE RIGHTS OF LESSEES TO RENEWAL OF LEASES.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Colo-

nial Secretary, "Whether the Government had received an answer from the Secretary of State on the subject of a despatch stated to have been forwarded to him by Sir William Robinson, suggesting that a right of renewal of their leases should be granted to lessees in the Central Districts?"

THE COLONIAL SECRETARY (Hon. M. Fraser) said he regretted he was unable to furnish the hon. member with any information on this matter, beyond the fact that the Secretary of State had been addressed at length on the subject, but up to the present time no reply had been received. The matter was still pending.

GOODS SHED AT ALBANY.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Colonial Secretary, "When the Government proposed to proceed with the erection of the promised Goods Shed at the end of the Albany Jetty, and whether they were aware that the unaccountable delay in its erection was causing great public inconvenience and private loss?"

THE COLONIAL SECRETARY (Hon. M. Fraser) said the reason for the delay in the erection of the promised Goods Shed at the end of Albany Jetty was the fact that the only tender received for the work was regarded as too high, but that the plans and specifications had been modified, and fresh tenders were now being invited for the work, and, if a satisfactory tender were received, the work would be proceeded with at once.

TELEGRAPH STATION, MOUNT BARKER.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Colonial Secretary, "When the Government proposed to establish the Telegraph Station at Mt. Barker, the establishment of which that House had approved, and which it was given to understand, last Session, would be carried out?" He had been informed by the late Colonial Secretary (Lord Gifford) that there would be enough money under the head of "Incidentals" to establish the station, and he regretted to hear now that the vote under that head had been "scattered to the wind."

THE COLONIAL SECRETARY (Hon. M. Fraser) said there were certainly no funds available for the work, and the hon. baronet should exercise his persuasive powers upon the gentlemen who formed the Committee of Advice under the Audit Act, and who probably might consent to make the cost a charge upon the vote for the Telegraph Department. As, however, the matter appeared pressing, the Government would consult the Committee of Advice on the subject.

GOODS TRAFFIC AT GUILDFORD STATION.

MR. S. H. PARKER, in accordance with notice, asked the Colonial Secretary, "Whether the Railway Department were in a position to receive and forward all Goods offered for carriage by rail at the Guildford Station, and if any goods had been refused on the ground that there was no available means of loading or carrying them?" His reason for asking the question was because he had heard it stated—and, he believed, on good authority—that a load of timber which was required to be forwarded by rail had been refused by the Station Master on the ground that there was no place to load it, and no trucks to take it away. When the railway was first opened, every allowance was made for any shortcomings on the part of the Department, as regards the goods traffic, in view of the fact that the passenger traffic had proved altogether beyond their expectations, and severely taxed the resources of the Department. But the line had now been opened and working for two years, and, if what he had heard was true, it was simply a disgrace to the whole Department that such a state of things as he had represented should exist. He hoped immediate steps would be taken by the Executive to render such an excuse as that given by the Station Master on the occasion referred to, out of question.

THE COLONIAL SECRETARY (Hon. M. Fraser) replied as follows: "The Government is informed that the Railway Department is in a position to receive and forward all goods of reasonable bulk offered for carriage at the Guildford Station. Only one instance of goods of this description having been refused has been reported

"to the Head of the Department, and an order has been given for the immediate construction of twenty (20) trucks."

TRAMWAY FROM COSSACK TO ROEBOURNE.

SIR T. COCKBURN-CAMPBELL (on behalf of Mr. Grant, the hon. member for the North) asked the Colonial Secretary, "What steps had been taken by the Government to carry out the wishes of the House, to ascertain the desirability or otherwise of constructing a tramway between Cossack and Roebourne?" Last Session the House unanimously adopted a resolution praying His Excellency would be pleased to take the necessary steps in this matter, and the residents of the district were naturally anxious to know what had been done.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid on the Table the papers connected with the proposal, showing what steps the Government had taken in the matter. The Director of Public Works had furnished a rough estimate of the probable cost of a tramway, which it was reckoned would be at the rate of about £1,400 per mile. This would bring the cost of construction up to £12,000 or £13,000; and, as far as the Government was at present informed, the entire outlay would not be less than about £15,000. Under any circumstances, before proceeding with the work, a special Act of Council would be required.

MR. SHENTON asked if the estimate had been prepared by an officer of the Government?

THE COLONIAL SECRETARY (Hon. M. Fraser): Yes, by the Director of Public Works, who based his estimate upon the report of the Superintendent of Roads (Mr. Higman).

RAILWAY FROM BUNBURY TO THE TIMBER RANGES.

SIR T. COCKBURN-CAMPBELL (on behalf of the hon. member for Wellington, Mr. Venn) asked the Colonial Secretary, "What steps had been taken by the Government to carry out the wishes of the House in respect of obtaining information regarding the cost and probable results of a Railway from Bunbury to the Timber Ranges?" A

resolution was adopted last Session affirming the desirability of ascertaining the cost of such a line, and asking the Government to obtain statistics, during the recess, showing the probable amount of traffic which might be expected; he therefore wished to ask what steps had been taken in the matter?

THE COLONIAL SECRETARY (Hon. M. Fraser): None, so far as I can ascertain. If the hon. baronet will look at *Hansard*, p. 410, he will see that the ground was cut from under the feet of the Government, the House resolving that no expenditure should be incurred in connection with the matter. The hon. member for Wellington himself supplemented his resolution by adding to it the words "provided no expense is incurred out of public funds," so that the Government, I may say, was helpless. As no provision was made, no expense could be incurred; but I understand that the hon. member for the district is engaged in collecting information on the subject, as he promised to do, and that inquiries are being made.

REPAIRS TO SOUTH JETTY, FREMANTLE.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary, "When it was probable the repairs to the South Jetty at Fremantle will be commenced?" The hon. member said it would be in the recollection of the House that a Select Committee was appointed last Session to report on the subject of jetty improvements at Fremantle, chiefly with a view to connect the jetties with the Eastern Railway, in order to facilitate traffic. The Committee submitted their report, recommending certain improvements, involving an estimated expenditure of about £3,500 (or £4,000 including moorings), and that report was adopted by the House. Those improvements consisted of relaying the tramway from the terminus, repairing the old South Jetty, and widening it at its extremity, purchasing a small shunting engine, and, if necessary, providing a fresh turntable. These improvements were suggested by the Director of Public Works, who estimated the cost at £3,500; but the Committee also recommended that a further sum of £500 should be expended in laying down

suitable moorings for vessels to make fast to, when being berthed alongside the New Jetty. The House had agreed to this expenditure over six months ago, but so far as the public were aware nothing appeared to have been done in the matter yet. The present condition of the jetty, and the absence of traffic facilities in connection with the railway, which these improvements would have supplied, proved a source of great inconvenience, especially to the shipping interest, and, on the other hand, involved a large loss of revenue to the Railway Department, as regards the goods traffic. He therefore wished to know when it is probable the repairs and improvements agreed upon last year are likely to be commenced.

THE COLONIAL SECRETARY (Hon. M. Fraser) said this was a matter which the Government had not lost sight of, but, unfortunately, it transpired that the amount voted for the purpose was altogether inadequate to carry out the proposed scheme. Something, however, had been done in the matter; the shunting engine, permanent way, and materials had been indented for. [Mr. BURT: When?] On the 26th January last. [Mr. BURT: Four months after the work was agreed upon and the money voted.] The House was aware that the amount voted for the work was £4,000, out of which £500 had to be subtracted for moorings, leaving £3,500 available for jetty improvements. Well, it appeared that the shunting engine, permanent way, and other items of the kind alone came to £2,305, leaving only £1,195 for completing the work (putting the £500 for moorings out of calculation). In compliance with instructions, the Acting Director of Public Works made a careful estimate of the cost, the other day, of putting the old jetty into permanent repair, and Mr. Jewell reported that the balance available would be altogether insufficient for converting the present jetty into a structure available for railway traffic, and he estimated that a sum of £2,780 1s. 9d. would be required to carry out the work. Consequently, as the Government had only £1,195 available (or £1,695, including the £500 voted for moorings), they had been unable to call for tenders to carry out the work. They proposed, however, next Session to bring forward the matter

again before the House, and to ask for the additional sum required, which, in order to obviate further delay, might be included in the Supplementary Estimates.

MR. SHENTON said the explanation given could hardly be considered satisfactory, either by that House or the public. The Select Committee last year went most carefully into this question, and examined the Director of Public Works as to every detail of the scheme. He was distinctly asked what he estimated the whole cost of the jetty improvements would be, and he laid it down at £3,500. If he remembered rightly, the Director estimated the cost of a shunting engine at about £700, and the rails at between £700 or £800,—or about £1,500 altogether, which would leave an available balance of about £2,000 for the necessary repairs. There was a wonderful discrepancy between £1,500 and £2,305. It would be in the recollection of the House that they had a much larger sum to expend upon this work if necessary, but being assured by the Commissioner that £3,500 would be necessary, the House accepted that assurance. All this was very annoying, and certainly was not calculated to inspire much confidence or reliance on the part of that House in the Public Works' Department. To the public, and especially the shipping interest, this delay was most inconvenient—a delay simply created by a blunder on the part of a public department.

MR. MARMION moved the adjournment of the House—a course he had never adopted before—in order to afford him an opportunity of saying a few words on this subject. It appeared to him a great mistake had been made by some one. He did not know upon whom the responsibility rested, but it would be within the knowledge of the House and the Government that when the question of jetty improvements was under consideration, a sum of no less than £10,000 was available for the purpose, but on the representation of the Director of Public Works that £4000 would be sufficient (and more) to meet all requirements, that was all that was provided. But now it appeared otherwise, and hence the delay in the commencement of a most necessary work, simply because an

officer of the Government had blundered in his calculations. He thought the Government ought to proceed with the work at once, and let the responsibility of the over-expenditure rest upon whoever was to blame in the matter. If the Government adopted any other course, he was sure they would not satisfy that House, nor satisfy the public. He felt convinced that, if the work were properly performed and the machinery introduced were simply such as will meet our local requirements, the work could be performed for the sum originally estimated.

KIMBERLEY REVENUE AND EXPENDITURE.

MR. MARMION asked the Colonial Secretary, "To lay on the Table a return showing the amount of money paid into the Treasury for leases of Kimberley lands since the district has been opened for applications; the amount of money still due on incomplete applications; the sums received for purchased lands, and the extent of leasehold lands applied for to date; also, a return showing the amount of money that has been expended by the Government on account of the Kimberley District to date, not including cost of Mr. A. Forrest's exploration." The hon. member said he moved for the return in order to show what amount of revenue the Government had received from this district, and on the other hand what an insignificantly small sum had been expended in return. He had been very much surprised to find that no allusion had been made to this subject in the speech with which His Excellency the Administrator opened the Session,—no reference whatever to the vast amount of territorial revenue which had been received from this new district. He was still more surprised and astonished to find the existence of the large surplus now on hand attributed, not to the revenue derived from this source, but to the economy practised by the late Administration. He had no desire to detract from any credit due to that Administration; at the same time, it did appear strange that the real cause of the surplus revenue was not alluded to in any way by His Excellency, nor by the mover or seconder of the Address in

Reply, and that it devolved upon the hon. member for Murray and Williams to point out the actual source of the surplus. He mentioned this fact, he alluded to the subject, simply in order to remind the House and the Government how much they were indebted to this district, as the returns he now asked for would, he ventured to predict, show.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the return asked for, so far as it was possible to complete it at present, would be laid on the Table of the House next day.

APPOINTMENT OF MR. E. A. STONE AS PUISNE JUDGE.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, moved the following resolution: "That this Council has viewed with satisfaction the temporary elevation of Mr. E. A. Stone, a distinguished and respected member of the local bar, to the Bench of the Supreme Court of this Colony; and, in view of the considerable increase of judicial business, in view of the enormous distances from which prisoners and witnesses now have to travel to head quarters, and of the consequent large and increasing expenditure resulting from the fact that the Court is without a Puisne Judge to go on circuit, this Council desires to express the gratification with which it would consider a proposal on the part of the Government that it should provide for the permanent retention of Mr. Stone's services in the judicial office." The hon. baronet said that in view of the large number of members who were absent, owing to the impression that no other important business would be settled at this Session except that for which the Council had been specially summoned, he had not the slightest intention of asking the House to come to any determination as regards the resolution that evening. His original idea in bringing it forward was simply to elicit an expression of opinion, and then to adjourn the debate, in the belief that the House would adjourn until the ordinary winter Session, but as it appeared now that the House, instead of adjourning, would be prorogued, it was proposed that an amendment upon the resolution should

be submitted, in order to meet the exigencies of the case. It was unnecessary for him to say very much about the motion. He thought the public and everybody had come to the conclusion that the time had arrived when it was necessary to have more than one Judge. Some few years ago, when the subject was first mooted, the necessity of such an appointment was nothing like so apparent as it is now. Settlement had extended, it was true, and especially Northwards; but the policeman was not ubiquitous nor the magistracy, and the settlers in those days were content to mete out a rough and ready sort of justice,—which they did so judiciously that the consequence had been the establishment in this Colony of better relations between black and white than existed in any part of Australia. But now that matters were managed in a more regular manner, and with greater legal nicety, and cases were sent down to be tried in the Supreme Court from all parts of the Colony—from the Fitzroy at one end to Eucla at the other, thus entailing the necessity of witnesses travelling enormous distances, at corresponding expense to the public and inconvenience to themselves—the necessity for a second Judge was acknowledged on all hands. He believed the expenses of witnesses alone during the current year had already greatly exceeded the sum voted for that purpose for the whole year,—a matter upon which the Committee of Advice would be able to enlighten them. Not only was the loss a great one to the public, but the loss to individuals was something very serious indeed, and many and loud were the complaints which he had himself heard from settlers on the subject. Of course a single Chief Justice could not be sent about the country to hold local sessions; and, although he believed that under the Judicature Act the Government were empowered to commission a barrister of seven years standing to hold circuit sessions, it was very seldom, he imagined, in this Colony, that could be done with ease. Therefore, he thought it was incumbent that some other provision should be made, and it appeared that the desired end could best be accomplished by the appointment of a Puisne Judge. It was quite unnecessary he should argue the point: everyone had

come to the same conclusion. He had worded his motion in such a way that it could leave no doubt as to the intention in view. He had coupled Mr. Stone's name with the resolution for the reason that he thought it was highly desirable, so far as the House was concerned, that no loophole should be left for the patronage of the Home Government to enter in—he need not say much about it, hon. members were aware it was not always satisfactory to the country. Mr. Stone had on several occasions occupied the position of Acting Judge of the Supreme Court, and was universally respected by the public in that capacity, while, at the same time, he believed he had the full confidence of the Bar. He therefore felt sure that the mere fact of coupling Mr. Stone's name with the resolution would cause it to be received with a larger amount of satisfaction by that House as well as by the public than it otherwise would have been. Before sitting down he might say that he had received letters on the subject from the hon. member for the North and from the hon. member for the Vasse expressive of their cordial approval of the proposed change. Mr. Grant said:

"Newmeracarra, 9th April, 1883.—My Dear Sir Thomas—I am unable to attend the coming Session of Council. Touching the appointment of a second Judge, to go on circuit, I very much approve of the idea, as it will be a great saving of time, trouble, and money to witnesses; and I am sure it will be of great advantage to our Northern Districts, in more ways than I have mentioned. Should the subject by any chance crop up this Session, be good enough to intimate my views on this subject to hon. members."

The hon. member for the Vasse, writing under date April 12th, said:

"Dear Sir Thomas—There is, I understand, a movement likely to be made at the Special Session of Council, about to be held, with reference to a second Judge, the necessity for which is very evident, and fully admitted by the public at large. If any steps are taken in the matter you may say that I shall agree to whatever is done now, and support the same by voice and vote at the winter Session. But I think we ought to see and provide, as far as the Council can, that the appointment is not left to the Home Government to be given to an outsider. In saying that Mr. Stone's permanent appointment would be the best that could be made in the interests of the Colony, I but express the general opinion of the Wellington and Vasse Districts."

THE ATTORNEY GENERAL (Hon. G. W. Leake): I know of no member of the Council who, more than myself, can claim a right—I may say a right—to speak on this subject, and I beg very cordially to second the motion of the hon. member for Plantagenet. I do so more particularly with reference to Mr. Stone. In speaking to a motion of this sort, it is but natural that one should use the language of eulogy; and, having to use the language of eulogy on this occasion, I shall be as brief as I possibly can, because eulogy generally falls short of its mark. To compliment Mr. Stone upon being a learned gentleman would be a redundant compliment; without it he would not be in the position he now so worthily fills. But I may compliment him—and compliment him in common with all those who have had the gratification of practising the law with him, and under him,—I may compliment him on his diligence, penetration, and impartiality. Mr. Stone adds one more to the list of our fellow-colonists who, born amongst us, shed, I may say, a lustre upon the community. Sir, as an humble and temporary member of this House, I very cordially agree in expressing what I feel confident are the sentiments of the House and of the community, as to the value of the services which Mr. Stone is now rendering this Colony, in the judicial position which he temporarily occupies. I shall say no more than that I cordially second the motion of the hon. member for Plantagenet.

MR. S. H. PARKER said he had great pleasure in supporting the resolution. It appeared to him the way the Council ought to look at the matter was this: firstly, was there a necessity for the appointment of a second Judge, and, if so, secondly, whether Mr. Stone was a fit and proper person to be appointed to the office. As to the necessity of such an appointment, he thought there could be no question whatever. The mere fact that the Chief Justice for the time being in the Colony holds the commission of Lieut.-Governor, or Administrator, in the absence of the Governor, illustrated at once the necessity of a second Judge, who could act in his place, when the Chief Justice occupied the position of Her Majesty's representative. In fact, this state of affairs was exemplified at the

present moment. Fortunately for the Government, and fortunately for the public, Mr. Stone's services were available. Had they not been, probably the Government would have been placed in an awkward dilemma. Possibly, they would not have been able to obtain any one competent, or ready and willing, to take up the position, and the result would have been the source of a large amount of inconvenience and of loss to suitors and others. The necessity of a second Judge was also exemplified, and accentuated, by reason of the enormous expense which some recent criminal trials had entailed upon the country. Take, for instance, the Albany murder case. He believed the cost of the witnesses in that case alone amounted to the large sum of £800. Had we at that time been in a position to send a Judge to try that case at Albany, he did not see how the whole cost of the trial could have amounted to more than £300; so that, in this instance alone, there would have been a saving to the country of £500. But he did not think we ought to look at the question in that light; we ought to consider the convenience of the public at large, who, at present, had often to travel enormous distances to attend as witnesses. The result of this could not fail to prove detrimental to the ends of justice. If witnesses found that they had to come long distances from their homes, and from their business, and had to run the risk of being detained perhaps for a month or more in Perth, the result would be that criminals would probably escape punishment altogether. People would sooner let them off than go to the trouble and expense, and inconvenience and loss, attendant upon putting the machinery of the law in motion. Probably the fact of sending a Judge a long distance to try one solitary case, in which there might be half a dozen witnesses, would result in no saving to the public purse; at the same time, it might be a great saving to the witnesses to have the trial on the spot, without necessitating their absence from their homes and their business. Again, by the appointment of a second Judge, we would certainly have the benefit of a Court of Appeal. He did not intend to say that an appeal from the decision of one Judge to himself and

his colleague would, generally speaking, prove of any vast benefit to the public, although in some instances it might be of considerable benefit. With regard to the fitness of Mr. Stone to fill the judicial office, he (Mr. Parker) might be allowed to add his tribute to the eulogy passed upon him by the hon. and learned gentleman who had last spoken. During the several occasions on which Mr. Stone had occupied the position of Acting Judge of the Supreme Court, he (Mr. Parker) had no hesitation in saying that he had won and retained not only the confidence of the public but also the respect of the Bar.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he had listened with interest to the very pertinent remarks made by the hon. member for Perth, and he might say at once that he agreed with the hon. member in the opinion which he held as to the urgent necessity of a second Judge. The extension of settlement, the increase of population, and the consequent expansion of legal business rendered such an appointment, it appeared to him, a layman, highly desirable; and there were other reasons why such an appointment would answer better now than it would have answered a few years ago. He alluded to the increased facilities afforded for travelling from one part of the Colony to another, which would render the movements of the Judge and his Court an easy matter; whereas, in the past, it would have been a very difficult thing indeed to have provided for the holding of sessions at any fixed period. Therefore, he could plainly see that in the interests of the public, and with a due regard to economy, it would be a judicious thing to make provision, when the proper time arrived, for such an appointment as was here contemplated. He might also say, from his intimate personal acquaintance with the gentleman whose name was associated with the resolution, that he most cordially concurred in the eloquent tribute of praise paid him by his learned colleague, the Acting Attorney General, and he need add nothing on that score. He would however remind the House, that though we may express our opinion as to the entire fitness of any particular individual to discharge the duties of the office, we were all aware that

the appointment, after all, did not rest with the Council or this Government, but would be filled by the Secretary of State at home. But no doubt due weight and proper consideration would be given to any recommendation that might emanate from an influential and representative body like the Legislature of the Colony, on this or any other subject, and, so far as he was personally concerned, it was with pleasure he had heard of the proposal being put forward; and he hoped that, before they concluded their labors at the ensuing Session, provision would be made for securing what is admitted on all hands would be a great benefit and advantage to the Colony, and especially to districts situated a long distance from head quarters.

MR. BURT said one reason why Mr. Stone's name was mentioned in connection with the proposed appointment was because those who knew him were convinced of his peculiar fitness for the office; but he (Mr. Burt) could not help indulging in a quiet laugh to himself when he heard Mr. Stone's qualifications canvassed as if there could be no doubt whatever that if the appointment was made Mr. Stone and no one else must be the man who shall have it. As he had expected, the Colonial Secretary had just let slip a reminder that the appointment rested, after all, with the Secretary of State and not with that House. He believed one of the main reasons why the proposal had been put forward at all was the acknowledged fitness of Mr. Stone to discharge the duties of the office, with credit to himself and to the satisfaction of the public,—a fitness arising in a great measure because Mr. Stone had been trained in the Colony and not in England. Hence the desire that his name should be associated with this resolution. But he would remind the House of another appointment with regard to which the same qualifications were deemed highly desirable if not absolutely necessary, and how hon. members, as they thought, took every precaution that the appointment should be given to a local man. He alluded to the Commissionership of Titles, under the Land Transfer Act. When that Act was passed it was considered absolutely essential, in the interests of the Colony, that it should be administered by a

gentleman conversant with the land transactions of the Colony; and, with the view of compassing that object, the Legislature, as they thought, framed their Bill in such a way that, for once at any rate, the Secretary of State would be kept out. He remembered being in the House when the Bill was passed. He remembered how the Colonial Regulations were referred to, how Blue Books were consulted, how reference was made to the Acts of the other Australian Colonies,—all with the view of so hedging this appointment that it should be left entirely in the hands of the Governor-in-Council, and that "Downing Street" should not have a finger in this particular pie, at any rate. Well, the thing was sent home, with an Imperial-proof fence (as they thought) round it; but, bless my soul, no sooner was it taken to the Colonial Office than the Secretary of State jumped their fence instantly, and—without saying a word against the abilities of the gentleman who was appointed to the office—the wishes of that House were completely set aside, and all the representations made up to this time on the subject had simply been ridiculed by the gentlemen who happened to be at the head of the Government at the time. He had been told personally by them that they could not interfere, that they dare not interfere, with these appointments. Hon. members might depend upon it, that, as the time approached for severing our connection with the Colonial Office, the more tenacious would be the Secretary of State as regards the bestowal of patronage; and what he (Mr. Burt) was afraid of was, that, when the home authorities heard of this office having been created and of a second Judge being wanted here, and that ample provision had been made for his salary, they would probably say: "Well we are losing our hold of this Colony fast"—and, the faster the better, he (Mr. Burt) thought, as far as the Colony is concerned—"and, as this will perhaps be the last chance we shall have of exercising our patronage in this direction, we must take care not to let the opportunity slip." They might depend upon it, a very strenuous attempt would be made to have this appointment filled at home. But he thought the Colonial Secretary and the Government,

and also the Secretary of State might rest assured that that House would not be prepared to vote a salary for a second Judge, if the appointment was going to be made by the Secretary of State. He thought, rather than let the Secretary of State exercise his patronage as regards this particular appointment, they would prefer going on, the best way they could, as at present. The time was short now when the appointment of our Judges would rest in a different direction to that where it now rests. As to the question of economy, the question of whether the proposed appointment would be a saving of expense, he himself doubted whether it would result in any actual saving; but, as had been pointed out by the hon. member for Perth, there were other advantages to be gained, besides the saving of public expense. There were other considerations beyond that of pounds, shillings, and pence to be thought of,—the public convenience. Then, again, as mentioned by the hon. member for Perth, the establishment of a Court of Appeal would, of itself, be of benefit to the public generally; and, with the increased facilities of moving about afforded by steam communication, as pointed out by the Colonial Secretary, the objections as regards expense would no doubt be reduced. Still he was not inclined to support the proposal on the ground that it might result in any great saving of public funds. It was not every day, nor every six months, nor every twelve months that we had a case sent down to the Supreme Court from extremely long distances. He believed that, prior to the case referred to by the hon. member for Perth, it was over twenty years since they had a case from Albany for trial at the Supreme Court; and he thought the last case, which they were told cost the Country £800, was an exceptional one, and could hardly be adduced as a fair argument on the score of the expense attending the present system. At least, one half of that amount could well have been spared—he should have an opportunity, when dealing with the supplementary vote, of showing how. With the slightest regard to economy and the exercise of the commonest prudence, that sum ought to have been under £400. They all knew how the delay occurred, how witnesses were deliberately kept here for

a whole fortnight, when they might have returned to their homes within a few days. Therefore, although there were many reasons why he should support the proposal before the House, he thought if they relied alone upon the argument of a saving of expense, their cause would be a somewhat weak one. But there were other arguments much more weighty, and the resolution would have his cordial support.

THE ATTORNEY GENERAL (Hon. G. W. Leake): May I just add a few remarks—merely in explanation? There are two cases now pending that will have to be put off—two murder cases from the Gascoyne—which will really involve a very large expenditure of money. Under ordinary circumstances the cost of these trials would have been heavy, but inasmuch as, owing to unavoidable circumstances, they had to be put off, the expense must necessarily be increased. There is also the case of the man Susetti, from Sharks Bay, which, owing to the evidence having been taken before a lay magistrate, who did not know the value of negative testimony, had to be postponed for three months; and it will cost the public some £300 or £400, in order to keep here, within sight of the Supreme Court, a number of witnesses whose ordinary avocations are at Sharks Bay, and who, if a Circuit Court met at Geraldton, would, with very little inconvenience to themselves and a corresponding saving to the public purse, have made their appearance at Geraldton instead of Perth. These three cases alone are, I think, of a sufficient importance to warrant the suggestion that a second Judge is absolutely necessary.

MR. BURT: I also may say in explanation that, from what I hear, there will be very little expense incurred in connection with the witnesses in Susetti's case, for, if reports be true, the Government refuse to pay them.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): Nonsense. The hon. member has been wrongly informed. As a matter of fact, the Crown *must* pay them.

MR. RANDELL said the hon. member for Plantagenet had already explained that he had asked another member to move an amendment, and he (Mr. Randell) did so with a great deal of pleasure,

believing as he did that the amendment was one which would be more acceptable to the House—in view of the limited number of members in attendance this Session—than the adoption, at present, of the resolution submitted by the hon. baronet himself. In moving this amendment he might be allowed to say that he was in full accord with those hon. members who had spoken of the desirability of obtaining the services of a second Judge. He should also like to add, that, in his opinion, it was a subject of congratulation to the Colony that testimony could be so unanimously borne not only by members of the profession, but also by laymen, as to the peculiar fitness of Mr. Stone to discharge the judicial functions connected with the office in question. For his own part, he could only express a hope that, if a second Judge be appointed, Mr. Stone would receive the appointment; and he had every hope that the Secretary of State would respect the unanimously expressed wishes of the House in such a matter as this. The hon. member for the Williams had certainly played another trump card in favor of his pet project of Responsible Government, by referring to the manner in which the wishes of the House, and he might say of the public, were, some years ago, thwarted in connection with the appointment of another official. He himself remembered the annoyance it created at the time, and the feeling of irritation, when it was found that the appointment referred to was made at home, instead of being conferred upon one of our local barristers. On the score of expense, as regards the appointment of a second Judge, he thought the hon. member for Williams had clearly put the case before the House. He was not at all sanguine that the appointment would be a source of saving to the Colony; but he looked upon that as a subsidiary consideration, in view of the public benefit and the public convenience which the proposed arrangement would ensure, and also in view of the greater facilities it would afford for bringing criminals to justice. He could not for a moment anticipate there would be any saving of expenditure, but that was a question to be cast aside altogether when considered in connection with the subject of the due administration of justice, and

the vindication of the majesty of the law. Although he was about to move an amendment, in order to meet the exigencies of the case, he might say that, while doing so, he was in full sympathy with the original motion. The amendment he had been entrusted with was: "That the further consideration of this important question be adjourned until the next Session of the Legislature, but in the opinion of this House it would be desirable were the Government to make arrangements temporarily to retain Mr. Stone's services as Puisne Judge, until such meeting takes place."

Mr. GLYDE said he had much pleasure in seconding the amendment. He thought the time had come when the circumstances of the Colony were such as really to call for the appointment of a second Judge. They had seen the want of one for some time; and, in Mr. Stone, he felt confident we should have the right man in the right place. He had already shown his fitness for the post, and, in the event of the appointment being made, he hoped Mr. Stone, and Mr. Stone only, would be the person selected to fill it.

Mr. MARMION said, representing as he did an important constituency, he thought it behoved him to say a few words on the subject before the House. Some years ago, when this same subject of a second Judge was under discussion, he opposed it, and opposed it strenuously, for, at that time, he did not consider such an appointment necessary in the then circumstances of the Colony. But he really believed the time had now arrived when such an appointment would not only be conducive to the administration of justice, but also be a saving of public expense. He was very glad, however, to find that the hon. member for Plantagenet had agreed to postpone the consideration of the question, until the usual annual meeting of the Legislature, for the subject was an important one, and one which to some extent involved personal considerations. It must be very gratifying to Mr. Stone to have heard the flattering expressions of opinion to which utterance had been given that evening, as to his peculiar fitness for the high office which it was proposed to create, and with which his name had been associated. Having known Mr. Stone

for some years, he could only say—he spoke with no claim to any knowledge of legal or judicial work—he could only say that, personally, he entertained the highest regard and esteem for him, and he believed they might travel a very great distance before they would be able to find a gentleman so well adapted in every respect to fill the office of second Judge of the Supreme Court of this Colony. As he said before, he thought it must be very gratifying to Mr. Stone to find that he not only possessed the full confidence of the representatives of the people in that House, but also the esteem and respect of those with whom he has been professionally connected, for many years, at the Bar of the Colony.

MR. SHENTON believed that one of the objects in view in bringing this matter forward at the present Session was in order to enable His Excellency the Administrator to refer the question to the Colonial Office, so that the views of the home authorities on the subject may be ascertained before the Council meets for its winter Session. It was unnecessary at this stage of the debate that he should dilate upon the necessity of such an appointment: it was acknowledged in all quarters. Apart from the enormous public expense which the present system entailed, there was also the great personal inconvenience and loss which it entailed upon country settlers, who, having to attend the Supreme Court as witnesses—perhaps during the most busy time of the year—did so at much personal sacrifice; and he thought the Legislature was bound, so far as possible, to relieve the settlers of this hardship. There was another very important consideration, which this hardship led to—the escape of criminals who ought to be brought to justice, but who were now allowed to go unpunished, simply because settlers would not prosecute, for fear of being kept so long away from their stations. The resolution had his cordial support, though at the same time he quite concurred in the propriety of postponing the further consideration of the question until the ordinary Session of Council.

SIR T. COCKBURN-CAMPBELL said it was a matter of fact, within his own knowledge, that misdemeanants had escaped being brought to justice for no

other reason than the enormous expense and inconvenience which their prosecution would entail upon the individuals aggrieved, residing probably hundreds of miles from the Supreme Court, where they would have to appear as witnesses. Considering the very large amount of revenue now derived from our Northern territory, he thought it would be only fair that the convenience of the settlers there should to some extent be met by the appointment of a second Judge.

The amendment was then put, and carried unanimously.

EASTERN RAILWAY EXTENSION— BRANCH LINE FROM CLACKLINE TO NEWCASTLE.

MR. SHENTON, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Administrator, praying that he will be pleased to give instructions to the Railway Department, that when tenders are called for the construction of the 3rd section of the Eastern Railway, supplementary tenders may also be called for the construction of the branch line now being surveyed from Clackline to Newcastle." Hon. members were aware that the House agreed last Session to have this branch line surveyed, and that was now being done; he, therefore, thought it would be a wise plan, while tenders were being invited for the construction of the third section of the main line, that tenders might also be called for the construction of the branch line from Clackline to Newcastle, in the event of there being a surplus available for carrying out the latter. He had had a conversation with the Director of Public Works on the subject, and Mr. Thomas informed him there would be no difficulty at all in the matter, that it was a course commonly adopted in the other colonies. There could be no doubt that it would be a saving of expense to have the two tenders issued simultaneously, and the work undertaken by one and the same firm. Of the necessity of this branch line, all were convinced. When the debate on the subject took place last Session, every hon. member concurred in the expediency of running a line from the Clackline to Newcastle, as it was generally agreed that, in order to make the Eastern Railway Extension a success, the Toodyay

District must be connected with the trunk line. Hon. members would observe that his resolution did not bind the Commissioner of Railways to accept any tender for this branch line, but simply that he should be placed in a position to do so, in the event of there being funds available for the purpose out of the railway loan.

MR. S. H. PARKER seconded the motion. He did so for this reason: he was under the impression that when this matter came before the House again at its next Session, hon. members would unanimously come to the conclusion that it would be desirable to extend the railway to Newcastle, which, in his opinion, would be a most reproductive line; and, as they were going to invite tenders for the construction of the third section of the main line to York, it appeared to him it would be a very good thing to call for tenders at the same time for this short branch line, which he believed would only be about twelve miles long. No doubt this would be a more economical plan than to call for supplementary tenders hereafter for the construction of the branch line.

THE COLONIAL SECRETARY (Hon. M. Fraser) concurred as to the expediency of connecting Newcastle with the main line to York, but it appeared to him premature to move in this direction at present. It was not yet known whether or no there would be any funds available out of the railway loan to construct this branch line, and it was contrary to precedent to invite tenders for a work before they knew whether there would be any money to carry it out. Not only that, he could not imagine how the object in view would be in any way forwarded by adopting this resolution,—how His Excellency the Administrator could feel himself justified in taking action in the matter, upon a resolution passed by the House as constituted at this Special Session, with only a few members present, and there being an understanding that no other business of importance would be dealt with except that for which the House had been specially convened. He thought it would have been better if the hon. member had contented himself by moving that the Commissioner of Railways should prepare an estimate of the cost of constructing

the branch line, with a view of bringing the question of construction forward at the next Session of Council, which would be ample time. In its present shape, he really failed to see what advantage was to be gained by the adoption of the resolution before the House.

MR. MARMION said he agreed with much that had just fallen from the Colonial Secretary. The only way in which they could now have this branch line constructed was in the event of the necessary funds for that purpose being saved out of the money available for the construction of the third section. He presumed the branch line, short as it was, would cost some £30,000 or £40,000, and it was scarcely likely we should save all that amount out of the next contract. The hon. member for Toodyay and those whom he represented might rest assured that the House was not likely to be led to commit the same mistake with reference to this branch railway as it did in connection with the Eucla Telegraph Line, and have it constructed out of current revenue; so that, in the event of there being no balance available out of the vote for the third section, the money for the construction of this branch railway would have to be raised by loan, and that would involve a reference to the Secretary of State, so that there really was no particular hurry for inviting tenders at the present time. Under these circumstances, it appeared to him the motion was premature, and he thought the hon. member could not do better than accept the suggestion of the hon. gentleman, the leader of the Government.

MR. BURT thought the hon. member for Toodyay was simply trying to take time by the forelock. Sometimes it took years to get an answer from the Secretary of State; it always took months. Last Session the House passed some very important resolutions, and no reply had been received to them yet. If they invited tenders for this branch line now, one thing was very certain, they would gain three or four months by it, rather than waiting for the next Session of Council. He failed to see that the mere calling for tenders could do any harm to anybody, except those who tendered, and that only in the event of our having no funds

available for carrying out the work. He could not, however, go with the resolution as now worded, which contemplated the adoption of the route now being surveyed. If he understood rightly, this question of route was one of considerable difficulty, and with regard to which there was a great divergence of opinion. Possibly the line now being surveyed might be condemned, and he thought if the resolution was adopted at all it ought not to bind them to any particular route.

MR. SHENTON said his only reason for bringing forward the resolution this Session was because he understood tenders for the construction of the third section would probably be out before the Council met again.

THE COLONIAL SECRETARY (Hon. M. Fraser): I am afraid not. I do not think tenders will be invited as early as the hon. member imagines, and certainly the line will not have reached the Clackline by the time this House is in Session again; so that there cannot possibly be any delay if the resolution is postponed until the ordinary Session in June or July. As to the practice obtaining in the other colonies, with regard to railway construction, whatever eccentricities our neighbors may be in a position to indulge in, it is very certain we must be content to follow a certain well-defined line of action in these matters. We must proceed by rule and by precedent. Even in the event of there being a surplus available, after the construction of the third section, that surplus could not be applied to build this branch line without the House passing a Bill to re-appropriate the money, and that could not be done without reference to the Secretary of State. Under these circumstances, I really fail to see what is to be gained by pressing this motion at the present time.

SIR T. COCKBURN-CAMPBELL suggested that the hon. member for Toodyay should withdraw his resolution, until next Session.

MR. SHENTON said, that after the explanation made by the Colonial Secretary, he would do so.

Motion, by leave, withdrawn.

RESPONSIBLE GOVERNMENT: TERMS UPON WHICH IT WILL BE GRANTED.

MR. S. H. PARKER, in accordance with notice, moved, "That an Humble

"Address be presented to His Excellency
"the Administrator, praying that he will
"be pleased to ascertain at the earliest
"possible opportunity from Her Majesty's
"Secretary of State for the Colonies, for
"the information of this House, the
"terms and conditions upon which Responsible Government will be granted
"to Western Australia." He said the earliest possible opportunity, for the feeling in favor of self-government was undoubtedly gaining ground every day. The minority of a few years ago had grown into a strong majority, and so fast was the feeling in favor of a change spreading that he was very much afraid, unless he got his own Bill passed at the very next Session, the House would be flooded with Bills providing for a new constitution. These Bills would not only have the support of the elected members, but he verily believed would be strongly supported by the occupants of the Treasury Bench. As for the nominee benches, he would not be at all surprised to see a Bill to establish Responsible Government introduced by his hon. friend the member for Oakabella. Seriously, there could be no doubt that there was a growing feeling in favor of the Colony assuming the responsibilities of self-government; but he did not think any of those who were in favor of the contemplated change were prepared—he certainly was not prepared and had always said so—to accept it at any cost. He was not prepared to accept it at the loss of a large extent of territory now forming part of this Colony. He was not prepared to accept it, if it entailed the separation of the Kimberley District, or the Northern Districts of the Colony,—districts which had been discovered, opened up, and colonised at the expense of the Colony, and through the enterprise and energy of its people. Surely, if anybody had a claim to these districts it was those who had discovered and opened them up for settlement. Under these circumstances he thought it would be very desirable that we should ascertain, without loss of time, what were the conditions upon which the Imperial Government were likely to agree to our undertaking the management of our own affairs. This question of a change in the constitution would be one of the most important and momentous questions which the House would have

to deal with at an early date,—possibly at its very next Session, and, therefore, he thought it behoved the Government to ascertain and to lay before the House, in precise terms, the conditions upon which Responsible Government would be granted to the Colony, so that the public may know what sacrifice they will be required to make for the proud privilege of self-government. What the country wanted to know was whether a change in the constitution would involve a partition of the Colony? Would it mean that the control of our Northern territory shall be retained by the Imperial authorities, and that the map of Western Australia, under Responsible Government, shall not represent more than half the territory which figures on the map of Western Australia now? What we wanted to know, again, was whether the Home authorities would insist upon a Civil List, and what that Civil List would be? Whether the Home Government, in the event of our assuming the management of our own affairs, would cease to contribute towards the grant for the maintenance of our magistracy and the police? Also what pensions the Home Government will insist upon our providing for the members of the present Executive? In short, what are the terms upon which the mother country will grant us the privilege of governing ourselves. The public would then be in a position to say whether the time had really arrived—which he, and what was now a large majority of the people of the Colony, believed had arrived—when Western Australia should be governed by Western Australians. Under these circumstances, he trusted His Excellency the Administrator would take the earliest opportunity of obtaining this information, so that it may be laid before the House, at any rate some time before the close of next Session.

SIR T. COCKBURN-CAMPBELL said he was perfectly willing to second the hon. member's motion. Had he noticed it was on the Paper, he might have had something to say on the subject, but it had escaped his attention altogether. All he could say was, his own private opinion as to the fitness of the Colony for undertaking Responsible Government had not undergone any considerable change, but he could see perfectly well that before long the change was inevitable, and that

we cannot go on as now. Matters cropped up which showed the serious loss entailed upon the Colony by reason of the delays which a reference to the Colonial Office sometimes involved. In addition to the information which the hon. member for Perth said he was desirous of obtaining, there was another piece of information which it would be as well to ask for, and that was—what conditions the Home Government would make with regard to Crown lands in the Southern part of the Colony? This was a very important consideration. He had been informed that, in the event of our obtaining Responsible Government, the Colonial Office did not intend, even as regards the Southern parts of the Colony, to give us full control over the Crown lands. Therefore, he thought it was highly desirable that this piece of information should be obtained at the same time as the other terms and conditions mentioned by the hon. member for Perth. In view of the fact that Responsible Government must inevitably come before very long, he thought the hon. member's motion was a very apt one, and one which it was highly desirable the House should adopt.

MR. RANDELL said he should have much pleasure in supporting the motion, but he rose merely for the purpose of congratulating the hon. member who had brought it forward upon the prudent course he had adopted on the present occasion in dealing with this question. He had descended from the realms of fancy into which he took flight when he last addressed the House on the subject, and now appeared to be prepared to take a wise and prudent view of the situation. The motion now before the House appeared to him a very proper one. He thought it was very desirable indeed that we should ascertain the full extent of the sacrifice we are likely to have to make. He was in as full sympathy with Responsible Government as ever the hon. member himself could be; his objection to it had been that the time had not yet arrived for our entering upon the change. The fear existing in his mind always had been, that a system of Government of that type, in a community where there were but a few in a position to take upon themselves the responsibilities of office, and to undertake the task of carry-

ing out the system to a successful issue, —the fear existing in his mind was that it might degenerate into Government by clique, which would be infinitely worse than anything which can be fairly said of our present system of Government. And while on this subject, he would take the liberty of saying that he disagreed altogether with those who maintained that our present form of Government had not worked as reasonably successful as could be expected. He must confess that when it was first mooted he had his doubts about it. He feared there would be a great deal of friction between the elected members of the Legislature and the Executive; but that friction had not been nearly so great as he had anticipated. He thought they had only to consider the present position of the Colony as compared with the position of the Colony when we first entered upon this form of Government to see what great progressive strides we had made in the interval. It may have occasionally proved a stumbling-block, but, on the whole, he thought the present constitutional machine had worked satisfactorily, and done good work in its time. He was afraid we shall not find Responsible Government, when we do get it, a perfect machine, in all its parts. No doubt it was a system of Government to which Englishmen looked forward to, in every part of the world, and with which, as he had already said, he was in full sympathy. It was a system which he would be glad to see the Colony enter upon, if he thought it could enter upon it with a fair prospect of carrying it out successfully, and advantageously to the country. He thought himself that the time when we shall have to enter upon it was looming in the not far distance. It was the opinion of Governor Robinson—who was better able than he was to observe the signs of the times, and in a better position to ascertain the feeling of the Colony—that we were on the eve of the adoption of that form of Government, and probably Governor Robinson had read the signs of the times and ascertained the public feeling correctly. At any rate he must again congratulate the hon. member for Perth upon the prudence and caution he had displayed as regards the motion now before the House,—the most prudent, in his opin-

ion, that had ever yet been introduced on the subject.

THE COLONIAL SECRETARY (Hon. M. Fraser) also congratulated the hon. member upon the moderate tone and the sound sense which characterised the motion under consideration. For his own part, he could see no possible objection to it, and if adopted, no doubt it would in due course be forwarded to the Secretary of State, with whom, after all, the question of the terms and conditions rested.

MR. MARMION said he must add his congratulations to those already offered to the hon. member for Perth, upon the introduction of what could only be regarded as a very sensible motion. Although he had to some extent been opposed to Responsible Government he thoroughly believed in the principle which allowed people, in this or any other country, to manage their own affairs; and when the time arrived when the people of this Colony displayed greater unanimity on the subject, he should be most happy to give his support to the hon. member for Perth, or any other hon. member who may bring in a Bill to establish Responsible Government in Western Australia. He thought the present motion, if it resulted as he hoped it would, in the information required being furnished, would serve a good purpose, in showing both the advocates and the opponents of Responsible Government what the change would really involve. He could only hope that the Home Government will feel disposed to deal with us in a generous spirit, and will not be inclined to make the conditions more burdensome than they really need be, in fairness to the Colony.

MR. BURT said he entirely agreed with this motion, for they had something now before them in the shape of business. A great deal which had been said in that House and outside that House about Responsible Government had been of a very vague description, and there had been a tendency shown to treat the matter in a less serious spirit than its importance warranted; so much so that he had taken very little part in it. The present motion, however, looked as if we meant business. But he questioned whether it was prudent on our part to let the Home Government see that

we feared a "dismemberment of the empire"—by which he meant the Western Australian empire, or, in other words, that we feared the North would be taken from us; for, if the Secretary of State should happen to be averse to our undertaking the management of our own affairs, he would have this bogie of "separation" to hold up before us, to frighten and to keep us quiet. He almost thought it would have been more prudent policy not to have let the Colonial Office see that we cared anything about separation, or, at any rate, that we would protest and protest strongly against any dismemberment of our territory. Surely we had as much right to this Northern District as the Home Government had. We not only settled it, but discovered it, and with money voted by that House. He did not for a moment suppose that the Home Government will really take it from us; but, if we let them know that we are anxious about it, and if they are not disposed to grant us what we ask for, and we are not very good children indeed, out comes the bogie of separation. He thought we could put our case so strongly that the Secretary of State would come to the conclusion that we have a stronger claim to the North than he has. His friend on the left, the hon. member for Plantagenet, feared, again,—from something he had heard from the Colonial Office—that we shall not have the management of the Crown lands even in this part of the Colony, if we go in for Responsible Government. Now, he objected to this tittle tattle with Secretaries of State. Not have the management of our Crown lands! Why not? Cannot we manage our Crown lands better than the Secretary of State can? Most decidedly. But if it goes forth that we are afraid, in the event of our insisting upon self-government, that we shall lose the control of these lands, the result will be we shall provide the Secretary of State with another bogie. He really was beginning to fear that the hon. member for Perth himself was beginning to get alarmed on this subject. But he would ask hon. members not to allow this matter to cause them any apprehension. When we go in for Responsible Government, we must have the Colony, the whole Colony, and

nothing but the Colony. When the time comes, we must go the whole animal, or none at all. As to separation from the North, he should imagine the people of that part of the Colony would themselves protest against going back to the dark ages, as a Crown Colony, with an antiquated constitution consisting of a nominated Council of three, and a Lieutenant Governor at a salary of £500 a year,—swamped with officials and strangled with red tape. He really believed the people of the North would revolt against such a state of things, and would prefer casting in their lot with the South, with its full-blown self-governing constitution, than be tied to the apron strings of the mother country, and governed by utter strangers. The motion before the House had his full sympathy and his hearty support.

MR. SHENTON said the motion would have his support, as it appeared to him it would save a great deal of time, when the question of Responsible Government comes to be again discussed in the House. No doubt there was a growing feeling in favor of Responsible Government, throughout the Colony, and, in the event of a Bill providing for its introduction being passed through the House next Session, in all probability there would be an appeal to the country, and members would be sent back to the electorates. The question would then be sure to crop up as to the terms and conditions upon which Responsible Government would be granted us, and, in view of this, he thought the motion before the House was a very opportune one. The country would then be in a position to count the cost of self-government.

MR. BURGESS was very glad to see such a sensible motion tabled by the hon. member for Perth. The last time the hon. member brought the question of Responsible Government before the House, he went right up into the clouds: he was too visionary altogether. But now it looked as if the hon. member meant business, and it was to be hoped he would get what he wanted. Very likely the old country would be glad to get rid of us. She had not been a bad step-mother to us, but this Colony had not been a very dutiful daughter. She was always grumbling, about something or other, and like an ungrateful child,

always crying out "Give us this and give us that." He thought we ought to be thankful that we had got on so well under our present form of Government. It was very plain, though, that Responsible Government must come very soon—perhaps within three years,—and he thought the people of the Colony ought to know beforehand what it would cost them.

MR. S. H. PARKER said there was one other point upon which he would like His Excellency the Administrator to address the Secretary of State, in connection with this question, and that was, whether the Home Government would consider it necessary that we should have a bicameral constitution, or whether they would let us go on with one chamber. This was an important question, but it was one upon which he did not express any opinion that evening. He thought, however, it was highly desirable we should ascertain the views of the Home Government on the subject—whether they will insist upon our having both an Upper and a Lower House. He agreed with the hon. member for Williams that it was scarcely politic to let the Secretary of State imagine that we were afraid of losing the North; but this question of separation was nothing new. His own opinion was that the Home Government was anxious to get rid of the Colony. The Secretary of State once said to him, himself, when he had the honor of an interview with him: "Why don't you take the Colony yourselves?" But, at the same time, he led him to believe that we should not get the whole of it. If, however, the Secretary of State should find that we have no intention of submitting to a partition of the Colony, he may probably let us have the whole; and he hoped His Excellency the Administrator would point out to the Home Government that we had made up our minds on this point, and that, unless we carried it, we had no intention of relieving the Home Government of their responsibility in connection with the administration of the Colony; that we should continue to be a thorn in the side of every successive Secretary of State, unless the Home Government consented to give us, what after all we were honestly entitled to,—full control over our Northern territory, discovered and

colonised at our own expense; and also the management of our Crown Lands.

The motion was then put, and carried *nem con.*

NATIVE CONVICTIONS VALIDITY BILL.

Read a third time and passed.

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

LEGISLATIVE COUNCIL,

Thursday, 19th April, 1883.

Revenue Returns for Kimberley District.—The steamer *Otray's* absence and Messrs. Lilly & Co's. contract —Prorogation.

THE SPEAKER took the Chair at noon.

PRAYERS.

REVENUE RETURNS FOR KIMBERLEY DISTRICT.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid on the Table the return asked for the previous day of Mr. Marmion, relating to the territorial revenue returns for the Kimberley District, so far as the returns could then be made up. From these it appeared that, in 1881, the amount paid for leases in the district was £3,086 10s.; in 1882, £15,934 15s.; in 1883, £19,716 10s.—Total £38,737 15s. The amount due on incomplete applications was £160. Nothing had been received for purchased lands. Mr. C. D. Price, in a memorandum annexed to the return, stated that the total number of Kimberley leases on the 21st December, 1882, was 422, containing 47,928,080 acres. Out of this number, some, it was expected, might be left unpaid for the current year, but, at the time the memorandum was written, the Treasury had not furnished the Survey Office with the unpaid list.