

eer, and who prefers the scheme of opening up the river. The principal reason urged by the Premier for adopting the Success Bank scheme is a financial one, and I would ask what need there is of referring the question to a select committee if we have not the means of carrying out any other scheme that may be advised? Besides this we have all the information that can be gained in the various reports of that eminent authority, Sir John Coode. Therefore I consider that this House is in a position to decide this matter at once without wasting time in a reference to a select committee. We have the opinion of Sir John Coode; we have the opinion of the Hon. J. A. Wright; and we have that of our present Engineer-in-Chief, who tells us that the river can be opened up. The Premier says that this scheme cannot be adopted owing to financial difficulties, but I have failed to notice that any speakers have urged that we should commit ourselves to the whole of this expenditure at once. All those who advocate the river scheme favor making a commencement with the money already provided on the loan schedule. They do not maintain that we should borrow £560,000 at once; they only say that we should commence the river scheme. Therefore I consider the most practical way of dealing with this subject is for the House to come to some conclusion as to whether we shall accept the Government proposal or not. If that be thrown out we can then see whether the House wishes to devote the money available to the commencement of the river or any other scheme.

MR. QUINLAN: I move that the debate be adjourned until Monday next.

Question—put and passed.

Debate adjourned until Monday, 18th January.

POLICE BILL.

THE ATTORNEY GENERAL (Hon. S. Burt): I rise to move the second reading of this bill, which, with perhaps one or two exceptions, is a consolidating measure. In the schedule will be seen a list of the many Ordinances and Acts it is proposed to repeal. There is very little new in the bill, although there are some additional provisions as to gaming and the establishment

of sweeps. I have my own opinion as to the evil these sweeps are doing, but whether they will be still sanctioned by the House will be a matter for hon. members to decide when we go into committee. The first part of the bill deals with the appointment of constables and officers. The principal part of the bill, however, is Part V., which deals with the powers of the police. In another part of the bill we provide that certain matters which have been dealt with in municipal towns by by-law are exempt from the provisions of this bill; but as we have to deal with the whole colony the enactments I refer to will be operative, either in municipal towns, where no by-laws have been made, or outside municipalities. I formally move the second reading of the bill.

MR. SIMPSON: I move that the debate be adjourned until Monday evening, 18th January.

Question—put and passed.

Debate adjourned accordingly.

ADJOURNMENT.

The House adjourned at 10:35 p.m.

Legislative Council,

Thursday, 14th January, 1892.

Inspection of Pearl Shell Fisheries—Leave of Absence to Hon. J. H. Monger—Expenditure on Sharks Bay Pearl-shell Fishery—Supreme Court Act Amendment Bill: first reading—Affirmations Bill: first reading—First Offenders Bill: third reading—Game Bill: in committee—Settled Land Bill: in committee—Public Officers Bill: second reading—Third Judge Bill: second reading—Municipal Institutions Act Amendment Bill: second reading—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 8 o'clock p.m.

PRAYERS.

INSPECTION OF PEARL SHELL FISHERIES.

THE HON. M. GRANT asked, i. Whether the Government have entered into any definite agreement with Mr.

Saville-Kent—for a period of two years or for any other period—in regard to an inspection of the Pearl-shell Fisheries of the Western Australian coast. 2. Whether any terms of remuneration for Mr. Saville-Kent's services have been proposed; and, if so, what are those terms. 3. What has been the nature of Mr. Saville-Kent's experience of pearl-shell fisheries, and over what period of time has that experience lasted. 4. Has he any personal knowledge of the culture of the pearl shell, and has he prosecuted that culture with success. 5. Are the Government aware of any instance in which the artificial culture of pearl shells has been carried on with profitable results?

THE COLONIAL SECRETARY (Hon. G. Shenton) replied: 1. The agreement with Mr. Saville-Kent does not come into force till the money required is voted by the Legislature. The term proposed is two years. 2. The salary proposed is £800 per annum and travelling expenses. 3. He has been Commissioner of Fisheries in Queensland, and is highly recommended by Sir Samuel Griffith, the present Premier. 4. He is an expert, and his reports are now placed on the table for the information of members. 5. The Government is informed that transporting living pearl shell from one place to another has been successfully carried out by Mr. Saville-Kent. The Government anticipate valuable results from Mr. Saville-Kent's services.

LEAVE OF ABSENCE TO HON. J. H. MONGER.

THE COLONIAL SECRETARY (Hon. G. Shenton), in accordance with notice, moved, That further leave of absence for one month, on account of ill-health, be granted to the Hon. J. H. Monger.

Question—put and passed.

EXPENDITURE ON SHARKS BAY PEARL SHELL FISHERY.

THE HON. M. GRANT, in accordance with notice, moved, "That a return be laid upon the table of the House showing the expenditure at present incurred in managing the Sharks Bay Pearl-shell Fisheries:—(a.) For Inspection. (b.)

For Police Supervision. (c.) For Contingencies."

THE HON. T. BURGESS seconded the motion.

Question—put and passed.

SUPREME COURT ACT AMENDMENT BILL.

This bill was received from the Legislative Assembly, and was read a first time.

AFFIRMATIONS BILL.

This bill was received from the Legislative Assembly, and was read a first time.

FIRST OFFENDERS BILL.

This bill was read a third time and passed.

GAME BILL.

IN COMMITTEE.

Clause 7—"Penalty on destroying or taking eggs":

THE COLONIAL SECRETARY (Hon. G. Shenton): I now move the amendment I gave notice of on Tuesday last that all the words after "game," in the third line, be struck out, and the words "or if any person shall wilfully take out of the nest or destroy in the nest the eggs of any bird of native game for which a close season has been proclaimed, or shall knowingly have or permit or suffer to be in his house or possession any eggs of any such birds so taken after the passing of this Act, every such person shall on conviction forfeit and pay a penalty not exceeding the sum of ten shillings for each egg so destroyed or found in his house or possession" be inserted in lieu thereof.

Question—put and passed.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the following new clause be added to the bill, to stand as No. 7:—"The Colonial Secretary may from time to time grant and revoke, as he may think fit, licenses to shoot or destroy any birds or animals to be mentioned in such license upon any reserve declared under this Act, and also to destroy the eggs of any such bird."

Question—put and passed.

The bill was then reported.

SETTLED LAND BILL.

IN COMMITTEE.

This Bill was considered in committee and agreed to without amendment.

PUBLIC OFFICIALS TITLES BILL.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have now, sir, to move the second reading of this Bill. It may be found necessary from time to time to alter the titles of public officers, and in order that there may be no doubt about the legality of the Government doing so, it has been considered better to bring in this bill.

Question—put and passed.

THIRD JUDGE BILL.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have now to move the second reading of this bill. I need hardly remind hon. members that it has been considered by the Government that the time has arrived when a third judge should be appointed, in order that we may have a properly constituted Court of Appeal. At present there is virtually no appellate court if the judges differ, and the only way to get over the difficulty is to appoint a third judge. I therefore move the second reading of the Bill before the House.

THE HON. J. A. WRIGHT: I have the greatest pleasure in supporting the second reading of this bill, for I believe it is essentially necessary that we should have a third judge. As matters stand at present, if any suitor is dissatisfied with a decision, he is able only to appeal from what the judge has said to what he may, after further consideration, say again. When this third judge is appointed, I hope the Government may see fit to so constitute the Supreme Court that the judges may go on circuit throughout the colony, so that we may have courts of justice established here as they are in the old country. Courts might be established in Perth, York, Bunbury, Albany, and Geraldton, for the Southern portion of the colony; and as regards the North, it might be possible to appoint a Commissioner of the Supreme Court to take the cases, so as to prevent any extended absence of one of the judges from Perth. I congratulate, sir, the Government on bringing this matter before us.

THE HON. M. GRANT: I am quite in accord with the remarks of the hon. gentleman who has just sat down; but I should like to hear from the hon. the Colonial Secretary whether it is intended that one of the judges shall go on circuit. When the present puisne judge was appointed, it was then said that it would enable circuit courts to be established, but that has not been done. I must say, however, that I look upon this appointment as a poor advertisement for the colony, which, having only 50,000 people, requires so much supervision. Perhaps there will soon be an increase in this direction and the appointment will not look so bad, especially if one of the judges goes on circuit.

THE HON. J. W. HACKETT: I join sir, in the general chorus of congratulations that the Government have seen their way to introduce this bill. I believe it has been stated that the object of the Government has been threefold: First, to give us an effective court of appeal; secondly to enable circuit courts to be held; and thirdly to provide machinery to carry out efficiently the provisions of the new Bankruptcy bill, which will probably appear before this House in a short time. With regard to the court of appeal, my hon. friend Mr. Wright put it that as the court is now constituted, it is virtually appealing from Philip sober (because in this case Philip is never drunk) to Philip sober, and consequently there exists but little chance of altering the decision. Formerly it was an appeal to the Chief Justice, for the puisne judge had virtually no voice in it. Then there came an alteration in the law under which each judge was allowed an equal voice, and this, again, was most unsatisfactory, inasmuch as that if the judges differed the decision of the court below would stand. Under such circumstances as these, it is manifest that suitors feel that they cannot get justice, and hence I congratulate the Government for taking steps to put an end to this anomalous state of things. With regard to the establishment of circuit courts, I hope it will be found possible to extend them to the Northern parts of the colony—even to Wyndham. The courts of appeal do not sit all the year round, and in the intervals a judge could easily be spared for the work. It is certainly not right that the whole of

the subjects of Her Majesty should not be made acquainted with the highest justice as administered in the Queen's local courts. It was one of the objects of those who struggled for *Magna Charta* that all subjects should have justice in the higher courts. With regard to the Court of Bankruptcy it is unnecessary for me to say anything now, as the bill is not before us, except that this measure will not be worked effectively unless under the supervision of a judge of high attainments. Nothing more unsatisfactory has taken place in the administration of justice in this colony than under the present Bankruptcy Act, and every effort should be made to prevent a recurrence of what has taken place in the past. I do earnestly hope that the Government, in selecting a judge, will consider the serious responsibility that devolves upon them. Unless we have a judge in whom the colony can place confidence and reliance the appointment had better not be made. My belief is, however, that the Government will realise this responsibility and will make such an appointment as will satisfy the colonists generally, and of whom they will be proud.

THE COLONIAL SECRETARY (Hon. G. Shenton): I may say that the attention of the Government has already been called to the advisability of one of the judges going on circuit. Hitherto there has been some difficulty in the judges going to the northern portion of this colony owing to the irregularity and uncertain movements of the steamers, which would have involved them being away too long from head-quarters, but I quite agree that wherever it is possible, important cases, in any part of the colony, should be heard by one of the judges of the Supreme Court. I may point out that even at the present time suitors may, if they wish, have their cases tried in their own districts, and one or two cases have been dealt with in this way. The Hon. Mr. Hackett has pointed out a further reason why a third judge should be appointed. Under the provisions of the new Bankruptcy bill, a great many of the powers are thrown upon the judge in bankruptcy, which is not the case under the present Act. I trust, therefore, hon. members will meet the views of the Government and pass this most important bill.

Question—put and passed.

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

THE COLONIAL SECRETARY (Hon. G. Shenton): I now beg to move the second reading of a bill to amend the Municipal Institutions Act, 1876. The object of the bill is principally to give to municipalities increased powers as to the rating of properties, and for the extension of the number of councillors for each ward. Four years ago, when I had the honor of being Mayor of Perth, a question arose as to the rating of church property. Under the present Act all church properties are exempt from taxation, and when the Act was drawn that provision was perfectly right, because then the churches only used their property for religious purposes. Since then some of the churches have been using the property for what I may call speculative purposes, and this was clearly never intended. Some denominations have built shops and other business premises. There is no objection to this of course, but it is very unfair to the municipalities that they should be exempt from rates, and this bill will now alter this state of things. Clause 3 of the bill gives a list of exemptions. It reads:—

“(1.) It shall not be lawful to levy any rate whatever on any lands or buildings—(a.) Belonging to the Crown and not used or occupied for purposes other than public purposes; (b.) Belonging to any public body created by statute, and not used or occupied for purposes other than the purposes of such public body; (c.) Belonging to any religious body and used or occupied as a place of residence of a minister of religion; (d.) Belonging to any religious body and used or occupied as a convent, nunnery, or monastery, or by a religious brotherhood or sisterhood; (e.) Belonging to any religious body and used exclusively as a place of public worship or Sunday school; (f.) Used exclusively as a hospital, benevolent asylum, orphanage, public school, private school, public library, public museum, or mechanics' institute; (g.) Used or occupied exclusively for charitable purposes;

“(2.) Nor on any lands permanently appropriated and used for purposes of public recreation or military training.

"(3.) Nor on any lands or buildings hereinbefore mentioned, not used or occupied otherwise than for one or more of the aforesaid purposes.

"Provided always, that no buildings otherwise exempted from being rated under this section shall be liable to be rated by reason of being used for the purposes of any bazaar, or as a place of meeting for any religious, charitable, temperance, or benevolent object."

It will be noticed that schools are exempt, and the reason of it is that it was considered that the Government and municipalities should afford every encouragement to the education of the people. The 5th clause deals with the alteration of the boundaries of the wards in any municipality, and gives power for the creation of extra councillors. Then there is an amendment to the 91st clause of the principal Act, which deals with defaulters. At present if the rates are in arrears for 12 months a distress can be issued, but it is now proposed to extend this time to 18 months. There are three parts to the bill. The first deals with properties exempt from taxation; the second part gives power to alter the boundaries of wards; and the third extends the time for levying for non-payment of rates from 12 to 18 months. I move the second reading of the bill.

THE HON. J. W. HACKETT: I have great pleasure in supporting the second reading of this bill, although I hope some little time will be given us to consider its details, as there are several provisions in it which hon. members will, I am sure, require to satisfy themselves upon. One of these provisions is with regard to the rating of property belonging to religious bodies. It does not seem to have been noticed lately that the Legislature may have acted with great wisdom in the step it took in exempting all lands belonging to religious bodies from taxation; because I believe it is the opinion of everyone in this House that religion, if not directly subsidised, should be helped as much as possible in the early struggles of the churches in this and every part of the British dominions. It cannot be said that any religious body in this colony is overburdened with wealth. Some of them have a severe struggle to live as it is, and many of the stipends of the ministers are by no

means what they should be. In the early days the Government made grants of land to various religious bodies in order to enable them to better carry on their work and support their ministers. If it be found that through no fault on their part they are still unable to support their ministers properly it will be a serious matter to tax them when they are endeavoring to make the most profitable use of the moderate allotments of land the State has given them. I cannot say I am in favor of exempting private schools unless we have a definition of what a private school is, for under the bill as it now stands any person can make his private house a school by fixing certain hours for the instruction of his own children. There are one or two other little points which may be attended to in committee. I have referred to what I consider the main objections to the bill; but as I agree with a large number of the clauses I shall support the second reading.

THE HON. J. G. H. AMHERST: I shall support the second reading of this bill; but I should like to call the hon. the Colonial Secretary's attention to sub-section 2 of clause 3. It says: "Nor on any lands permanently appropriated and used for purposes of public recreation or military training." I myself at the present time am much interested in the formation of the new cricket ground which has been given to the cricketing association by the Government for a term of years. It can hardly be said that this is a ground for public recreation, because we intend to charge for admission, and I should like to know whether this will be exempt from rating.

THE COLONIAL SECRETARY (Hon. G. Shenton): When we go into committee I shall be able to give the hon. member the explanation he desires. With regard to the remarks of the Hon. Mr. Hackett, I may say that I do not coincide with his view that church property used for speculative purposes should be exempt from taxation. There is no doubt that that was never intended, and it is admitted that there was a mistake in the wording. If a church goes in for speculative building, I think, in justice to the municipalities, who have to maintain the roads and paths, that the rates should be paid. When we exempt

these churches, schools and manses, I think that is as far as we can fairly ask the municipalities to go. When we see the large amount of land that is locked up in many towns as far as municipal purposes are concerned, I think we have a right to ask that those to whom it belongs shall be dealt with in the same way as other citizens are, and be made to pay their proportion of the city rates.

THE HON. J. MORRISON: There is one question the hon. the Colonial Secretary has just brought to my mind, and that is as to unimproved church lands. In my opinion the blocks held by churches in the centres of towns have just as much right to pay rates as anyone else. In Northam, for instance, a very large proportion of the land in the centre of the town has been alienated to the churches. The holders are now beginning to improve it a little; but it is only fair that unimproved town land, whoever it belongs to, should be made to contribute its proper proportion of the rates.

Question—put and passed.

ADJOURNMENT.

The Council, at 9 o'clock p.m., adjourned until Friday, 15th January, at 3 o'clock.

Legislative Assembly,

Thursday, 14th January, 1892.

Petitions: Yilgarn Railway Route—Petition: W. A. Turf Club Bill—Plans: Fremantle Harbor Works—Opening of telegraph between York and Southern Cross—W. A. Turf Club Bill: first reading—Bills of Sale Act, 1879, Amendment Bill: third reading—Northam Southern Cross (Yilgarn) Railway Bill: in committee—Adjournment.

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

PRAYERS.

PETITIONS: YILGARN RAILWAY ROUTE.

MR. PARKER, MR. DE HAMEL, and MR. HASSELL presented petitions from the electors and inhabitants of York and

Beverley, of Albany, and of Plantagenet, respectively, praying that the starting point of the proposed Yilgarn Railway should be from York, or South of York, instead of from Northam.

Petitions received and read.

MR. PIESSE said it had been his intention to have presented a petition of a similar character from his own constituency, but owing to some mistake the petition had not reached him, although he was advised that it had been posted to him. He simply mentioned the matter because his constituents might otherwise think that he had neglected their interests in not presenting the petition.

PETITION: W.A. TURF CLUB BILL.

MR. PARKER presented a petition for leave to introduce this private bill.

Petition received and read.

PLANS: FREMANTLE HARBOR WORKS.

MR. DE HAMEL, without notice, asked the Premier whether he would place upon the table of the House the plans made by Sir John Coode in connection with his larger and his smaller scheme for improving the harbor at Fremantle?

THE PREMIER (Hon. Sir J. Forrest) said he would have much pleasure in acceding to the hon. member's request.

PROTECTION OF NORTHERN SETTLERS AGAINST HOSTILE NATIVES.

MR. R. F. SHOLL moved the House into committee for the purpose of dealing with the following resolution: "That in the opinion of this House it is expedient, in consequence of the hostile attitude and the depredations constantly committed by the aboriginal natives on the Upper Gascoyne, Murchison, and Ashburton Rivers, that the Government should, without delay, take prompt and efficient measures to protect the lives and property of the settlers in that locality." The hon. member said: In rising to bring forward the motion standing in my name I feel that I have a very heavy responsibility cast on my shoulders. I feel that the matter is not only an important one, but also a difficult one; but I also feel sure that it is a matter in which I shall obtain the sympathy, not only of the members of the present Government, but also of all the members