

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

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

Motion agreed to, without discussion.
Bill read a second time.

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

LEGISLATIVE COUNCIL,

Thursday, 26th July, 1883.

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

THE SPEAKER took the Chair at noon.

PRAYERS.

TERMINUS OF NORTHERN RAILWAY.

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

"been made with the Executors of the said Estate for resuming the land. (3.) If no arrangements have been made, what steps the Government contemplate taking to settle the matter and paying for the land?" The hon. member said the terminus of the railway at Northampton was situated right in the midst of a large private estate, and, as things stood at present, there was no chance for the general public to purchase any property near the terminus.

THE COMMISSIONER OF RAILWAYS (Hon. J. H. Thomas), in reply, said the position of this matter was as follows: The Government had recently received a representation from the executors of the late Mr. George Shenton, with reference to the amount of land taken for the purposes of the Northern Railway from the Shenton estate. The land had therefore been surveyed, and a tracing showing the exact portion occupied by the Government had been forwarded to the agents of the executors.

MR. STEERE: That is no reply at all, or, at any rate, it is such an unsatisfactory one that I hope the hon. member will renew his question.

THE COMMISSIONER OF RAILWAYS (Hon. J. H. Thomas): If the hon. member has any other question to put, and will put it in proper form, I shall be happy to answer it. I have only replied to the questions put to me.

MR. WITTENOOM: My third question is not answered at all.

LAND REGULATIONS: ALTERATION OF 56th CLAUSE.

MR. CROWTHER, in accordance with notice, drew the attention of the Colonial Secretary to the *Gazette* notice of the 13th July, instant, proclaiming supplementary regulations, altering 56th Clause of the Land Regulations (relating to special occupation licenses); and asked why the alteration made in a Sub-Section of that Clause was confined to the Greenough and Irwin Commonages? The hon. member said he did not complain of the alteration—it was a step in the right direction so far as it went, but he failed to see why all Commonages should not participate in the benefit of it.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he believed the concession made would be a great boon to the districts concerned. The alteration alluded to had been made to meet the peculiar circumstances of the cases in question, which had been brought to the notice of the Government, and met with favorable consideration at the hands of the Secretary of State.

ECCLESIASTICAL GRANT: HOW EXPENDED.

MR. CROWTHER, in accordance with notice, asked the Colonial Secretary to call upon the several Churches for a Return showing the expenditure of the money received from the Ecclesiastical Grant, and that he would be pleased to lay such return on the Table of the House. The hon. member said he thought it would be very satisfactory to hon. members generally if the information asked for were given.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he thought it would be well if the hon. member would follow the practice which had been suggested, and already followed, of moving for these returns, rather than asking for their production. If a motion were made the House would, by affirming or negating it, express its opinion as to the desirability or otherwise of adopting the step proposed to be adopted. If the House desired the production of the return, the Government would place no objection in the way; at the same time he would point out that the House could not compel the ecclesiastical authorities to furnish particulars as to how the money was expended. No such condition was attached to the grant. However, if the hon. member would formally move for the production of the return he wished for in the usual way, and if the House was agreeable, the Government would not oppose the motion.

MR. CROWTHER said he would do so next day.

QUEEN'S PLATE FOR ROEBOURNE.

IN COMMITTEE.

MR. GRANT moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place annually the sum of

"One Hundred Guineas upon the Estimates for the purpose of providing a North-West Queen's Plate to be run for at Roebourne, in conformity with such Rules as may be enacted by the Local Turf Club; the race to take place yearly on Her Majesty's Birthday." The hon. member said that considerable interest, of late years, had been taken by the people of the North in horse-racing. In fact, they had no other amusement down there, and on that score alone the motion was entitled to support. Other means of amusement were tolerably well provided for in other parts of the Colony, and subsidised by the Government. It might be said that the House already provided one Queen's Plate to be run for on the Perth course, but he would remind hon. members that this was of no advantage to the North, owing to the long distance between Perth and the North-west settlements. A very considerable amount of money was now invested by the settlers at the North in improving the breed of horses, not only for their local wants, but also for export to Singapore and Mauritius, and it was the duty of the House to do all in its power to foster any industry of this kind. He thought, considering the large revenue derived from the North, and the small amount of public money which they got in return for it, the House would surely never begrudge them this small sum of a hundred guineas towards affording enjoyment for the people, and to enable a loyal community—for the people of the North were a most loyal people—a great deal more so than people at this end of the Colony—a means of celebrating Her Majesty's birthday in a worthy manner. There was another way to look at it: in addition to improving the breed of horses for export, it should be borne in mind that the vessels which took the horses away to the Mauritius or to the Singapore market brought back the products of those places, and created a trade between them and this Colony, to the mutual advantage of all. He had brought the motion forward at this early stage of the Session as a sort of test to see what kind of treatment the North was likely to receive at the hands of that House in other matters. No doubt we were on the eve of a great change, and probably

the same members would occupy seats in the House when that change took place as sat in it now, and this would be a test of the treatment which the North was likely to receive from that House. It was unnecessary for him to say any more at present on this point. Hon. members would know what he meant. When they came to consider that more than one-third of the whole revenue of the Colony was derived from the North, he thought they might fairly ask this much at the hands of the Council, seeing they had no other sports or any of the other amusements which the people of the South had, in the shape of Volunteering and other things, supported out of public funds.

MR. MARMION said he wished to propose an amendment, which he thought it would be to the interest of the mover of the resolution himself to accept. He believed many hon. members would be inclined to vote for this motion in another shape, if it did not seek to bind the Council to grant this money every year, and thereby pledge the revenues of the Colony in the future. He thought the hon. member who brought it forward ought to be content to have the money voted annually, from year to year, if the House considered it desirable to continue it; but the motion as it now stood bound the Council to vote a hundred guineas every year from this time forth for this purpose. He also thought the hon. member might be satisfied with a hundred sovereigns, which was the value of the Queen's Plate presented for competition at Perth, instead of one hundred guineas, and if the hon. member would accept an amendment to this effect, and to strike out the word "annually," no doubt the motion as amended would be agreed to. With much that had fallen from the hon. member he quite sympathised, and no one could deny that the North was entitled to some consideration at their hands in the way of supporting what was regarded as a national sport—horse-racing; apart from the other plea put forward by the hon. member, namely, that the grant would prove a stimulus to the improvement of their breed of horses. The amendment he had to move was as follows: "That an Humble Address be presented to His Excellency the Governor, praying that he

"will be pleased to place the sum of £100 upon the Estimates, for 1884, to provide a North-West Queen's Plate, to be competed for at Roebourne on Her Majesty's Birthday, in conformity with such rules as may be enacted by the local turf club."

MR. GRANT said he was sorry he could not agree to the amendments suggested by the hon. member for Fremantle. He considered that the interests of the North as regards horse-breeding were of much greater importance than the interests of this part of the Colony were. Their Northern horses were more valued and appreciated in the Singapore and Mauritius markets than the Southern horses were, and greater interest was altogether felt in horse-breeding at the North than there was in the South. He hoped if this motion was passed, and the money voted, the money would be paid and not be kept on hand to swell the balance in the public chest. He had already told the House that he looked upon this motion as a test motion, to show the feeling of the Council towards the North, and to show whether there was really going to be a new departure as to the way the North was likely to be treated at the hands of the present Legislature, or whether it would have to go in for a Government of its own.

THE COLONIAL SECRETARY (Hon. M. Fraser) asked the House to remember that, although we have at present plenty of money in the chest, which would justify us in voting this money for the North, still it must be borne in mind that the motion, as it now stood, pledged the Council to vote this money every year, whether we could afford it or not. He thought the hon. member might be satisfied if he got this amount placed on the Estimates for next year. There was another point to be considered: the question was, whether, if the House agreed to this resolution, all the other local turf clubs would not be making similar applications for assistance, and we should have a Queen's Plate run for on every race-course in the Colony. The contribution now made to the W.A. Turf Club, in the shape of a sum of £100 annually, was given to that club because it might be regarded, and was regarded, as a colonial or national institution. But if the House agreed to this resolution, it

must be borne in mind that other local racing clubs would be looking for the same assistance, and if the Council admitted the claims of the North to this grant, he failed to see how they could logically resist a similar application coming from other local clubs. He had no wish to offer any opposition to the proposal; he merely desired to point out the position in which the House will be placed if it agrees to the resolution now before it. If the House did agree to it, and it was found, when the Estimates were completed and passed, there would be money available for this purpose, he was not aware that His Excellency would raise any objection to it. At the same time, he would ask hon. members to consider whether the few remarks he had made were not worthy of thought. He did not think it would be discreet on the part of the House to agree to the resolution in its present shape, which would be equivalent to a deed of gift of a capital sum of £1500 or £1600 to the Roebourne Turf Club.

MR. GRANT said, as to other local clubs putting forward the same claim as the North, he did not see any analogy between the position of the turf clubs in this part of the Colony and that at Roebourne, a thousand miles away. Horses from the latter district had no chance of competing for the Queen's Plate on the Metropolitan course.

MR. STEERE said a feeling had been gaining ground of late that the House should not agree to motions of this nature asking for sums of money to be placed on the Estimates unless they were afterwards prepared to support the vote when the Estimates came on for discussion; and, for his own part, he did not think they would be justified in making this allowance for one district unless they were prepared to treat other country districts in the same way. He was surprised to find the hon. member for the North saying, and the hon. member for Fremantle expressing his concurrence in what was said—that the Government contributed in these Southern districts towards other sports than horse-racing. [MR. MARSH: Directly and indirectly.] He should like to know in what way they contributed directly or indirectly towards any other sport than horse-racing, any more than they did at

the North. He believed this was the only Colony in Australasia in which the Government provided the funds for a Queen's Plate. He regretted to find the hon. member for the North holding out a sort of threat to that House with reference to this matter. The tone of the hon. member's remarks made him (Mr. Steere) more inclined to vote against him than with him. The hon. member said he had brought this motion forward at this early stage in order to test the feeling of the House towards his district, and in order to ascertain how it was likely to be treated in other respects during the course of the Session. He thought this was a threat which the hon. member ought not to have held out, and which, if the question came to a division, would probably lose him some votes. He did not think the hon. member was justified in saying, or insinuating, that the Council was not prepared to do justice to his district simply because it might not be prepared to agree to the present resolution, dealing with a small matter of this kind.

MR. GRANT combated the statement that the Government did not subsidise other sports or amusements, besides horse-racing, in the Southern districts of the Colony. What was Volunteering but an amusement? Did hon. members think for a moment the movement was of any practical utility? It was nothing more than playing a game at soldiers,—nothing more. Did anybody imagine the Volunteers would be of any use to the Colony in the case of an invasion? Yet the movement cost the country about a thousand a year, just for the amusement of a few Government officers, Bank clerks, and others who had not too much to do.

THE CHAIRMAN OF COMMITTEES: The hon. gentleman is travelling entirely beyond the question before the Committee.

MR. GRANT said he bowed, with deference, to the ruling of the Chairman, but it was absurd to say the Government did not contribute towards other sports than horse-racing in the more settled parts of the Colony,—sports which the settlers of the North were deprived of, Churches, for instance. (Laughter.) Hon. members might laugh; he considered he had made out a good case for

the North, and he hoped the majority of the House would support him.

MR. McRAE said no doubt the proposition made by the senior member for the North appeared a little selfish, seeing that the Government already provided one Queen's Plate. But it should be borne in mind that the owners of horses at the North had no chance of competing for that prize, owing to their long distance from Perth, and the difficulty of travelling all that distance. The North was the largest horse-producing district in the Colony now, and a large amount of private capital was expended in improving the breed of horses. He, therefore, thought the same encouragement ought to be given to the breeders of horses at the North as was already held out to the breeders of horses at the South. The Colonial Secretary said that if the House gave the North this money it would be establishing a precedent. But he did not think the argument held good at all. The other districts of the Colony were in a position to compete for the Queen's Plate at Perth, and had done so, and each district had, in its turn, won it; whereas there was no prospect of the North having a chance of competing, situated as it was a thousand miles away. The amendment proposed by the hon. member for Fremantle was one which he would be prepared to support, if the original motion was not passed; but if the senior member for the North persisted in sticking to his proposal—though he should advise him to give way—he should feel bound to follow him.

MR. S. H. PARKER would support the amendment. He thought that the fact of their voting £100 for the North would not establish a precedent which would give the other districts of the Colony a claim to the same allowance. They were all aware that any of these districts, from Champion Bay southward, were in a position to compete for the Queen's Plate at the W. A. Turf Club's meetings; not only that,—this "blue ribbon" of the turf was usually won by horses from Champion Bay on the one hand, or Albany on the other. But in the competition for this prize, the North was out of the running altogether. It might be said that, as steam communication had been established with our North-west settlements, breeders of

horses would now be in a position to send animals down to compete on the Perth course; but it was a very risky thing to send a valuable horse a thousand miles by sea, and to send one overland would be almost impossible, with any chance of success on his arrival. If the hon. member for the North did get this money put on the Estimates, the hon. member need not entertain any apprehension as to the money not being paid by the Government. The Government, he must say, had always been prepared to pay over the Queen's Plate money to the W. A. Turf Club the moment they got the stewards' certificate that the race had been won. As to the allegation that the Government did not contribute to other means of recreation in the Southern districts towards which they did not contribute at the North, he would remind the Committee that the North did not participate in the grant for Agricultural Societies. After all, what were these agricultural shows and ploughing matches, which were subsidised by the Government, but sources of amusement or recreation; and, although it might be said that the object which the Government and which that House had in view in voting the money for agricultural societies was to encourage the breeding of stock and to stimulate an important industry, the same thing might be said with reference to this vote, which was asked for not only for the purpose of providing a good day's sport for racing people at the North, but also for the purpose of improving the breed of horses in the district.

Mr. BROWN said he would have much pleasure in supporting the amendment, providing the words "in conformity with such rules as may be enacted by the local turf club" be struck out. He thought the race for this money ought to be run strictly in accordance with the Queen's Plate rules. The object of the Legislature in voting the money for the Queen's Plate had not been for the mere sake of sport or amusement, but for the encouragement of the best breed of horses; and the best stamp of horse for the Colony, it was considered, was one that could, while carrying a tolerably good weight, keep up the pace for a long distance. He thought, if the House voted this sum for

a Queen's Plate at the North, the race for it ought to be run in conformity with the Queen's Plate articles, and not in accordance with such rules as the local turf club might choose to provide.

MR. McRAE said the Roebourne Turf Club had adopted the rules of the W. A. Turf Club in their entirety.

MR. MARMION then struck out the words "in conformity with such rules as may be enacted by the local turf club," at the end of the amendment, and substituted the following words, "under the Queen's Plate articles as published in the rules of the West Australian Turf Club."

The amendment was then put and passed.

SELECT COMMITTEE: MESSAGE (No. 2) RE LAND REGULATIONS.

SIR T. COCKBURN-CAMPBELL moved that the name of the hon. member for Wellington be added to the Select Committee appointed to consider the Governor's Message (No. 2), in regard to the prior claims of lessees of Crown Lands to a renewal of their leases. The hon. baronet said it had been brought to his notice, since the Select Committee was nominated, that the hon. member for Wellington was the mover of the original resolution relating to this matter, and that it would be common courtesy that he should be appointed on the Committee.

MR. BROWN moved, as an amendment, the addition of the following words: "also the Committee appointed to consider the Stocking Clause of the Kimberley Land Regulations." The Message referred to the Select Committee in question dealt with this subject as well as the prior claims of lessees.

The resolution, as amended, was agreed to.

VOLUNTEER BILL.

THE COLONIAL SECRETARY (Hon. M. Fraser), in moving the second reading of a Bill to regulate the Volunteer Force, said he was, sure hon. members would agree with him that what they did they ought to endeavor to do well, and to do thoroughly, and that, as regards Volunteering, we must not be content with merely having men going about in smart red coats, playing at soldiers.

We should endeavor to contribute our quota towards the strength and efficiency of Her Majesty's defence force, and our contribution ought to be worthy of Her Majesty's acceptance. It was with a view to improve the value and efficiency of our Volunteers as a defensive force that this Bill was brought forward. Heretofore, the force had been organised and worked under an old Act passed many years ago, which for all practical purposes was of little or no use. They had now a Staff Officer employed in connection with the force, at the expense of the Colony,—an officer whose aim and object, he could assure hon. members, was to make the Volunteer force one which the Colony would be proud of. They were aware how liberally the Imperial Government had treated the Volunteer movement, in recognising it as a part of the strength of the regular Army, and in allowing the officers to rank, according to their status, with the officers of the Army. If hon. members had read the Bill they would have seen that the intention throughout was to bring our Volunteer force into harmony, so to speak, with the forces of the other colonies and of the mother country. The Bill was framed upon the measures which had become law in the other colonies, and also partly upon Imperial statutes. The principle of the Bill was one which he thought would meet with general support and therefore he did not apprehend any exception being taken to the motion for the second reading. Of course, when in Committee, it was possible that hon. members—especially those who held commissions in the force, and those who took a special interest in the Volunteer movement—might have some amendments to propose, and it was not improbable that the Government bench also might have some emendations to make. At present, however, he was not aware that he need refer to the Bill in detail, and, as the expediency of introducing such a measure was generally acknowledged, he would now content himself by moving the second reading of the Bill.

Mr. STEERE said he believed that a Bill of this description was very much required, judging from what he had heard from people who were more conversant with military matters than he was. But he regretted it had not been drafted more

on the lines of the Acts in force in the other colonies. He had compared it with those Acts and also with the Imperial statute, and he noticed that almost word for word it was in accordance with the Imperial Act, which he thought was not so applicable to the circumstances and requirements of a country like this as colonial enactments. There were many things in the Bill which he disapproved of, and which he felt confident would never receive the assent of the House, and although it was not his intention to move that the Bill be not read a second time, he proposed, if the motion for the second reading was agreed to, to move that it be referred to a Select Committee.

Motion for second reading agreed to.

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that the consideration of the Bill in Committee be made an Order of the Day for Monday, 30th July.

Mr. STEERE moved, as an amendment, that the Bill be referred to a Select Committee, to consist of the Colonial Secretary, Mr. Higham, Mr. S. H. Parker, Mr. Wittenoom, and the Mover, and, by leave, the Attorney General, with power to call for papers and persons.

Amendment agreed to.

IMPERIAL PAUPER INVALIDS BILL.

Read a third time and passed.

GRAND JURY ABOLITION BILL.

The House then went into Committee to consider this Bill in detail, when the various clauses were agreed to without amendment or discussion.

Mr. BROWN said, before the Bill was reported, he wished to call attention to a matter which he had often spoken of before in that House, as to the desirability of amending the law with regard to the powers of Courts of Quarter Sessions to remit cases for trial at the Supreme Court. He did not know whether the present Bill would be a proper one for making the alteration he desired to see made. At present Courts of Quarter Sessions had power, as regards any prisoner committed for trial at such court, to remit him for trial at the Supreme Court. For instance, if a man was committed to take his trial at the Geraldton Quarter Sessions, the Court

at Geraldton might, if it thought fit, send the case for trial at Perth. This, no doubt, was a very desirable provision, in certain cases, but what he objected to was that the person accused should in the first place have to appear, and all the witnesses have to attend, at the local Court of Quarter Sessions, prior to the case being remitted to Perth, when it was well known beforehand that the case would eventually be sent to the Supreme Court. Why go to the expense of summoning witnesses to attend the Quarter Sessions when everybody knew that the case would not come on for trial there? He thought it would be a good thing, and a desirable thing, if power were given (say) to Chairmen of Quarter Sessions to remit a case for trial at the Supreme Court at once, without waiting to have it first brought before them in their own court, when it was perfectly well known that there was no intention of hearing the case there. He did not know whether this could be done in the present Bill; if it could, he thought good service would be done to the Colony.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he did not quite understand what the hon. member desired. The local law at present, so far as he yet understood it, was this: magistrates had power to commit either to the Quarter Sessions of the district or to the Supreme Court. There were certain cases which they must send to the Supreme Court—cases that were punishable with death; but all other cases were triable at the Court of Quarter Sessions, and he did not know, nor did he quite understand, how it could be said that there were certain cases which everybody knew would not be tried at the Quarter Sessions. The Court was bound to try all persons committed to it for trial, short of cases involving capital punishment. There certainly was a power vested in Courts of Quarter Sessions to remit any case for trial at the Supreme Court, but he had not had sufficient experience in the Colony to know how often that power was exercised. He ventured to think, however, that Chairmen of Quarter Sessions were quite competent to deal with cases coming within the jurisdiction of their court, and that a case must be something very rare and exceptional which would require to be remitted to

Perth, when it could be tried in the district. If there was anything rare or exceptional about a case, as a rule it cropped up at the trial, or so close before the trial that it could not be taken cognizance of until it came before the court. If we did what he understood the hon. member desired to have done, we should be giving to a magistrate the right to select the tribunal to which he would remit a man for trial, and, in doing that, we should be giving that magistrate a power over the law itself, which provides that certain cases shall go to the Quarter Sessions for trial. The law at present empowered the Court of Quarter Sessions itself to remit a case for trial at Perth, but it could only do that when assembled in Quarter Sessions, and he ventured to think it was a power very rarely exercised. But if the suggestion of the hon. member for the Gascoyne were carried out, we should be giving to any one single justice the power to decide the tribunal which should try a man. He hoped the hon. member would not press that point.

MR. BROWN said the hon. and learned gentleman had misunderstood him. He did not intend to give power to justices to select the tribunals to which they would commit people for trial. He thought it was a wise provision which strictly defined the court to which justices shall commit. But large powers were already given to Chairmen of Quarter Sessions. The present Bill gave them power to exercise the functions of a grand jury, and say whether a man shall be put on his trial or not. Surely they might also be trusted with the power of deciding whether a person shall be tried in the court over which they preside or be remitted to the Supreme Court. As he had already pointed out, it would be a great saving of expense—a saving to the country and a saving to individuals, if this could be done, instead of going through the formality of summoning witnesses for the Crown and witnesses for the defence to attend at the Quarter Sessions, and then, after all, sending the case for trial at the Supreme Court.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he now more fully understood the hon. member, but there was this difficulty in his mind—it was

proposed to give a judicial functionary, whose duty it was to try all cases committed to his court for trial, the right to say he will not try certain cases, and of thus relieving himself and his court of that much responsibility. No one wished to try more cases than he could help, and the law at present threw the responsibility upon the Court of Quarter Sessions to try all local cases not punishable with death, and he questioned whether it would be a desirable power to place in the hands of the Chairman of that Court to throw the responsibility upon another tribunal. He did not mean to say that this would influence any Chairman of Quarter Sessions in the Colony; still, he thought it was undesirable to put it to him in that way, and it certainly would be a considerable alteration of the law. At the same time, if the hon. member pressed his point he should be willing to consent to an adjournment, though he thought the suggestion was one which hardly came within the scope of the present Bill, and could be better dealt with in a separate measure.

MR. BROWN thanked the Attorney General for the conciliatory manner in which he had met a suggestion of this nature, coming from a lay member like himself. He should not think of pressing it against the opinion of the hon. and learned gentleman. As to the possibility, or at any rate the probability, of any Chairman adopting the grave step of remitting a case from his own court to the Supreme Court, in order to get rid of the responsibility of trying it, he did not think there was much in that, although no doubt it was a feature to be considered. What he presumed they would do would be to take counsel with the Attorney General as to the advisability of such a step. He was satisfied in his own mind that much good would result from such a provision, but he would leave the matter now in the hands of the hon. and learned gentleman, who perhaps would favor him hereafter with a conference, with a view to meet the suggestion in some other way.

MR. S. H. PARKER thought some legislation in this direction was needed. The Attorney General said it was not a likely thing to occur that a Court of Quarter Sessions would remit cases, which

it had power to deal with, for trial at another tribunal; but, within his (Mr. Parker's) own recollection such a course had been adopted on several occasions already. He had known of cases in which witnesses were summoned to attend the Quarter Sessions at Geraldton, and in which the prisoner had gone to great expense in procuring the services of counsel, but at the last moment the Chairman decided to send the case to Perth for trial. On one occasion he had himself gone up to defend a man at Geraldton Quarter Sessions, at much personal inconvenience, and at considerable expense to the man who expected to be placed on his trial, and a number of witnesses were summoned and were in attendance; but when he got up there he was informed that the court had never intended to try the case. Owing to the Chairman having no power to communicate this decision to the prisoner before the court assembled, the man was put to all this unnecessary expense, and the witnesses put to the inconvenience of attending. In that case he dared say the expense to the Crown and to the prisoner did not amount to less than £200, all for nothing, and simply because there was no provision to enable the justices to decide before the court assembled in session whether they would remit the case to Perth. It appeared to him that the course which legislation in this matter ought to take should be this: that provision should be made empowering the Chairmen of Quarter Sessions to call the justices together, say a fortnight before the sessions came on, and determine whether they would try a particular case in their court or remit it to the Supreme Court. In the event of their deciding to remit the case to Perth, the Crown would not then be put to the expense of summoning witnesses, and the prisoner of procuring the services of counsel, at the Court of Quarter Sessions. The Attorney General said--and there could be no doubt about it--that no Chairman of Quarter Sessions would ever think of sending a case for trial at the Supreme Court simply to relieve himself of the responsibility of trying it himself; but there were some cases in these country districts which, in the interests of justice, it was not desirable should be tried where the prisoner was

known and where the offence was committed. There might be a strong feeling of animus or of prejudice for or against him, and it might be felt that the Crown would be unable to secure a conviction, or, on the other hand, that the prisoner might not receive strict justice, owing to the existence of a strong prejudice against him.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) was glad the hon. and learned member for Perth had spoken on the subject, for as a lawyer of course he was able to put the matter more clearly than a layman. He agreed with the hon. member that such cases as he referred to were very undesirable, and a modification of the law might be an advantage; but he hardly thought it came within the scope of the present Bill. He was inclined to doubt, speaking off-hand, whether it would be desirable that the Court which was going to try a prisoner should decide where he should be placed on his trial. His present impression was to leave it, as was frequently done in England, to the prosecution or to the prisoner himself to move the Supreme Court in the matter. That appeared to him to be the lines on which legislation in this direction should proceed. He very much doubted the policy of leaving the Court itself to say whether it would try a case or not, for, if neither the prosecution nor the prisoner was dissatisfied with the local tribunal, he really did not see why the tribunal itself should move in the matter. Where there were exceptional circumstances connected with a case, such as local sympathy or local prejudice, it must be local sympathy or local prejudice affecting either the prosecution or the prisoner—or supposed to affect them; and it appeared to him it was for them to put the power of the law in motion, and he was inclined to think the right power to be put in motion was the Supreme Court.

MR. SHENTON: How would it be if we have a Judge going on circuit, and these Courts of Quarter Sessions are abolished?

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said the same question had occurred to his own mind, and he thought it would be better to let the matter stand as it is, for the present.

The title and preamble of the Bill were then agreed to, and the Bill reported.

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

LEGISLATIVE COUNCIL,

Friday, 27th July, 1883.

Statistics relative to Harbor and Shipping at Fremantle—Contract for Geraldton Hospital—Message (No. 7): Calcutta Exhibition—Message (No. 8): Harbor and Light Dues—Message (No. 9): Night trains between Perth and Fremantle during Session of Council—Alleged obstruction in auditing Railway Accounts—Eastern Railway: Rolling Stock for working Second Section—Mining Act and Goldfield Regulations—Supplementary Estimates, 1882—Adjournment.

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

PRAYERS.

STATISTICS RELATIVE TO HARBOR AND SHIPPING AT FREMANTLE.

MR. MARMION asked the Colonial Secretary to lay upon the Table statistics with reference to the shipping at Fremantle Harbor, which the House last Session asked the Government to collect during the recess, showing the amount of revenue that may be expected from increased harbor accommodation at Fremantle.

THE COLONIAL SECRETARY (Hon. M. Fraser) laid upon the Table statistics showing the total registered tonnage of vessels which arrived in Fremantle during the year 1882; also the number of tons of cargo landed and shipped during the same year; and further, the amount collected on account of tonnage, pilotage and light dues, and water rates, during the same period. The hon. gentleman said the bearing of these statistics on the question of providing the interest on moneys to be expended in increased harbor accommodation at Fremantle of course depended