

The resolution was therefore negatived, and the House resumed.

The House adjourned at a quarter to one o'clock, a.m.

LEGISLATIVE COUNCIL,

Monday, 18th September, 1882.

Papers re Native Question—Extension of Jurisdiction of Petty Debts Court—Preservation of Timber Forests—Aboriginal Native Offenders Bill—Width of Tires Bill—Imported Labor Registry Bill (Message No. 12)—Increased Grant of Land to Alex. Forrest—Estimates: further considered in committee—Trespass, Fencing, and Impounding Bill: third reading—Adjournment.

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

PRAYERS.

PAPERS *Re* NATIVE QUESTION.

THE COLONIAL SECRETARY (Lord Gifford) laid on the Table some of the papers* moved for by Mr. Brown relative to the native question, and, in doing so, the noble lord said he had gone somewhat outside what the hon. member had asked for, and he might say that a great deal of labor had been entailed in the preparation of these very voluminous documents. He thought no hon. member, on a perusal of them, could come to any other conclusion than that the Government had discharged their duty in relation to this native difficulty—their duty towards both the settlers and the aborigines—with a due regard to the claims of each race upon their consideration. No one, he ventured to say, after an unprejudiced perusal of these papers, could fairly say that the Government had not done all within their power in the matter, and a great deal more than they had received credit for.

* Continuation of Mr. Fairbairn's report; Correspondence between His Excellency the Governor and the Secretary of State relative to Criminal Cases during 1881, in which natives were concerned; Copies of certain letters received from persons in the Gascoyne District; Copies of correspondence, evidence, and reports upon the Native Question in the North District of the Colony.

EXTENSION OF JURISDICTION OF PETTY DEBTS COURT.

MR. CAREY, in accordance with notice, moved "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to take such steps as may be necessary to increase the jurisdiction of the Petty Debts Court (27 Vic., No. 21) to sums of £100. And that he will take into consideration the desirability of rendering Real Estate liable for the satisfaction of Petty Debt Court judgments, in the same manner as Personal Estate. And, further, the advisability of granting to such Courts power to attach debts." The hon. member said the reason he asked the House to agree to this Address would, he thought, be obvious to hon. members,—at all events to hon. members of country districts. The law as it stands at present, with reference to the jurisdiction of these local courts, extended only to sums of £50 and under, and he proposed that the maximum should be increased to £100. He might be told that this would entail a considerable amount of extra work upon the Government, and that it was not desirable to extend the jurisdiction of these courts; but he thought hon. members must allow that if it is desirable that these Magistrates should exercise the right of adjudicating in respect of sums amounting to £50, there was no logical reason why they should not do so in respect of the larger amount. He also proposed that a debtor's real estate should be rendered liable for the satisfaction of claims recovered in these courts in the same manner as personal estate is, and also to grant power to these tribunals to attach debts—money, goods, or effects, in the hand of third parties, by extending the provisions of the "Attachment of Debts Act." He failed to see why the provisions of that Ordinance should not be extended to Local Courts as well as to the Supreme Court, and thus obviate the very tedious and expensive process of bringing actions to the Higher Court. He did not propose that any immediate steps should be taken, at this late period of the Session, to give legislative force to this resolution; what he wished the House to do, by affirming the motion for the presentation of the Address, was to bring the matter under the notice of the

Government, with a view to a consideration of the question of whether it is not desirable and expedient that the jurisdiction of these Petty Debts Courts should be extended in the direction he had indicated.

MR. BROWN had much pleasure in seconding the motion. Last year he himself gave a good deal of consideration to this same subject, and went so far as to have a Bill prepared, to meet all the objects contemplated in this Address. The subject was one which had been pressed upon his attention by his constituents, and he promised them that, provided he could obtain the support of the legal members of the House, he would introduce such a Bill; but, on consulting with those hon. and learned gentlemen, he found that he was not likely to secure their support to the measure, as regards the two last points referred to in this Address, and consequently he did not trouble the House on the subject. He thought perhaps there were good reasons why these Petty Debts Courts should not have the power to attach real estate in satisfaction of a judgment, and that there were also good reasons why they should not be entrusted with the same power as the Supreme Court with regard to the attachment of debts; he did not feel himself at all master of that subject, but doubtless it would be a source of great convenience to country suitors if such were the case. To the lay mind it appeared only fair and just that, if a man owed another money, all his possessions, whether real or personal, should be held liable for the satisfaction of his debts; but he was aware there were other considerations, and perhaps higher considerations, to be thought of in connection with this matter, and that it was a very grave thing to entrust persons who were not trained in the law, such as the majority of the Magistrates of these Local Courts, with power to deal with questions affecting title. But, with regard to the first portion of the Address—the proposal to extend the jurisdiction of these courts to sums of £100—he could conceive no objection to that. In several parts of the Colony these local tribunals were very far distant from the Supreme Court—such as Roebourne, Albany, and Champion Bay, and it was very hard upon suitors when they could

not recover anything over £50 without having to come all the way to Perth. He hoped that next year the Government would see its way clear to comply at any rate with this part of the Address, and, if there were no valid objections, also with the other parts of it.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) thought the hon. member for Geraldton had really pointed out what is a substantial difficulty in the way of the objects of this Address being carried out. This difficulty was one which was constantly, openly, and plainly spoken of, and he saw no reason why he should not refer to it: he alluded to the practical difficulty of the gentlemen who preside over these courts, not being trained lawyers, being entrusted with the grave responsibilities and the great powers which this Address seeks to impose upon them. He thought it would be a great pity to impose these extraliabilities and legal difficulties upon gentlemen who undoubtedly were not professional men, but who, nevertheless, do their work, on the whole, remarkably well, considering they have not received any professional training. If dissatisfaction existed with regard to their judgments now, how much greater would the dissatisfaction be if we extended their jurisdiction in the way here contemplated? He could not say that he saw any very great objection to raising the jurisdiction of these courts to £100, but, with regard to the other matters, he thought very serious difficulties might arise, and important issues would crop up which hitherto had carefully been kept out of these local tribunals.

MR. BURT said he rose with some diffidence to say a word on this subject, inasmuch as it might be said by the hon. member for the Vasse that, being a subject more or less affecting lawyers, anything he had to say with regard to it ought to be taken with a grain of salt. With regard to extending the jurisdiction of these Petty Debts Courts to sums of £100, perhaps in one way it was difficult to answer the argument that, if these courts may be entrusted with power to adjudicate in respect of claims amounting to £50, there was no reason why they should not be empowered to deal with claims amounting to £100; but the same argument would apply to £200 or more.

He thought if the suggested alteration were confined to the three districts mentioned by the hon. member for Geraldton, namely, Roebourne, Champion Bay, and Albany, there might not be so much objection as if they were to extend it generally throughout the Colony. At the same time, he would like to draw attention to this fact,—that suitors in these Local Courts would not have the benefit of a jury, the procedure being a very summary one indeed. No doubt the present Magistrates of the three districts referred to might safely be entrusted to exercise this extended jurisdiction, but what guaranty had we that these courts would always be presided over by gentlemen equally fitted to be entrusted with these powers? As to the other matters referred to in this Address, he thought there existed very serious objections indeed to the suggestion made. As had been pointed out by his hon. and learned friend the Attorney General, these Petty Courts would become involved in questions of title, and he thought if there was any question more than another which they ought to hedge round with every possible safeguard, it was that of title to real estate. Judging from his own professional experience, he thought there were very few cases on record in which it had been necessary to endeavor to get at a man's real estate for the purpose of satisfying a judgment of these Local Courts. During his ten year's practice, he had only known of two such cases. With regard to granting these courts power to attach debts, he would point out that the main advantage of such a power, as is here contemplated, is that the remedy which it provides shall be a speedy one,—that there should be no unnecessary delay in the execution of a process; and, inasmuch as these Local Courts only sat once a month, and applications to them to attach debts could only be made on court day, the benefit thus conferred would be a very doubtful one, unless the presiding Magistrates were accessible to suitors any day of the week. The result would be this,—either these courts would have to sit very much oftener than they do now, or the power to attach debts would be of little or no avail to suitors. And if these Magistrates were called upon to hold their courts oftener than they do now, we should very soon find

them asking for increased pay. He was not aware that the absence of this power to attach debts had militated in any way against the interests of suitors in our Local Courts. Under these circumstances, he would suggest that the latter portions of the Address be struck out, and that, as regards the first part of it—that relating to extending jurisdiction to sums of £100—such power should be limited to the courts within the three districts he had named.

Mr. MARMION thought, if any legislation at all was required in this direction, the suggestion put forward by the hon. and learned member for Murray and Williams was a very fair one. He was not aware himself that any very serious hardship had occurred under the law as it exists at present, with regard to the jurisdiction of these courts, and he certainly thought it would be unwise to extend their jurisdiction in respect of real estate and attachment of debt.

Mr. CAREY said he was willing to accept the suggestion of the hon. member for Murray so far as the last two points were concerned, but as to confining the extended jurisdiction to the three courts named, he failed to see why the other courts throughout the Colony should not be entrusted with the power. As Chairmen of Quarter Sessions, the Magistrates of these courts were called upon to decide much more important questions than a claim for £100. The hon. member then amended his motion by striking out all the words after the figures “£100,” in the seventh line.

Mr. STEERE said his sympathies went very much with the latter part of the Address, especially as regards real estate. He thought it was nothing but fair and equitable, when a man had been adjudged to pay a debt owing by him to another, that he should be made to pay it, if he has the means to do so, whether it be in the shape of real estate or personal. As regards the first portion of the Address, he certainly failed to see why it should be proposed to limit its application to the three districts named, which would even exempt Perth and Fremantle. Surely if such power as this ought to be exercised by the Local Courts in any district of the Colony, the metropolitan court and that of the principal seaport should not be debarred from exercising

this increased jurisdiction; in fact, he thought it ought to apply to all the Local Courts throughout the Colony, and that it would be a public advantage were that done. He did not mean to say that it often occurred, but it had come under his own knowledge that persons residing in country districts, remote from the Supreme Court, had actually reduced the amount of their claims in order to bring them within the limited jurisdiction of the Local Court. He believed the jurisdiction of these courts in England had been very considerably extended of late years, and with corresponding advantage to the public; and he saw no objection to the same principle being adopted here.

The Address, as amended, was then agreed to.

FOREST CONSERVATION.

MR. CAREY moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to take what steps he may deem necessary to prevent, as well as to conserve and protect, as far as possible, our Timber Forests from the great and unnecessary waste and destruction going on now, and for years past, by the holders of timber licenses and leases, teamsters, and others." The hon. member said he thought he would be borne out by some hon. members, at all events, that the destruction of our jarrah forests was unnecessarily great—very much so indeed, and that there is urgent necessity for some steps being taken by the Government to prevent the present waste. In the Southern Districts especially, this work of destruction had been going on for years past, in the most ruthless manner. He believed the hon. member Mr. Randell, when he was a member of the Forest Board, made a recommendation analogous to that embodied in the present resolution, but, although he (Mr. Carey) had called for a copy of the report of that board, it had not yet been presented to the House, and consequently he was in ignorance as to what had been suggested by the members of the board. It would be observed that he left it to the Government to adopt such steps as they may deem best for preventing the present destruction that is going on, and

he hoped the House would agree to the motion.

MR. RANDELL said, as the hon. member had referred to him by name, he might say that it was within his knowledge that a great deal of unnecessary waste was going on, and that in his opinion it was the bounden duty of the Government to take some steps to conserve our forests. The prevalent idea in most people's minds was that our timber forests are inexhaustible; but, of course, that was an erroneous idea. It was true, as had been mentioned by the hon. member for the Vasse, that he did send a memorandum on the subject to the Chairman of the Forest Board before leaving for England, in 1878, and he thought that during his absence a report had been sent into the Government by that board, recommending the adoption of some steps towards the preservation of our forests. At the same time, he was free to confess there was a great deal of difficulty surrounding this question of forest conservation; but it was a difficulty that must be faced sooner or later, and, he thought, the sooner the better. He had kept no copy of the memorandum which he had forwarded to the Chairman of the Forest Board, in anticipation of that gentleman sending in a report, but it was with a view to the adoption of some steps to prevent the present wasteful destruction, and also the re-planting of our forest timbers, to a certain extent. Those were the lines which, if he remembered rightly, recommended by Baron Von Müller, in order to arrest the unnecessary waste and destruction of forest lands. He trusted the Surveyor General, who probably had had more experience in this matter than any other hon. member in that House, and who was Chairman of the Forest Board alluded to, would give the motion his support, and that the House would adopt it.

MR. VENN said it was possible that by passing this resolution at the present moment, without further information on the subject, they might do the timber interest considerable injury. He thought their aim ought to be in every way to develop that industry, and he did not see himself that the House would be justified in taking action in this matter simply upon the representation of any

private member, or upon a current idea which might or might not be correct, that there was any immediate necessity to adopt preventive steps, such as were here contemplated, without some reliable data to guide them. He understood that the members of the Forest Commission made a tour of the timber-growing districts in order to collect such data, and, until the House was placed in possession of their report, he thought it would be premature to take any active steps in the matter.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the motion appeared to him a very proper one indeed. Allusion had been made to the Forest Board and their report—a board which had been appointed some five years ago, and which had done a great deal of useful work, and collected a great deal of valuable information. Owing, however, to the fact that the members of the board, after the first few sittings, had become scattered—some going away to England, and others leaving the Colony altogether—their report had not been published, although he hoped it would see the light some day. The subject was one of considerable interest and importance, and the difficulty which the Government had to contend with was the difficulty of adopting effectual measures for conserving our forests without at the same time throwing impediments in the way of the development of a profitable industry. He hoped, however, the House would agree to the Address, and that some good might come out of it.

MR. CROWTHER would support the resolution, if only with a view to bringing the report of the Forest Board to light, and on the ground that it could do no harm, although it was calculated to do a vast amount of good.

MR. STEERE said he also would support the Address, which he thought was a very proper one. Undoubtedly there was a great deal of waste going on, and he agreed with the hon. member, Mr. Randell, that the idea of our timber forests being inexhaustible was an erroneous idea,—at any rate as regards timber of any commercial value. He thought the resolution, in one way, was calculated to do a great deal of good, if it should lead to the Government imposing restrictions as regards the export of immature wood,

such as the saplings which were now largely exported for telegraph posts—one of the most wasteful things he could imagine, and he could not understand how the Government ever came to permit it.

MR. CAREY was glad to find that the motion was likely to be carried without a dissentient voice, except that of the hon. member for Wellington, who wanted more information. For his own part, he failed to see what further information was required beyond the evidence of our own eyes, as to the wholesale destruction which was now going on, especially in the district which the hon. member represented.

MR. MARMION said he was appointed a member of the Forest Commission, but he was sorry he had been unavoidably absent from the earlier meetings of the Commission, and, as had been stated by the Surveyor General, soon afterwards the members of the board became scattered. A visit was, however, made by him to the Southern Districts, accompanied with one other member of the board. Unfortunately, however, the Commissioner of Crown Lands, who was the chairman of the board, was unable, in consequence of the pressure of other business, to accompany them, otherwise probably the report of the Commission would have led to some practical results. So far as he (Mr. Marmion) was concerned, he had not gone down as a botanist, to give a scientific opinion on the subject, but simply to give his opinion, from a common-sense point of view, as to what steps ought to be taken for the conservation of our forests. That opinion was committed into writing, but, owing to the other members of the board having become scattered, no practical result had been arrived at. So far as the opinion of those who visited the Southern Districts and other parts of the Colony went, the conclusion they came to was that nothing could be done in the direction indicated by the hon. member for the Vasse, without hampering the operations of those engaged in the timber industry to such an extent as virtually to prevent its remaining a profitable industry, and consequently lead to an abandonment of an important trade. To that extent he agreed with the hon. member for Wellington. The

waste that was going on appeared to him such as would go on in any timber forest where trees were being felled. In felling heavy timber you could not avoid other and smaller trees coming down with them, and these of course were allowed to remain on the ground, being useless. If they compelled people to remove all fallen timber or to burn it, the result would be, people would give up the business altogether. The question resolved itself into this—are we going to have our timber cut down, or let it grow in our forests unutilised?

The motion for the adoption of the Address was then agreed to.

ABORIGINAL NATIVE OFFENDERS BILL.

MR. BROWN, in accordance with notice, moved, The first reading of a Bill to further amend the Ordinance 12th Victoria, No. 18.

Motion agreed to.

Bill read a first time.

WIDTH OF TIRES BILL.

MR. CAREY, in accordance with notice, moved, That the Width of Tires Bill be further considered in Committee.

MR. BROWN seconded the motion.

THE COLONIAL SECRETARY (Lord Gifford) hoped the hon. member would not proceed with his motion this Session. Hon. members would recollect that, when the Bill was considered in Committee before, the clause which embodied the fundamental principle of the Bill was rejected by the House, and the Government, under the circumstances, thought it was no use proceeding any further with it, this Session at any rate, in view of the conflicting opinions expressed with reference to the merits of the Bill. He did not think it would have resulted in the production of an Act which would have given satisfaction either to the Government or to the country. What he now intended doing in the matter was this—and he hoped the hon. member for the Vasse would fall in with it—to submit the Bill introduced this Session by the Government, and also the report of the Select Committee on the Bill, for the consideration and comment of the various District Roads Boards; and, no doubt as the result of the collective wisdom and practical experience of the

members constituting these local bodies, he, with the assistance of his hon. and learned friend on the right (the Attorney General), would be able to frame such a measure by next Session as would meet with the acceptance of the House and the requirements of the Colony.

MR. CAREY said the hon. member for the Swan and the hon. member for Geraldton, who were with him in this matter, suggested that he should accept the suggestion made by the noble lord, which he thought was one that would meet with general concurrence. He therefore had much pleasure in accepting it, and in withdrawing his motion to go into Committee on the Bill.

Motion withdrawn.

IMPORTED LABOR REGISTRY BILL (MESSAGE No. 12).

The House then went into Committee for the consideration of the Message received from His Excellency the Governor, suggesting the insertion of a clause in the Imported Labor Registry Bill, passed this Session, requiring the employers of coolie labor to produce any such laborer in his employ, when demanded to do so, under the written authority of a Justice of the Peace. [*Vide* p. 268, *ante*.]

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the following New Clause be added to the Bill, to stand as Clause 7:—"The employer of any laborer within the Territorial Dominion of Western Australia shall, whenever thereunto requested by any officer of Customs or of Police at or nearest to the place where such laborer shall then be, or whenever thereunto requested by any other officer, as provided for by the fifth section hereof, in the absence of reasonable excuse to the satisfaction of the Justice of the Peace who shall hear and determine the charge, produce such laborer at all reasonable times at such place to any Police officer or other officer as aforesaid, under a penalty not exceeding Forty shillings for every such default. Provided always, that every such officer shall, before demanding the production of such laborer, be armed with and produce a written authority from a Justice of the Peace to make such demand." The hon. and learned

gentleman said the wording of the old section was such as perhaps might cause some hardship, in certain cases, as regards the employers of labor, and in order to meet that difficulty, and to make the hardship as little felt as possible, a proviso had been introduced at the end of the New Clause. It was stated, when the section was under consideration before, at an earlier period of the Session, that it would be a very hard thing upon masters to have to produce these men whenever they might be called upon to do so, as it was possible some of the men might have left their service. He thought that was taking an unnecessarily harsh view of the case, for hon. members would observe that the section only contemplated the production of these men "in the absence of reasonable excuse," to the satisfaction of the Justices hearing the case. In addition to this, it was now proposed to still further protect the employer, by the introduction of the proviso at the end of the clause, and he could not help thinking the clause in its present shape could not be otherwise than acceptable to hon. members.

MR. BROWN thought there were many other reasons besides those quoted by the Attorney General as to why the Committee struck this clause out of the Bill, the principal reason being that hon. members could not understand what necessity there was for it. The mere fact of its having been included in the original Bill could not be regarded as a sufficient reason for introducing it into the present Bill. What he should like to know was, what was the object to be attained by thus hampering the employers of imported labor? As yet no explanation whatever had been afforded the House for what appeared to him a somewhat capricious authority to place in the hands of a policeman or of a Customs officer. The House had assisted the Government in every possible way, by affording them every reasonable means for ascertaining where these men are employed, and upon what terms. Their engagements were registered, and if they changed their employ it could only be done under authority. But, not satisfied with this, the Government wanted to go further, and he failed to see why, even when armed with a written authority from a Magistrate, a policeman should be em-

powered to compel an employer to produce a laborer, or a number of laborers, who may be at work two or three hundred miles away, thus entailing a very large expenditure and very great inconvenience and unnecessary hardship. It was said that if an employer had any reasonable excuse for not producing a man, the Magistrate had power to exempt him; but, even in that case, the employer would have to attend before the Magistrate to state his reason for not producing the man; and, to do so, he might have to travel hundreds of miles. If these coolies were improperly treated by their masters it was quite competent for them to go before a Magistrate, and to obtain substantial justice. On the other hand, if they were not improperly treated, he failed to see why the Government wanted to have them produced. He hoped the House would refuse to accept the clause until they had some further information as to the object of the Government in pressing it upon the acceptance of the Council.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): The hon. member has spoken of the hardship which this section is likely to cause in the case of employers of imported labor, but I would ask the hon. member whether he can point to a single case in which any hardship was imposed under a similar section which has been in force hitherto? Is he aware of a solitary instance in which any officer, empowered to put the clause in motion, has done so unnecessarily or capriciously? If he can, then the hon. member has some ground for opposing the clause; but, if he cannot point to a single case of hardship in the past, what ground is there for apprehending any hardship in the future, especially in view of the additional safeguard now proposed to be provided to prevent the possibility of a grievance.

MR. BROWN: What is the object of the clause?

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Its object is to protect these people who are imported into the Colony, and who may be employed we know not where, or how. I feel convinced in my own mind that the powers given by the clause will not be enforced once in ten years, but, so long as there is a possibility of foul practices being re-

sorted to, I think it is only fair that these powers should exist.

MR. BROWN maintained that the other clauses of the Bill afforded effectual protection for these men, and he did not think the explanation given by the hon. and learned gentleman, the Attorney General, was one which the House would accept as a sufficient ground for inserting this clause in the Act. If he stood alone, he must oppose its introduction, for, in his opinion, it would spoil what would otherwise be a very fair Bill. The hon. and learned gentleman asked if he could instance any hardship imposed under this clause in the past? He could only reply that he was not a member of the Executive Government, and that it was no part of his duty to inquire into the matter, nor was it in his power to do so. He did not think this had anything to do with the question of the expediency or the necessity of the present clause, which he hoped would be withdrawn, otherwise he was very much afraid it would meet with the same fate as it did before.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) was glad to find that the hon. member regarded the Bill, without this clause, as a valuable and useful one, but he would remind the hon. member that unless the present clause is added to the Bill, the present Bill will not become law at all, and the hon. member would gain nothing by his opposition, as the clause which he objected to was now in force, and would remain in force unless the existing Act was repealed by the Bill now before the House; remain in force, too, in a more virulent form—if he might use the expression—than it was now proposed to introduce it.

MR. BROWN did not think the House would be running any risk if they rejected this clause. He did not think His Excellency the Governor would veto the Bill, in direct opposition to the expressed wish of the House, simply because this particular clause was not included in it.

THE COLONIAL SECRETARY (Lord Gifford) said the hardship which the hon. member for Geraldton seemed to anticipate from the operation of the clause was the capricious exercise of authority by officious policemen; but he would remind the hon. member that no policeman could

set the law in motion without a written authority from a Justice of the Peace. If an employer did not produce a laborer when asked to do so, but gave a reasonable excuse for his non-production, there was an end of it. If the man's services had been transferred to another employer, for instance, it would be very easy to prove the transfer, and there would be no more about it. The clause, he believed, did not even go far enough, as it stood, to satisfy the Indian Government, and he doubted very much whether they would be content with it.

MR. BURGESS said he was opposed to the clause when it was under consideration before, as he did not understand it; but, after the explanation given by the Attorney General that evening, he regarded it as a very necessary clause, and, if we were anxious to have coolie labor introduced, he thought the hon. member for Geraldton would do well to withdraw his opposition to the clause, if he wished to benefit the settlers.

MR. BROWN said he would not object so much to the clause, if some provision were made so that in the event of frivolous charges being laid against employers the Government should reimburse them their expenses.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Does the hon. member really mean to cast a slur upon the Justices of the Colony,—that they would listen to frivolous charges of this nature, when, only a few minutes ago, the hon. member himself introduced a Bill empowering two Justices to deal with all questions affecting natives?

MR. BROWN said no one had more faith and more confidence in the integrity and the honesty of our Magistrates than he had; but he could conceive a case in which it would be the bounden duty of a Justice to enforce this clause. There was a case in point already on the records of the Government, where an employer of native labor was put to a great deal of expense—was nearly ruined, in fact—by being brought down from the pearling grounds to answer a charge preferred against him, the Government having been bound to prefer it, in the face of the reports made to them. Yet that man left the Court without a stain on his character, but without any other satisfaction.

The New Clause was then put and carried.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) then moved the following reply to His Excellency's Message No. 12: "That this House agrees to insert 'in 'The Imported Labor Registry Act,' 'the section suggested by His Excellency 'in Message No. 12:'"

The motion was agreed to.

INCREASED GRANT OF LAND TO ALEXANDER FORREST.

ADJOURNED DEBATE.

The debate upon the following motion submitted by Mr. VENN, on 14th September, was resumed: "This Council 'having been informed by the Colonial 'Secretary that Her Majesty's Secretary 'of State has been pleased to authorise 'a grant of 2,000 acres of land in the 'Kimberley District to Mr. Alexander 'Forrest, would be gratified if His Ex- 'cellency the Governor would recommend 'that such grant be increased to 10,000 'acres.'"

MR. CAREY said as it was he who had moved the adjournment of the debate it was necessary he should now re-open it, and he did so in order to afford the hon. member for Geraldton an opportunity of reading the newspaper paragraph he had referred to the other day. Had it not been that the hon. member had alluded to that paragraph, he should have been glad to have seen the House meet this resolution with a direct negative. If hon. members would turn to what the hon. member for Murray and Williams had termed the Fifth Book of Chronicles (*Hansard*, vol. v.), it would be observed that when the proposal was originally made, two years ago, by the hon. member for Wellington, to give Mr. A. Forrest some recognition of his services in the Kimberley District, it was then only proposed that he should be recommended for 8,000 acres; and if 8,000 acres was then considered an adequate reward for the discovery of a country which at that time was regarded as abounding in every description of good things, surely 10,000 acres was altogether too much after what they had been told of the country when the motion for constructing a railway through it was under discussion, a few

days ago. When the subject of granting Mr. Forrest some recognition of his services was first brought forward, it was decided by that House, on the motion of the hon. member for Fremantle, that the quantity of land to be granted should be left to the discretion of the Secretary of State. That being so, and the Secretary of State having decided that 2,000 acres would be a fair recognition of Mr. Forrest's services, he failed to see why, having left the matter in the hands of the Secretary of State, that House should now go back from its original intention, and tell the Secretary of State they did not think he had given Mr. Forrest enough. As he had already said, he would have been glad if the resolution now before the House had been met with a direct negative, had it not been for the fact that the hon. member for Geraldton had expressed a wish to bring a certain newspaper paragraph to the attention of hon. members, and it was in order to enable the hon. member to do so that he now moved the following amendment, which he hoped would be affirmed by a large majority:—"That this Council 'having in August, 1880, presented an 'Humble Address to His Excellency the 'Governor, praying that he would be 'pleased to communicate to Her Ma- 'jesty's Secretary of State the desire of 'the Council that a grant in fee of land 'in the Kimberley District should be 'made to Mr. Alexander Forrest in 'recognition of his services in the cause 'of exploration, and Her Majesty's 'Secretary of State having been pleased, 'in the exercise of his discretion, to 'grant 2,000 acres of land to Mr. For- 'rest, the Council does not deem it 'expedient to again address His Excel- 'lency the Governor with a view to 'making a further representation to 'Her Majesty's Secretary of State.'"

MR. SHENTON seconded the amendment.

MR. BROWN said that when he last spoke upon this question he reminded the House that in August, 1880, he had, amongst others, reluctantly taken up, or joined with others, in taking up the cause of Mr. Alexander Forrest. He said he did so reluctantly, because he thought Mr. Forrest had conducted an expedition of his own, and not the expedition which that House had voted money for.

Had he (Mr. Brown) been positively certain that he was right in so thinking, and that Mr. Forrest had been a party to an intentional departure from the route which the Legislature contemplated he should traverse, nothing would have induced him to have voted in favor of any grant of land to Mr. Forrest, in connection with that expedition. But it appeared to him that, possibly, Mr. Forrest might not have started from Perth with the deliberate intention of going to Port Darwin,—although, judging by the instructions issued for his guidance by his own brother, and reading his own journal, it would certainly appear that such was the intention. However,—as there was a doubt about the matter, he thought it right to give Mr. Forrest the benefit of the doubt, and he was the first in that House to say, if they proposed to recognise a man's services let them do so liberally. Since, then, however, he had ascertained beyond a doubt,—in fact, from Mr. Forrest himself, who, time after time, had acknowledged it—that he would not have gone with the expedition unless his instructions had left it open for him to have gone on to Port Darwin, although such was not the intention of the Legislature, when voting the money for the expedition. Such being the case, he thought that House had behaved very handsomely in its recognition of his services,—so far as that expedition was concerned. No doubt it was much better for Mr. Forrest, personally, that he should go through to Port Darwin, as it enabled him, fresh from his victory, “with his blushing honors thick upon him,” to go direct to the sister colonies, and to bring his name prominently before the world as a successful explorer. And if Mr. Forrest were not to receive one single sixpence, or one solitary acre of land in recognition of his services, the very fact that he led that expedition across to Port Darwin, at the expense of this Colony and a few private individuals, that fact of itself would have largely rewarded him for any hardships he might have encountered. There were dozens of young fellows who would have been delighted to have done the same,—though he was not prepared to say any of them would have done it better; at the same time, surely what was done by Mr. Forrest could have been done by others. Nevertheless, as Mr.

Forrest had conducted an arduous expedition, and conducted it successfully,—and giving him the benefit of the doubt as to his original intention when he started—he was one of the first to recommend that his services should be acknowledged, and in a liberal manner, leaving it to the Secretary of State to decide what extent of land should be granted to him. Now, however, it appeared, the hon. member who had again brought forward the subject conceived that Mr. Forrest had been inadequately rewarded for his services, and another appeal was made to that House—made, no doubt, with Mr. Forrest's full knowledge and approval—to recommend him for a still greater reward than the Secretary of State had been pleased to grant him. It had struck him as very strange indeed that Mr. Forrest, after endorsing the remarks, the depreciatory remarks which, some time ago, had been made in the columns of a public print, with reference to the action of that Council, should now come before them again seeking further recognition at their hands. He could not understand any one who could speak of the Legislature in the way he had heard Mr. Forrest speak of it, again coming to that House asking, or suffering anybody else to ask for him, any favor. A paragraph to this effect appeared in the *Morning Herald* not long ago: “On further inquiry we find that, “so far from Mr. Alex. Forrest having “received a grant of £100 for his valuable discoveries, *he has never received any money grant whatever!* And, moreover, he has not even yet obtained “the promised grant of land; all the “recompense for his services he has yet “received consisting of his bare salary as “an officer of the Survey Department, “for the period of about one year, during “which he was occupied in his explorations, and subsequently mapping them out. This salary amounted to the “munificent sum of slightly over £300. “And the revenue has already benefited “to the extent of some £6,000 or £7,000 “by Mr. Forrest's discoveries! In all “seriousness we consider that the honor “of the Colony is involved in this breach “of promise, and its fulfilment should “be seen to at once. Our Legislature “has of late done the Colony quite “sufficient harm, without our being com-

"pelled to allow it to go abroad that in performing our obligations we

"Keep the word of promise to the ear,

"And break it to the hope!"

Hon. members would observe that this paragraph, which, as he said the other evening, had been publicly endorsed by Mr. Forrest, referred to a "promised grant of land," and that promise was connected with the Legislature, which was charged with having neglected to perform its obligations. Hon. members were aware it was not in the power of that House to promise any grant of land. The resolution which it passed simply asked the Secretary of State to give Mr. Forrest a grant of land, and, having done so, it had done all within its power to do in the matter; and if any promise had not been fulfilled, that House was not to blame for its non-fulfilment. As a matter of fact, at the time this paragraph appeared, it had been notified to Mr. Forrest that the Secretary of State had been pleased to sanction that a grant of 2,000 acres should be given him. Mr. Forrest knew this, and informed him (Mr. Brown) that he had refused it, as it would be of no use to him whatever—that they might keep it, and that he considered every word in that paragraph was true, strictly true, and fully justified. In the face of all this, he thought he had substantiated what he had said the other evening,—that the paragraph in question was designed to bring the members of that House into contempt, and into undeserved contempt, and that Mr. Forrest himself had publicly declared that every statement contained therein was perfectly correct. He (Mr. Brown) believed himself that the paragraph must have originated from Mr. Forrest—at all events he had publicly ratified it, and justified it. But, even so, had the expedition he conducted been such as that House contemplated, he should not have thought so much about the renewal of this claim for a recognition of Mr. Forrest's services. Knowing, however, as he did, that the expedition was not conducted as proposed by the Legislature when it voted the money, he thought these strictures came with very bad grace indeed, on the part of Mr. Forrest, and he considered it would be a very bad principle for that House in any way to recognise that an officer of the Govern-

ment should deliberately go against the expressed wish of the Legislature, and take it upon himself to conduct an expedition to Port Darwin that was never meant to go there, and do so with a deliberate intention from the very first.

MR. MARMION said it was his intention to move an amendment upon the amendment proposed by the hon. member for the Vasse, and to steer a middle course between that amendment and the original resolution. It could not be denied that it was simply owing to the explorations of Mr. Alexander Forrest that we came to know whether this part of our territory, the Kimberley District, was suitable for pioneer settlement at all, and that we had already derived a large revenue from the district. Allusion had been made that evening to the debate which took place upon this same question two years ago when the subject of giving Mr. Forrest a grant of land was first mooted, and it might not be out of place if he referred to the discussion that took place on that occasion, in order to see how far hon. members were in accord with their past professions. He would first of all refer to what had fallen, on the occasion referred to, from the then Acting Attorney General: "Whatever Alick Forrest does," Mr. Leake said, "he does well, "and he does thoroughly, according to "the best of his abilities and with the "means at his disposal. On this occasion "he has traversed a continent. He "comes back with the information that "in the course of his journey he has "discovered some very magnificent territory, and everybody believes that he "has done so. Thereupon he is complimented by his fellow settlers, and now "it is proposed to add to the barren meed "of praise the solid pudding of reward. "I should be very glad indeed to see him "get it." The Commissioner of Crown Lands said: "When at last the welcome "telegram came from Port Darwin, announcing the arrival of the party there, "he believed he was correct in saying "that a thrill of satisfaction was felt "throughout the Colony at the success of "the expedition, the prevailing feeling "being that Mr. Forrest had done his "work bravely, and done his work well." The exploit was thus referred to in the Speech with which Governor Ord closed the Session: "The short account that we

"have received of Mr. A. Forrest's expedition shows that that officer has successfully carried out the important duty with which he was entrusted. The ability and perseverance displayed, under trying circumstances and great hardships, have met the reward they deserved, and Mr. A. Forrest has the satisfaction of announcing the discovery of large tracts of well-watered land suitable for pastoral and agricultural purposes. Although full details are yet wanting, enough is known to justify the Government in expressing, in its own name and on behalf of the Colony, its gratification at the manner in which Mr. Forrest, and the officers and men of his party have executed the duty with which they were charged, and to offer to them its cordial thanks. Mr. A. Forrest has added one more to the many important explorations with which Western Australia is already credited, and has well maintained the distinguished position which the name he bears holds amongst Australian explorers." Mr. Forrest could not have received a higher compliment, coming, as it did, from such a source. The hon. member for the North said—and he would remind the House that this was with reference to the proposal to give Mr. Forrest 10,000 acres of land: "Mr. Grant thought what was proposed to be done, so far, in the way of recognising Mr. Forrest's services amounted in reality to nothing. . . . These men had risked their lives, and had done more good to the Colony than any other explorers that he knew of—ten times more. They had discovered twenty-five millions of acres of magnificent country, and thus added considerably to the wealth of the Colony. . . . They (the Legislature) had allowed Mr. John Forrest to select his grant of land in any part of the Colony, in consideration of his services in the cause of exploration; but John Forrest's services were nothing to be compared in value to the services rendered by Alick Forrest." The hon. member for Toodyay said "he would be very happy to give the amendment his support"—an amendment expressive of the desire of the House that a grant in fee of 10,000 acres in the Kimberley District should be made to Mr. Forrest.

Under these circumstances he did not think the hon. member could now consistently oppose the proposal to give Mr. Forrest 5,000 acres. The hon. member for the Swan, speaking in the course of the same debate, said: "It was not his intention to oppose the proposition before the Committee" (to give Mr. Forrest 10,000 acres), "for it could not be said that Mr. Forrest had acted contrary to his instructions, and possibly there were few men who would have surmounted the many hardships and difficulties which Mr. Forrest had encountered, and successfully. No doubt his services fully entitled him to some recognition at the hands of the House." The hon. member for Geraldton—who on the present occasion had dealt with the subject in a most adverse spirit, and, what was very unusual with the hon. member, an ungenerous spirit,—when the question was under discussion two years ago, said: "He professed to know something of the duties and of the responsibilities that devolved upon the leader and the members of an exploring expedition, and, in his belief, the services rendered to this Colony by Mr. Alex. Forrest, not alone in connection with this expedition, but with exploration generally, were such as demanded a recognition at the hands of the Legislature of the Colony. He would go further, and say that being fond of exploration himself, he had made the labors of explorers his study, and he believed that Mr. Alexander Forrest—however much, or however little, he may have erred, or departed from his instructions, on the occasion referred to—performed one of the most arduous tasks which had ever been successfully carried out by any explorer in the Colony. He said so advisedly."

MR. BROWN: I say so still.

MR. MARMION said he had understood the hon. member to say, a few minutes ago, that there were scores of young fellows who would have done what Mr. Forrest had done on the occasion referred to. He did not think he need read any more from the debate which took place two years ago, to show what then were the views entertained by hon. members as to Mr. Forrest's services, and his claims to a recognition of those services. He failed to see anything

which rendered Mr. Forrest less entitled to that recognition now. At any rate, he was sure the House would accept the amendment which he was about to propose, and which was as follows: "This Council, having been informed by the Honorable the Colonial Secretary that Her Majesty's Secretary of State has been pleased to authorise a grant of 2,000 acres of land in the Kimberley District to Mr. A. Forrest, would be gratified if His Excellency the Governor would recommend that such grant be increased to 5,000 acres."

MR. SHENTON merely wished to say that they were all well aware of what had been said in the course of the debate that took place on this subject two years ago, but the question now was—having left the matter in the hands of the Secretary of State, was it a wise thing on their part to cavil at what the Secretary of State had done?

MR. RANDELL thought the resolution into which the Council were led two years ago—unfortunately led, he considered—placed them in somewhat of a dilemma; nevertheless he thought it was their duty to again approach the Secretary of State on the subject, and ask him to reconsider Mr. Forrest's claims to a larger grant than 2,000 acres. The whole of the speeches on the former occasion went to show that 10,000 acres would not be in any way an excessive grant, under the circumstances; and it could not be said that the value of Mr. Forrest's services had deteriorated in value since, in any respect whatever; on the contrary, the Colony had received a large amount of revenue from the district. As to whether Mr. Forrest followed his instructions, and as to the newspaper paragraph which had been introduced into the discussion—he did not think these things had anything to do with the question now before the House, and he was rather surprised and pained to find them dwelt upon, inasmuch as it tended to give a personal tone to the debate, and made it seem as if there was some animus behind.

MR. CAREY: Is the hon. member in order in imputing animus?

MR. RANDELL said he was inclined himself to think that Mr. Forrest did not depart from his instructions; at any rate he stood very much in the same relation

to the Colony and to those who gave him his instructions as did Lord Nelson when he put the telescope to his blind eye when he received orders to sheer off from Copenhagen. He (Mr. Randell) would support the amendment—not because he did not think Mr. Forrest was entitled to the larger grant, but because he regarded the amendment as a sort of compromise which was likely to commend itself to the majority of the House, as well as to the Secretary of State.

MR. VENN said he was willing to accept the amendment, if it was more likely to meet the general support of the House. So far as his own action in the matter was concerned, he thought it was but fair to Mr. Forrest that he should state that Mr. Forrest had no part whatever in bringing the subject before the Legislature. He (Mr. Venn) had introduced it entirely of his own mere motion, and he rested the whole case upon its merits. He did not know that Mr. Forrest was even aware of his intention to submit such a resolution, and he was sure he had not had more than half a dozen words with him on the subject.

MR. GLYDE said he would have much pleasure in supporting the amendment proposed by the hon. member for Fremantle. He thought Mr. Forrest was justly entitled to at least 5,000 acres, and he hoped the Council would offer no further opposition to the proposal, especially in view of the great benefit which had resulted to the Colony from Mr. Forrest's exploration, in the shape of increased revenue.

MR. BURT said he was not in the House on the occasion of the debate which took place on the subject in 1880, but he had read the speeches which were made on that occasion, and he hoped hon. members would draw this lesson from the result of their deliberations—never to leave to the Secretary of State that which they could do themselves.

MR. S. H. PARKER said, although there might be a great deal in the fact that Mr. Forrest departed from the wishes of the House as regards the route which he followed, the fact remained that he had discovered a territory from which the Colony was now deriving £20,000 a year, and he thought, regard being had to this fact, they were bound to make

him some recognition of his services. Moreover, it should be borne in mind that on the occasion of previous expeditions, Mr. Alexander Forrest had borne his share of hardships and sufferings, while second in command, and all the *kudos* went to his brother, the leader of those expeditions. He thought himself Mr. Forrest was well entitled to 10,000 acres, but as the mover of the resolution had expressed his willingness to accept the amendment, it was not for him to cavil at that decision.

The amendment submitted by Mr. MARMION was then put and carried, *nem. con.*

ESTIMATES.

The House then went into Committee of Supply for the further consideration of the Estimates.

Works and Buildings, Item £16,489 16s.:

THE COLONIAL SECRETARY (Lord Gifford) pointed out certain reductions which it was proposed to make in this vote, reducing it to £15,702, chiefly in connection with the working expenses on the Eastern Railway. It was also proposed to reduce the salary of the Station Master and Traffic Manager at Fremantle from £325 to £275. Hon. members were aware that a Commission had been sitting to investigate certain charges brought against this officer, and, in addition to this reduction, it was proposed to mulct him in another £50, to be deducted from his salary for next year, which would bring the item down to £225. As, however, it was not yet known whether the officer in question would continue in the service of the Government, it was considered advisable to provide £275 on the Estimates, for the salary of his successor. It was proposed to make the foreman of the workshops at Fremantle locomotive foreman, and to increase his salary from £150 to £200, and it was further contemplated to give a slight increase to the draftsman employed in this department. With regard to the Clerk of Works (Mr. Jewell), hon. members would observe that the designation of this officer had been altered to that of Superintendent of Works, and, in recognition of his

long period of service, it was proposed to add the £50 which he was now drawing in respect of forage allowance to his salary, so that it may be computed as a factor in the computation of the pension which he will soon be entitled to. He thought this was a concession which hon. members would not begrudge an old and faithful servant like this. With regard to the working expenses on the Eastern Railway, it was proposed to reduce this vote from £9,360 to £8,600, which the Commissioner thought, if anything, would leave a margin to the good, notwithstanding their anticipations that the second section of the line would be open for traffic in June next. The noble lord then moved, That the item "Superintendent of Works, £350," be increased by £50.

MR. SHENTON said he hoped the Committee would agree to the proposed increase, which, in reality, was no increase at all as regards this officer's present emoluments. He was an officer who had been in the service a great many years, and one of the hardest working public servants in the Colony.

MR. GLYDE supported the motion. The officer in question had been in the colonial service for about 30 years, and a more efficient officer he did not suppose the Government had in their employ. He had received no increase in his pay for a long term of years, though he honestly deserved it, and he hoped there would be no opposition offered to the present proposal. There was a precedent for doing what the noble lord suggested; some years ago the same thing was done in the case of the late Police Magistrate at Perth, his forage allowance being made part of his salary which was thereby increased from £360 to £410, with the object of enabling him to draw a larger pension on his retirement from the public service.

MR. RANDELL said the officer whose claims were now under consideration had literally grown grey in the service of the Colony, and there could be no doubt he had been very inadequately paid in the past.

MR. CAREY said he would be very glad to support the motion, but he trusted the Government would understand that this was done in recognition of the long and faithful services rendered

by the officer in question, and that his successor would have no claim to the same consideration.

MR. STEERE could not say that he approved of the suggestion to amalgamate this officer's forage allowance with his salary, in order that hereafter he may be in a position to draw a larger pension than he otherwise would. He thought it would be adopting a very bad precedent, however worthy the officer in question was to consideration at their hands. As to the Station Master at Fremantle, the Committee were aware that an inquiry had recently been held into the conduct of this officer, with reference to certain malpractices that existed at the railway terminus at Fremantle. He noticed that the Commission who sat to investigate these charges said in their report, that the officer in question was alleged to have committed certain petty larcenies from the railway store, and employed the time of the men in his own house, and that the Commission considered that these charges had been substantially proved. The Commission also went on to say that he had been guilty of malpractices involving grave breaches of duty, as a public servant in a position of trust, and that the Railway Department at Fremantle was in a thoroughly disorganised condition. In fact, he did not know how any Commission could have reported more strongly against any public officer, and yet His Excellency the Governor, instead of doing away with his services, as he (Mr. Steere) thought he ought to have done,—and as he could not help thinking most other persons who had read the report of the inquiry would consider ought to have been done—simply proposed to mulct this man in a penalty of £50. Although in his Minute attached to the report of the Commission, His Excellency said he thought the conduct of this officer had been highly culpable, still, in consideration of his past services, he did not wish to dispense with them altogether; and His Excellency showed his sense of the culpability of this officer's conduct by merely proposing to reduce his salary by £50, for one year only. In his (Mr. Steere's) opinion this punishment was totally inadequate to the gravity of the offence which the Commission said had been substantially proved against him.

The Colonial Secretary said he wished this amount to remain on the Estimates as it is (£275), because he does not know whether this officer is going or not. He did not think there was much probability of his going,—at all events, he thought it would be most unwise on their part to let the amount remain at £275, for, as the Governor had stated that this reduction of £50 from the present officer's salary is only to be for one year, the probability was that they would find the same amount figuring against this officer's name next year. And why was this salary given to him in the first instance? Because he was to perform the duties of Traffic Manager, Locomotive Foreman, and Station Master; and they were now asked to continue the same salary, although he had been relieved from the performance of his duties as Locomotive Foreman. He failed to see, under any circumstances, why he should receive a higher salary than the Station Master at Perth, and he should certainly move that the item be reduced from £325 to £225.

THE COLONIAL SECRETARY (Lord Gifford) said this was purely a question of administrative detail, one for the Executive and not that House to deal with. The matter had been fully inquired into by the Governor and by the head of the department, and the conclusion they arrived at was that, under all the circumstances, the equity of the case would be met by reducing the officer's pay and at the same time imposing additional duties upon him.

The motion to increase the item "Superintendent of Works, £350," by £50 was agreed to.

THE COLONIAL SECRETARY (Lord Gifford) moved that the item "Draftsman, £140," be increased by £10.

Agreed to.

THE COLONIAL SECRETARY (Lord Gifford) also moved that item "Traffic Manager and Station Master, Fremantle, £325," be reduced by £50.

MR. STEERE said that, as already intimated, he felt bound to move, as an amendment, that this officer's salary be reduced, not by £50 but by £100, in view of the irregularities already referred to.

Question—That this sum be reduced by £100—put.

Committee divided, with the following result:

Ayes	...	...	4
Noes	...	...	14
Majority against			10
AYES.			
Mr. Carey		NOES.	
Mr. Grant		The Hon. A. C. Onslow	
Mr. S. H. Parker		The Hon. M. Fraser	
Mr. Steere (Teller.)		Mr. Brown	
		Mr. Burges	
		Mr. Burt	
		Mr. Crowther	
		Mr. Glyde	
		Mr. Higham	
		Mr. Marmion	
		Mr. S. S. Parker	
		Mr. Randall	
		Mr. Shenton	
		Mr. Venn	
		Lord Gifford (Teller.)	

Question—That the item be reduced by £50—put and passed.

MR. CROWTHER called attention to the heavy expense of working the Northern Railway, and suggested that a Commission be appointed during the recess to inquire into the subject, and to report upon it. The Commission should consist of disinterested persons, not residents of the district; and if such a board were appointed he would be very much surprised if a considerable saving could not be effected in the working of this line. The present cost of working it—a mineral line, only 33 miles in length, with about half a dozen trains a week—amounted to £3,670 a year, being at the rate of about £115 per mile. If the line were worked more economically it might possibly be made to yield a little towards paying the interest on the money expended in its construction, instead of being a dead loss to the Colony.

MR. MARMION concurred in the suggestion that an inquiry was desirable, but, as to the appointment of a Commission, he had very little faith in Commissions. Their whole history, so far as the experience of this Colony went, proved that such appointments for inquiring into departmental details were a failure. He believed himself in individual inspection, and if the Government would only appoint some thoroughly competent and disinterested person to proceed to Geraldton, without even the object of his visit being known, there would be a much greater chance of the Government being favored with a report that would point out where some really useful changes might be made, and a reduction effected in the cost of working the line.

MR. BURT thought with the hon. member for Fremantle that the appointment of a Commission would be utterly worthless in such a matter as this. How could the members of a Commission, who would probably for the most part be unprofessional men, decide in the course of a few days whether a railway was economically worked or not. Such matters as these they must leave to the Government, so far as he could see. He was sure no Commission would ever be able to suggest any reduction that could be relied upon by that House.

The subject then dropped.

THE COLONIAL SECRETARY (Lord Gifford) moved, That item "Locomotive Foreman, £187 16s.," be increased by £12 4s.

Agreed to.

THE COLONIAL SECRETARY (Lord Gifford) moved, That item "Working Expenses, £9,360," be reduced by £760.

Agreed to.

THE COLONIAL SECRETARY (Lord Gifford) moved, That item "Forage to Clerk of Works, £50," be struck out.

Agreed to.

Question—That a sum not exceeding £15,702 be granted for the Works and Railways Department—put and passed.

Police Department, Item £23,674 7s. 6d. read:

THE COLONIAL SECRETARY (Lord Gifford) moved some alterations in this vote, reducing it to £22,499 7s. 6d. (*Vide* "Votes and Proceedings," p. 169.)

MR. CAREY called attention to the item "Lodging Allowances." He did not think there was any necessity for providing the police stationed at Perth with a lodging allowance, so long as we had a building like the Military Barracks lying idle.

THE COLONIAL SECRETARY (Lord Gifford) said he promised the House last Session that the Barracks should be converted into police quarters, and it was only in consequence of the heavy expenditure they had been under as regards other buildings that the promise had not been fulfilled. It was, however, the intention of the Government to convert the building into a Police Barracks at as early a date as possible—probably before the end of the year.

MR. GRANT called attention to the item "Two horses, £40," under the head

of "Contingencies," for the police staff at Roebuck Bay. He did not think two horses would be enough, as it was necessary they should have a spare horse or two about the station. If the police were provided with relays they could do a great deal more work, and they would have no excuse for remaining idling about.

THE COLONIAL SECRETARY (Lord Gifford) said it was only proposed to have one of the constables mounted at present, as it was expected they would be able to purchase some of the Deputy Surveyor General's horses, cheap, when the survey party got up there.

Ecclesiastical Grant: Church of England, £2,075 6s. 10d.; Roman Catholics, £1,073 11s. 10d.; Wesleyans, £265 18s. 10d.; Presbyterians, £128 2s. 6d. Total, £3,543 :

MR. CROWTHER, without speech, moved that the whole vote be struck out.

SIR LUKE LEAKE: The hon. member is only joking.

MR. CROWTHER: I never was more in earnest in my life.

THE COLONIAL SECRETARY (Lord Gifford) explained that the vote had been re-apportioned on the basis of the late census returns, the vote for the current year being as follows: Church of England, £2,191; Roman Catholics, £1,067; Wesleyans, £206; Presbyterians, £79. Although his sympathies were in favor of the abolition of State aid to religious bodies,—as an abstract principle,—still he hoped, in view of the peculiar circumstances of this Colony, the hon. member for Greenough would withdraw his opposition to the vote.

MR. CROWTHER: Divide.

The Committee thereupon divided upon the motion to strike out the vote, when there appeared—

Ayes	...	...	6
Noes	...	...	14

Majority against ... 8

AYES.
Mr. Grant
Mr. Higham
Mr. Randell
Mr. Shenton
Mr. Venn
Mr. Crowther (Teller.)

NOES.
The Hon. A. C. Onslow
The Hon. M. Fraser
Mr. Brown
Mr. Burges
Mr. Burt
Mr. Carey
Mr. Glyde
Mr. Hamersley
Sir L. S. Leake
Mr. Marmion
Mr. S. H. Parker
Mr. S. S. Parker
Mr. Steere
Lord Gifford (Teller.)

Question—That a sum not exceeding £3,543 be granted for Ecclesiastical Grant—put and passed.

Volunteer Grant, Item £2,237 10s. read :

MR. S. H. PARKER said it might be in the recollection of the House that, a few days ago, he asked for a return showing how it was proposed to expend this vote. That return was furnished, showing that it was intended to spend it as follows: £545 capitation money; £50 maintenance of field guns; £177 15s. for drill instructors, armourers, &c.; £77 5s. for marching and incidental expenses; £150 for ammunition; and £300 for the salary of the Inspecting Field Officer. From this it would appear there was no intention on the part of the Government to supply any of the Volunteer Corps with new arms, although it was pointed out in the report of the Staff Officer that a considerable proportion of the rifles now in use are "obsolete and almost unserviceable." The noble lord opposite, in commenting upon this report, said "all Enfields should be abolished, as in these days of proficient weapons they are almost worse than useless, and men take no interest when armed with antiquated rifles." He took it that we maintained this Volunteer force for the purpose of being of some use in the event of their services being required; yet they were told that the rifles with which some of the corps were served were "worse than useless," and the Government, it appeared, had no intention of furnishing the men with more proficient weapons. He thought the Metropolitan Corps ought to be armed with the very best weapon, the Martini, instead of the antiquated Snider; he believed, in fact, it was the desire of that House that all their Volunteers should be armed with the most serviceable weapons. He thought this was desirable, if only for the opportunity it would afford our men to maintain the honour and glory of the Colony at the Inter-colonial Rifle Matches. And he certainly thought, knowing as His Excellency did how badly our Volunteers were armed, he ought to, if he had any surplus funds available, have expended these funds in procuring better weapons, instead of importing an Officer for whose services

there could have been little or no occasion, and in direct opposition to a resolution of that House. He was aware that the excuse made by His Excellency for acting in opposition to the expressed wish of the House was that he had never seen this resolution. He could not admit that as an excuse. His Excellency *ought* to have seen it,—he ought to have known of it, and if he had been charged with it in a court of law the declaration would have run “ought to have known.” Had His Excellency not kept this appointment such a dead secret, had he even mentioned it to any member of the Executive, or to the Staff Officer, he (Mr. Parker) was sure any of these gentlemen would have reminded His Excellency of the existence of this resolution, of which he appeared to have been in such utter ignorance. But the whole thing was kept so secret that there was no chance of informing His Excellency of the existence of this resolution, until the thing oozed out, and it was pointed out to him at once. Now he did not propose to strike out this £300 for the salary of this officer; he was not prepared to say that this Volunteer vote being passed in a lump sum, His Excellency, as he said, was not at liberty to apportion it as he thought best. At the same time, he did think that House had a perfect right to criticise the action of the Governor in the apportionment of public funds voted by the Council, and to enter its protest against the money being wasted upon the salary of a useless officer like this. He did not think the House was in any way called upon to recognise this officer. He was merely an excrescence of the Governor’s, and they might strike him out if they liked, as an excrescence upon the Volunteer force. What he wished to point out particularly in connection with this appointment was the fact that this officer from the very first was engaged as a Drill Instructor as well as Inspecting Field Officer. His Excellency writing to Lord Kimberley about the appointment said the officer selected should be active and energetic in his habits, “as he will have to move about the country inspecting and drilling the men,” and the officer appointed accepted the office on that very understanding. The noble lord, too, in his minute to the Governor on the sub-

ject, proposed, in order to provide for this officer’s salary, that (among other things) the allowance to drill instructors, £177 15s., should be abolished, stating that he would make the Commandant the instructor. Under these circumstances, he should like to know whether the Government intended calling upon this officer to perform the duties of Drill Instructor, as he agreed to do when he received the appointment; also whether it is proposed to furnish any of the Volunteers with improved weapons, and whether it is intended to abolish the allowance for Bands, and the money hitherto appropriated for prize firing. According to the return furnished to the House the other evening, no provision whatever was made either for Band allowance or for prize money.

THE COLONIAL SECRETARY (Lord Gifford) said he did not consider there would be any waste of expenditure in connection with the appointment referred to. Unless the Volunteers had as an instructor an officer trained in the regular Army, and unless the country, as represented in that House, was prepared to support the movement as it ought to be supported, he would recommend that the Volunteer force be disbanded. With regard to the Inspector of Volunteers also discharging the duties of instructor, that officer distinctly understood that he had to discharge those duties. As to the return referred to by the hon. member for Perth, he (the noble lord) was not responsible for the compilation of that return, and he might say there was no intention to abolish the Volunteer Bands, which would be continued as heretofore; nor was it proposed to dispend with prize money. As to the supply of arms, it was not the intention of the Government at present to furnish any Martinis to the Metropolitan Rifles, but if it was the wish of the House that the men should be armed with that weapon, and would vote the necessary funds for providing them (about £400), he was perfectly willing to place that sum on the Estimates, as also £100 for ammunition. No doubt the Enfields now in use were “worse than useless,” and he should be glad to see them replaced by the Martini rifle. The Sniders might then be given to the York or Albany company.

The vote was then agreed to.

Estimates to be reported.

THE SPEAKER took the Chair.

THE CHAIRMAN OF COMMITTEES reported that the Committee had considered the Estimates, and agreed to an expenditure of £186,204 0s. 8d.

The report was adopted.

TRESPASS, FENCING, AND IMPOUNDING BILL.

Read a third time and passed.

LEGISLATIVE COUNCIL,

Tuesday, 19th September, 1892.

Appropriation Bill, 1883: first reading—Telegraph extension to Kimberley—Exploration of the Kimberley District—Tramway from Cossack to Roebourne—Railway from Bunbury to Timber Ranges—Jetty accommodation at Fremantle in connection with Eastern Railway—Loan Bill, 1882: in committee—Adjournment.

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

PRAYERS.

APPROPRIATION BILL, 1883.

THE COLONIAL SECRETARY (Lord Gifford), with leave, without notice, moved the first reading of a Bill to appropriate the sum of £186,204 0s. 8d. out of the General Revenue of the Colony for such services as shall come in course of payment during the year 1883.

Motion agreed to.

Bill read a first time.

TELEGRAPH EXTENSION TO KIMBERLEY.

MR. GRANT moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased, in the event of the £50,000 to be raised for the construction of a line of telegraph from Northampton to Cossack proving more than sufficient for that purpose, to

"devote the surplus to extending such line towards the Kimberley District."

THE COLONIAL SECRETARY (Lord Gifford) pointed out that the motion was premature, inasmuch as the House had not passed yet the Loan Bill to raise this £50,000, and, in any event, the line to Roebourne would not be completed before the Council met next Session. Should there be any surplus available for any other work, it could not be expended on such work without being re-appropriated by the House.

The motion was then withdrawn.

EXPLORATION OF KIMBERLEY DISTRICT.

MR. GRANT moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to place upon the Estimates a sum of £1,500 for the purpose of effecting a thorough exploration of the unknown portions of the Kimberley District." Not more than a third of the district had yet been visited by a white man, and seeing what a large revenue was already derived from the explored portion of the territory, he thought that further explorations would correspondingly increase the revenue.

THE COLONIAL SECRETARY (Lord Gifford) was afraid the hon. member was a day behind the fair in this instance, as the Estimates had already been passed, and the House had set its face against authorising expenditure by resolution. Moreover a sum of £5,500 had already been voted for the survey of this district next year.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) thought the Council had done justice to the Kimberley District this Session. They had voted £5,500 for a reconnaissance survey, £1,000 for a geological survey, £2,000 for a marine survey, £1,000 for sinking wells and opening up communication between the settled districts and Roebuck Bay, and about another £1,000 for police protection—so that really he thought they had done enough for the district, for one Session. The hon. member might rest satisfied that they would endeavor to throw as much light upon the resources and capabilities of the country as could practically be accomplished next year, with the means