

Legislative Assembly,

Wednesday, 18th October, 1899.

Papers Presented—Motion for Papers: Constable Love
—Motion: Local Tendering for Supplies—Motion:
Working Men as Justices of the Peace; Division
(negative)—Adjournment.

THE SPEAKER took the Chair at
7:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the PREMIER (1), Art Gallery, Report for 1898-9; (2), Royal Commission, Paris Exhibition, Progress Report.

Ordered to lie on the table.

MOTION FOR PAPERS—CONSTABLE LOVE.

MR. EWING moved:

That all papers and evidence in connection with charges against Constable Love, particularly a letter from Inspector Newland, be laid on the table of the House.

There could hardly be much objection to this motion. A short time ago, Constable Love had been charged in Coolgardie with certain offences. In the proceedings, Inspector Newland wrote to his superior officers, making very grave charges against the constable, and stating that none of the Coolgardie magistrates would believe this constable on his oath, and that he was utterly unreliable and unfit for his position. A board appointed by the Police Department, with Mr. Finnerty as chairman, investigated the charges, and the innocence of the constable was proved. The constable had denied the truth of the statements in Inspector Newland's letter, but the department gave the accused no satisfactory answer, and declined to allow him to take legal proceedings to vindicate his character. Moreover, he (Mr. Ewing), who had been consulted by Constable Love, had applied to the department for a copy of the inspector's letter containing the charges, and the department refused to furnish a copy.

THE PREMIER: In what capacity did the hon. member apply?

MR. EWING: As solicitor for Constable Love, who had not been allowed to see the written allegations made against him.

THE PREMIER: What were the charges brought against him?

MR. EWING: If the Premier would lay the papers on the table, it would be seen that the charges were very serious, especially when made against a police constable; but he (Mr. Ewing), having been refused a copy of the document, could not state exactly what the charges were.

THE PREMIER: The hon. member came to the House to do solicitor's work.

MR. GEORGE: That was not fair; that was hitting below the belt.

MR. EWING: The copy of the letter was asked for by him as solicitor or agent for Constable Love. He was investigating the matter on Love's behalf, and told the constable he would not take any proceedings in the matter, or make any charges against the department until he saw that letter and was thoroughly satisfied that the statements made by Love were correct; but the department did not allow either Constable Love or himself to have a copy of the letter. Some little time ago the same constable was reduced in rank for an offence that he did not know of, and the constable had never yet had it explained to him why he was reduced.

THE PREMIER: That was not likely to happen.

MR. EWING: It was easy to agree with the Premier that such a condition of things ought to be most unlikely, if not impossible; but that condition of things did exist at the present time, and the statements now made were absolutely true. Men were reduced in rank or punished, in the police force, and did not have an opportunity of answering the charges levelled against them. Although the Premier had thrown out some suggestions in regard to his (Mr. Ewing's) action in applying as a solicitor—

THE PREMIER: There was too much of that.

MR. EWING: Did the Premier really consider what he was saying? Did the Premier mean that he (Mr. Ewing), as solicitor for Love, had no right to apply for a copy of this letter? He could not, as a member of Parliament, apply for the letter.

THE PREMIER: Why not?

MR. EWING: It was in order that no trumped-up or false charges against

the department should be brought, that he desired to see the correspondence before taking any action, and the least the department could have done was to be open in the matter. There was nothing he had said, or nothing in his conduct towards the department, to justify the irritation of the Premier.

THE PREMIER: There was no irritation.

MR. EWING: The Premier appeared to look on the motion from an antagonistic point of view.

THE PREMIER: At present he knew nothing about the case at all.

MR. EWING: The Premier might rest assured the motion was not tabled from any antagonistic motive, but merely in order that before any proceedings were taken in the House, he (Mr. Ewing) might be perfectly certain the information given was correct. That was all he desired, and all he wished, and therefore he hoped the Premier would see his way clear to agree to the motion.

MR. GEORGE seconded the motion. Any member ought to be prepared to support such a proposal, in a case where a man had been reduced in rank, and sought information as to the causes which had led to his degradation. The Premier could not accuse him (Mr. George) of acting in any professional capacity for the man.

THE PREMIER: How did the hon. member know about the case, then?

MR. GEORGE: Love entered the police force some nine years ago, and was placed at the Jarrahdale Timber Station, where an officer was required to have not only the amount of brains and courage necessary in every constable, but some considerable knowledge of law, because there was no one there to advise him, the nearest justice of the peace being seven or eight miles away. While he (Mr. George) was manager of the Jarrahdale Timber Mills, Love carried out his duties in the most exemplary fashion, and perhaps it would be learned from the papers, when laid on the table why he was removed from that station. Love was brought down to Perth, where he rendered himself conspicuous by an act of gallantry, tackling two or three rather desperate characters single-handed, and effecting their arrest. For this act he was promoted, but was afterwards reduced and sent, almost at a minute's

notice, to Coolgardie, where he again fell into trouble. No doubt the Commissioner of Police had some good grounds, or thought he had, for the action he then took; but was it too much to ask that a man like Love, after nine years' service, during which he so won the approval of his superiors as to get promotion, should know the full reasons for his being reduced in rank. There was no desire to make any charge against the Police Department, because he (Mr. George) knew very little about that branch of the public service; but this man and other constables were, at any rate, sincere in their feeling that there was small chance for some men in the police force, only a certain class obtaining promotion, or being able to rely on being permanently fixed in a particular place. There was, he believed, unrest in the police force, owing to a feeling that members of the force had not been fairly dealt with, and surely the Premier would think it right that even the meanest man of the lowest rank should have an opportunity of knowing what charges were made against him. [THE PREMIER: Hear, hear.] If the papers produced showed that Love had done wrong, he (Mr. George) would do his share in showing the man that he ought not to have brought up a trumpery charge. If, on the other hand, it was proved that the charge made by the constable was not trumpery, hon. members would have done their duty in giving him an opportunity of asserting not only his rights, but the rights of every man in the force. Unless there was a proper feeling in the police force, that force, instead of being a protection, would become a menace to the community. One particular reason why the papers were asked for was a desire to see the letter written by Inspector Newland. He (Mr. George) did not wish to say anything harsh against that officer, but it must be within the memory of all what was the reason he was removed from Perth.

THE PREMIER: No, no.

MR. GEORGE: Hon. members knew about the charge of the whisky business at Leederville.

THE PREMIER: There was nothing in the charge.

MR. GEORGE: There was whisky there, and a little more than whisky.

THE PREMIER: Inspector Newland was absolutely exonerated.

MR. GEORGE: If the Premier were satisfied as to that, he (Mr. George) was sorry that he had mentioned the incident; but, at any rate, he hoped the Premier would agree to those papers being laid on the table, so that the rights and wrongs of the case might be ascertained.

THE PREMIER (Right Hon. Sir J. Forrest): Not having had an opportunity of looking at the papers asked for, he was just about in the same position as other members in regard to them. But the reason he perhaps showed some irritation, or apparent irritation, for there really was none, was that it seemed to him an extraordinary course for persons in the public service, whether the police or any other branch, to come to members of Parliament who were also members of the legal profession, in regard to grievances, without first appealing to the Minister. He did not know Constable Love even by name, and he did not remember that the constable had ever appealed to him, although he was the Minister in charge of the Police Department.

MR. EWING: Love only appealed to the Commissioner of Police.

THE PREMIER: What Love ought to have done was to appeal to the Minister to have the matter investigated, before going to legal gentlemen in regard to his grievances.

MR. VOSPER: The constable could appeal only through the Commissioner.

THE PREMIER: The Commissioner of Police had no power to withhold the application of anyone who desired to appeal to the Minister. No head of any department had any right to deny an appeal to the Minister, on any subject whatever, in the case of any persons, however humble in the service. Appointments and removals in the police force were, by statute, vested in the Minister, on the recommendation of the Commissioner; and many instances came before him (the Premier) of dismissals and reductions on complaint. These matters were dealt with in a somewhat, should he say, formal manner, because although he looked at the correspondence and satisfied himself the recommendations were based on facts, the police force was a quasi-military force, in which a great amount

of discipline was necessary, and it would never do to interfere unduly with those in control. As a general rule, the recommendations of the Commissioner were adopted; always, he thought, in regard to appointments, unless they were appointments of superior officers; and always, or nearly always, in regard to reductions or removals. It was the duty of the Minister to support, as far as he could, the authority of the Commissioner, because the police were a quasi-military body. He knew nothing whatever of the facts of the case at the present time. He did not remember having seen the papers, and knew nothing of any particular letter addressed by Inspector Newland. If the letter were not of a confidential character, there was no reason why hon. members should not have it placed on the table; and he could not imagine for a moment that a letter, addressed by an inspector to the Commissioner, should be confidential, but rather thought it would be a letter of a formal and ordinary character, which members had a right to ask for and peruse. His interjections in regard to this letter were made only because he did not approve of the course pursued; and perhaps he was a little irritated by the fact that the member for the Swan (Mr. Ewing) had moved in the matter, because this constable should have gone to the Minister for redress. One did not much like the idea — and the member for the Swan would agree with him — of hon. members who carried on the business of attorneys, bringing their cases into this House.

MR. LEAKE: That was not done, though the Premier had made the same suggestion several times before.

THE PREMIER: And he would say it again. For a man to go to an attorney in town, and that attorney to come into the House and move in the matter, was a course which one did not think was pursued in any of the older colonies of Australia, or in the Imperial Parliament. A person holding a position in this House should rather say, "I cannot move in the House in regard to a matter in which you consult me professionally." That was a rule we would soon have to insist upon in the House, because we saw too much of this sort of thing. We saw persons engaged in the legal profession

introducing private Bills which were paid for, and supporting them.

MR. ILLINGWORTH: Was not that so in every Parliament?

THE PREMIER: Was it in the Imperial Parliament?

MR. ILLINGWORTH: Yes.

THE PREMIER: Then let there be some understanding with regard to it. In his opinion, it was not quite in accordance with parliamentary procedure for a member of the House who was an attorney for a company or other client, to introduce a motion that he was paid for, directly or indirectly. One might be wrong, and if so he would be ready to acknowledge it. Let us understand that persons who were members of the Legislative Assembly and were consulted in the town, might afterwards come to the House and bring forward motions in regard to affairs that had been communicated to them as a matter of business; also that they might bring forward a private Bill and advocate it, and try professionally to get members to support it. It was all in the way of business, but he did not think that was the procedure adopted in the Imperial Parliament. If it were so, he would only say he was satisfied. He did not wish to say anything offensive or in any way derogatory to members of the House; but if any member of the public consulted a member of the House, who happened to be a professional legal gentleman, in regard to a grievance he had, and which he had to pay for, it was suspicious at any rate for that member to come to the House and ventilate that grievance. He (the Premier) was not going to press this too closely. He could see very well that difficulties might arise in a small community such as we had here, but the hon. member who moved the motion told us he was consulted by this police constable, and that irritated him (the Premier). As he said before, he did not know this police constable by name or individually, but the hon. member told us the constable had consulted him professionally in regard to the matter, and that he (Mr. Ewing) had made inquiries from the Commissioner of Police. All he could say as head of the police department was that the constable had not consulted him (the Premier), as far as his memory served him, in regard

to any grievance he had against the department. Had he been consulted, he would have been only too glad to look into the matter. He had no objection whatever to the production of this letter, which he had not seen, unless it was of a confidential character, and he did not for a moment suspect it was. He would be pleased to place before members the whole of the correspondence for their consideration.

MR. EWING (in reply): Although he was glad the Premier had agreed to lay these papers on the table of the House, he could not say he was pleased at the way in which the right hon. gentleman had done it. He trusted that before many years had passed the Premier would know that he (Mr. Ewing) did not endeavour to ventilate his grievances as a solicitor in this Chamber. He did not believe that any other member of the legal profession did anything of the kind. He made a mistake in replying to the Premier when he said he (Mr. Ewing) had written as a solicitor asking for this letter, for looking at the reply from the Commissioner of Police, he found he must have written as a member of the House, because the Commissioner addressed him as "M.L.A., Legislative Assembly."

THE PREMIER: That would not be anything.

MR. EWING: The Commissioner would have addressed him at his private office, had he written as a solicitor; and the letter sent to the Commissioner would have been in the name of the firm.

THE PREMIER: Oh, no.

MR. EWING: The communication sent to the Commissioner would have been addressed from "Ewing and Downing," had it been written professionally. He would give the Premier the benefit of the doubt, and say that even supposing he did write as a solicitor, and there was a charge of this character made against a civil servant which the Commissioner had refused to disclose, if he (Mr. Ewing) were not a member of this House he would have been justified in asking another member to move for the production of the papers in the matter, so that the affair could be investigated; and if he could do it through another member, he ought to do it himself if he thought a wrong had been done.

MR. A. FORREST: Why did not the hon. member write to the Minister? Then the hon. member might have had a better case.

MR. EWING: Because he thought the proper person to address was the Commissioner. He knew the Commissioner did not like persons, particularly persons acting for his officers, approaching the head of the department; and he (Mr. Ewing) did not like to approach the head of the department until he was perfectly certain of the ground on which he stood. All he had asked was that a copy of the letter should be sent to him or given to Constable Love; but the request was refused; and that being so he was perfectly justified in asking that the papers should be laid on the table of this House. As to legal members introducing private Bills, every legal member had a right to introduce a private Bill, and so had a private member.

THE PREMIER: Not to be paid for.

MR. EWING: Who said they were paid for it? He had never received a penny of payment, nor did he intend to do so, and he did not believe members were paid for bringing Bills into the House.

MR. A. FORREST: That would not go down. Bills (accounts) had been seen by him.

MR. EWING: The hon. member might have been doing some peculiar work for some peculiar members of the profession. The remarks of the Premier in regard to the legal profession, and to him in particular—

THE PREMIER: Not to the hon member.

MR. EWING: It was no use saying that to him, because he took the remarks personally. They were meant for him, and no other person in the House; and if the Premier wished people to respect him in the House, he should not get up and charge another member with introducing business into the Legislative Assembly and being paid for it.

THE PREMIER: The hon. member himself said he was acting as attorney in this matter.

MR. EWING: That statement was made by him because he was under such impression at the time. It was not asserted by him that he was bringing this motion as an attorney.

THE PREMIER: The hon. member said he could not get what he wanted one way, and he brought the matter up in this House.

MR. EWING: There was perfect justification for doing so.

MR. LEAKE (Albany): This session the time of members seemed to be occupied to a very great extent in telling the Premier what his duties were. He (Mr. Leake) was going to add a word of advice again upon this occasion; and it was this, that the right hon. gentleman should not make the charge he had done against the member for the Swan.

THE PREMIER: Oh, no. Let the hon. member not put it on the member for the Swan, but on himself.

MR. LEAKE: The Premier should not level charges against him (Mr. Leake). The right hon. gentleman had accused him of making use of his Parliamentary position to advance professional business in the House, and it was not the first time the Premier had made that charge against him; but he was used to it, whereas the member for the Swan was not. The charge made against the member for the Swan was absolutely unfounded, as we knew from his assurance. It was a great pity this should be done, because he thought professional men got information which other members, perhaps, might not obtain, and there was no reason they should not make use of that information, no matter how they got it, as long as it was not to the disadvantage of their clients. To say that a member, every time he advocated any cause in this House, was paid for it was not nice, and was not altogether in accordance with the strict rules of fair play. If there was any member to blame for this sort of thing, it would be just as well if the hon. gentleman weighed his words before he uttered them. If there was any truth in the assertion made, why did the Premier not make a direct attack on the member for the Ashburton (Hon. S. Burt) who, when Attorney General, was constantly introducing private Bills?

MR. A. FORREST: They all got paid.

THE PREMIER: It had to be put a stop to, wherever it came from.

MR. LEAKE: Why did not the hon. gentleman put a stop to it when the

member for the Ashburton was Attorney General?

THE PREMIER: The member for the Ashburton was, he believed, an honourable gentleman, and would not charge.

MR. LEAKE: The member for the Ashburton had, he thought, the Wesleyan Trustees Bill, the Western Australian Bank Bill, and that sort of thing. There was no reason why the right hon. gentleman should make an attack.

THE PREMIER: No matter who it was, if he charged for his work in this House he was doing wrong.

MR. LEAKE: It was hardly in good taste for the Premier to make an indirect attack on the member for the Ashburton when that gentleman was absent.

THE PREMIER: The hon. member (Mr. Leake) mentioned him. The member for the Ashburton was one of the most honourable men in the colony.

MR. LEAKE: That was what he (Mr. Leake) said, and that was where the injustice of the right hon. gentleman's observation came in.

THE PREMIER: What had he (the Premier) said?

MR. LEAKE: The Premier accused him (Mr. Leake).

THE PREMIER: Not at all.

MR. LEAKE: The Premier also accused the member for the Swan, and every other professional man in the House, of making use of his political position to advance his own private ends.

THE PREMIER: What he said was that members ought not to do it. He did not say they had done it.

MR. LEAKE: The assertion by the Premier was, he understood, that he (Mr. Leake) and the member for the Swan had done it; but if the right hon. gentleman withdrew the observation and apologised, he would accept the apology and say no more about it. He intended to support the motion of the member for the Swan.

MR. VOSPER (North-East Coolgardie): To get the papers in regard to the case mentioned in the motion on the table would no doubt be useful, but he had before expressed his opinion that what was required at the present time was not an investigation in regard to any particular constable, but an investigation into the Police Department, on high public grounds. He intended to move an amendment, as the House might

as well discuss the matter now as on the Estimates. The Police Department of late had been, not exactly mismanaged, but was not remarkably efficient. A great number of crimes of considerable magnitude had been committed in the colony, involving loss of life and property; these crimes had been committed in broad daylight, in circumstances of the most open publicity, yet no one had been brought to book for them, and no criminals had been punished for the crimes: why was that? In Queensland lately there was the case of the Gatton tragedy, in which the police had been unable to find the criminal, the result being that a Royal Commission was appointed to inquire into the matter. In regard to the crimes of "Jack the Ripper," a Royal Commission was also appointed.

THE PREMIER: Was there a Royal Commission about "Jack the Ripper?"

MR. VOSPER: Of course there was, and he was of opinion that Colonel Sir Howard Vincent resigned over the affair, and a fresh appointment was made.

THE PREMIER: Was Sir Howard Vincent ever Chief Commissioner of Police?

MR. VOSPER: He was, and Sir Howard Vincent was followed by Sir Charles Warren.

THE ATTORNEY GENERAL: That was long before the "Jack the Ripper" cases.

MR. MORGANS: Sir Howard Vincent was head of the Criminal Investigation Department.

MR. VOSPER: His resignation arose out of the Whitechapel murders. As to the Gatton murder, the inefficiency of the police was shown, and Parliament demanded and obtained an inquiry into the whole affair: a Royal Commission was engaged taking evidence at present. He would recite a few of the crimes in this colony during the last few years, for which no one had been punished. First, in 1895 there was the Bardoc murder, and in that case the murderer was not found. Then there was the Burbanks highway robbery, in which £700 was stolen from a buggy by masked burglars, who held the occupants of the buggy under arms. The police were in possession of the facts of this robbery an hour after the offence occurred, but from that day to this the perpetrators of the outrage had not been found. Since then

there was a highway robbery between Kalgoorlie and the Boulder, in which several hundred pounds in silver were taken by the robber. Then there was the robbery at the Coolgardie railway station, in which £1,100 was stolen from the station master's room.

THE COMMISSIONER OF RAILWAYS: A man had been charged with that offence.

MR. VOSPER: He was never brought to trial, then. If it was the case that a man had been charged, then that fact revealed that there were wheels within wheels.

THE PREMIER: The man was prosecuted and acquitted.

MR. VOSPER: There was no record, as far as his recollection went, of a man being acquitted of this crime; and if the man was acquitted, then the police had not found the guilty party yet.

MR. A. FORREST: That did not follow.

MR. VOSPER: In the case of the Coolgardie railway station robbery, £1,100 was left in a safe at the station, and the key of the safe was left in a pocket of one of the garments of the station master. No doubt there was some carelessness in that, but the key was taken from the pocket, and the money abstracted from the safe. So far as he could recollect, there had been no trial in connection with that case; and he did not think the Commissioner of Railways would say, if he taxed his memory, that there had been a public trial of anyone charged with that offence. If, as one hon. member said, the Government knew who the guilty party was, and that party had not been tried, then there was a double reason for an investigation, because there must be wheels within wheels. If people were guilty of crimes and were not punished, Parliament should know the reason why. In the report of the Auditor General on the Excess Bill, there were half a dozen cases mentioned of defalcations which had taken place in the public service, and no one had been punished for these offences. Were we to be told that there was a privileged class of criminals who were allowed to go scot-free?

THE PREMIER: The Government would be willing to have an inquiry by a committee, or any other body, into these matters.

MR. VOSPER: That was what was wanted. He (Mr. Vosper) was not en-

gaged in attacking the right hon. gentleman or the department, but the efficiency of the Police Department must be improved, and that could not be done without a thorough and searching inquiry. There was the highway robbery in Perth, on the other side of Highgate Hill, in which £70 or £80 was stolen, and the perpetrator of that robbery had not been discovered yet. Then there was the Post Office robbery, in which case the culprit had not been discovered. There was the notorious case which occurred recently, the Dalkeith murder: a man was charged with that offence, kept in prison, and then acquitted on the most overwhelming testimony.

THE PREMIER: The Government could not help that.

MR. VOSPER: The police investigation had failed, which showed the inefficiency of the department. In connection with the Dalkeith murder case an outrage was committed on a man who had been disgraced and damaged for life: the real criminal in that case was still at large, and as long as that criminal was at large there was a danger to society. The police in allowing the perpetrator to remain at large were not performing their duty. When we saw a long succession of failures—he was only giving the more prominent instances, for if he went into all the petty crimes which were given in the Commissioner's own report, he would have to keep the House engaged for two or three hours, therefore he only gave the principal and most flagrant cases which occurred—there was some justification for stating that the Police Department was inefficient. He had instanced outrages which were more likely to be committed in the State of Texas than in a British colony: we only expected to hear of people being stuck up in the open daylight in the Western States of America. In British communities we boasted that nothing of the kind happened under the British flag, yet we were gaining a species of Texan reputation. The officers of the Police Department did not seem to understand the very beginning of their duties. There were other gross abuses in the Police Department; one had been described by the member for the Swan (Mr. Ewing), and another had been hinted at by the member for Central Murchison (Mr. Illingworth) in an interjection. He

knew of a number of cases himself, but he would only give one which had gained public notoriety. In this case a police constable arrested a man in Perth, and charged him with committing an indecent assault on a woman. The man was brought up at the police court and remanded for a week. In the long-run the man was discharged, there being not a tittle of evidence against him, the woman who was the aggrieved party having refused to give evidence, saying it was a trumped-up charge. All that the Commissioner of Police ordered this constable to do was to pay £5 as compensation to the man who had been charged, and the policeman was transferred to another neighbourhood. He (Mr. Vosper) had in his possession at present correspondence showing that this particular police constable threatened and tried to intimidate the woman into giving evidence against the man, and on failing in his attempt he tried to suborn her.

THE PREMIER: Was that reported to the authorities?

MR. VOSPER: There were remarks made in the daily Press of the colony about the case, but no notice was taken of them by the department, and the constable was allowed to pay £5 compensation to the man he had greatly injured, whereas the evidence showed that the constable had perjured himself and tried to suborn others to commit perjury. Still this officer was only punished by being removed to another place and having to pay £5 compensation.

THE PREMIER: Was that brought under the notice of the Commissioner?

MR. VOSPER: Ministers might wait for things to be brought under their notice, but the Commissioner of Police should not wait for that. Here was a case of a trumped-up charge against a man, and it was proved in Court that the constable had committed wilful and corrupt perjury. It should not be necessary for such a thing as that to be brought under the notice of the Commissioner of Police. This constable was still in the employment of the police force, and as long as he wore a police constable's uniform he was a disgrace to that uniform.

MR. EWING: Two other constables, Mr. Roe stated, had committed perjury, and they were still in the force.

MR. VOSPER: These things appeared in the public Press, and should be taken notice of.

THE PREMIER: No one brought them under his (the Premier's) notice.

MR. VOSPER: The right hon. gentleman said just now that no officer in the public service had a right to suppress anything that ought to be brought under the notice of the Minister.

THE PREMIER: That was if the officer was asked to bring the matter under the notice of the Minister.

MR. VOSPER: But an officer was often discharged for doing these things, and if he was not discharged directly for that, there were many opportunities of dispensing with his services in a short space of time. He (Mr. Vosper) only brought these matters forward because he thought the department ought to be reorganised. There were other departments which ought to be reorganised also. Hon. members who brought forward these matters were only performing a public duty. The Premier took pride to himself that every department under his control was in a thoroughly efficient condition, and when anyone brought these matters under the Premier's notice they expected that the Premier would endeavour to do his best to put things right, which could only be done in this case by an inquiry such as he (Mr. Vosper) suggested. He would quote the last instance which he had before him. At Fremantle a constable connected with the police force was accused of attacking one of the strikers during the Fremantle maritime strike. The case was fully ventilated in the police court, and it was found that the man was brought up on a trumped-up charge. The magistrate made certain remarks about the police which were not complimentary. Such things as this should not be allowed to go on.

THE PREMIER: Who was that?

MR. VOSPER: At the present time he could not remember the name, but he remembered the case very well. He had not mentioned names because he did not want to do an injury to anyone. If a man had committed perjury he should have a fair trial, therefore it was not right to mention names. Some talk had taken place of an acrimonious character as to unprofessional conduct of members

of the House. In his (Mr. Vosper's) profession as a journalist he got hold of many things, some true, some false, and some a mixture of both, which had occurred. He could bring these matters before the House, but he did not wish to do so. Among other things he had received some dozens of complaints about the conduct of police officers throughout the colony, containing flagrant charges of favouritism, drunkenness, etc. He would not repeat those charges or make any charges against the police force generally, but where there was so much smoke there must be some fire, and the facts proved the necessity for a general investigation. The mover of the motion (Mr. Ewing) would doubtless perceive that his grievances would best be met by a Royal Commission, and all other aggrieved persons could thus have their complaints heard. The public had seen too much of police inefficiency, and it was the duty of the Government and of Parliament to take immediate steps to reorganise the department. He moved as an amendment, that after the word "House" the following be inserted, "and that in the opinion of this House it is desirable that a Royal Commission be appointed to inquire into the working of the Police Department."

THE SPEAKER: Better not mix up the two questions together.

MR. VOSPER: Very well. He would not proceed with the amendment, but would give notice of a motion covering its scope.

MR. ILLINGWORTH (Central Murchison): The Premier should note that it was apparently an established rule in the Police Department that an officer charged with an offence could not get the letter or other document containing the charge. He (Mr. Illingworth) had seen numerous applications made, and had seen letters sent to the department, asking that copies of the charges or informations should be given to the accused; and, if there were a regulation forbidding this, such a rule was exceedingly unfair.

THE PREMIER: Why discuss such charges in Parliament? The Commissioner of Police was the head of the department.

MR. ILLINGWORTH: If the Premier had the privilege of making speeches while in his seat when other hon. mem-

bers were addressing the Chair, that was a kind of order to which he (Mr. Illingworth) had not been accustomed; and if the Premier were the only person so privileged, it were well that hon. members should know that fact. In dealing with the grievances he (Mr. Illingworth) had mentioned, he had always felt reluctant to interfere with the Police Department, but it certainly appeared that a case for investigation had been made out, on the Commissioner's own report, which showed the necessity for reform. The Premier, as head of the department, should see that something was done, either by appointing a Commission or by some other means, to make the department more efficient.

Question put and passed.

MOTION--LOCAL TENDERING FOR SUPPLIES.

MR. WILSON (Canning) moved:

That, in the opinion of this House, it is desirable that tenders should be called within the colony for all goods required by the Government.

He said: The motion is in regard to a matter which has been agitating the minds of commercial men in Western Australia for several years. It is a very important matter indeed, as I think hon. members will recognise when I have finished speaking. Some eighteen months or two years ago, the desirableness of calling for tenders locally for all Government supplies was fully considered by the Perth Chamber of Commerce; a sub-committee being appointed, consisting of the late Mr. Glyde, who had had experience in South Australia in connection with this matter, and of Mr. Randell, now Colonial Secretary. The committee brought in a strong report to the Perth Chamber of Commerce, having inquired fully into the matter, taking the trouble to make inquiries throughout the whole of the Eastern colonies to ascertain what was the custom there in regard to calling tenders for Government requirements. They found that in nearly all the other colonies tenders were called locally. In South Australia stores were advertised for in the colony, and also in London through the Agent General; the different tenders were compared; the local merchants had an opportunity of tendering, and if their tenders

were more favourable than the London tenders, of course the contracts were placed with local houses. It was found that in Victoria all stores, whether imported or made locally, were called for within the colony, and I think that is the case at the present time. The committee ascertained that in New South Wales this also was the custom, except in the case of very trivial matters; and in Queensland, the remaining colony of the group, the inquirers were informed that all goods were imported through the Agent General, as has been the custom in this colony. With regard to Queensland, I may say that since then that colony, I think, has adopted or is adopting very largely the course I advocate here to-night, namely to call for tenders locally for all Government supplies. In April of this year the matter was again brought before the Perth Chamber of Commerce, and through that Chamber it was considered by all the Chambers of Commerce in Western Australia; and they came to the unanimous conclusion that it was desirable, not only in the interests of the merchants themselves and of the people of the colony, but also in the interests of the Government, that tenders should be called for all Government stores. [MR. GEORGE: Hear, hear.] With that object, a deputation waited on the Premier, and I wish to admit that the Premier received us very courteously; he listened to all we had to say, and his reply was couched in the strongest terms in favour of the object of the deputation. He said he was absolutely in agreement with us in regard to the desirableness of having tenders called in the colony for all Government supplies; and the reason for my bringing forward this motion to-night is that I wish to strengthen the Premier's hands by means of an expression of opinion from this House, so that he may carry out the object I have in view, and with which he himself sympathises.

THE COMMISSIONER OF RAILWAYS: We cannot call for tenders for all supplies. There are things which could not be made here.

MR. WILSON: I think I shall be able to prove to the Commissioner that it is quite possible that tenders for all supplies could be called and successfully executed within the colony—I do not care what it is, from a needle to a sheet-

anchor, anything that he requires can be got by calling tenders. I do not say I wish to bind him to accept the local tenders, but I say the local merchants should surely have the right to quote; and if they can supply articles better and cheaper than can be obtained through the Agent General, they should have the right to supply them. The Premier is quite in accord with me in this motion, and I am sure it will receive his support; and the reason why I bring it forward is that I am under the impression—I may be right or I may be wrong, but I am decidedly under the impression—that there is some trouble with the heads of the departments, inasmuch as the Premier is not able to carry out what he believes to be the correct plan. I can readily understand, and hon. members also will understand, that it is much easier for any officer at the head of one of the public departments to send in his requisitions to the Treasurer and have them forwarded to the Agent General, thus throwing the responsibility on the Agent General's office of sending out the right article and of buying in the best market. But that is not what we want. We want our departments to be equal to the work they have to perform; and I say, if the heads of the departments here are not capable of drawing up specifications of their requirements, and of making the conditions of their contracts so that tenders may be put in locally, and accepted locally if necessary, then those heads of the departments ought to be removed, and other men put in their places. I believe that is at the bottom of the whole thing.

THE COMMISSIONER OF RAILWAYS: There is no objection to your motion.

MR. WILSON: Then why is the system not carried out?

THE COMMISSIONER OF RAILWAYS: I will tell you in a moment.

MR. WILSON: Then wait till I have finished. I was once caught in that way before with the answer, "I have no objection"; and after the subject dropped in the House I was "slated" for having given way, and was told that I had never proved my case. I intend to prove my case to-night, and I know the Premier will support me, and I hope his colleague will also do so.

THE COMMISSIONER OF RAILWAYS: We are going to support you.

MR. WILSON : I want to put forward my points. I have proved that in the other colonies the practice obtains of giving local merchants and manufacturers a chance of supplying the Government requirements ; I have proved that by the report of the Perth Chamber of Commerce ; and now I wish also to prove by this list of goods imported by the Government through the Agent General during the last 12 months that numerous articles mentioned, indeed that all the articles mentioned in that list, could have been supplied by local firms ; that is, I do not say they could have been manufactured locally, but all the goods could have been tendered for through houses in this colony, who could have supplied the stores quite as well as, and I maintain better than, the Agent General's office in London.

THE COMMISSIONER OF RAILWAYS : Not better, as well.

MR. WILSON : Better, sir. Take these items here. We have "Material for electric lighting of carriages." The Commissioner will meet me by saying that this is a specialty. I quite agree with that ; but I will undertake to say that there are firms in Perth to-day who can supply all the materials for fitting up railway carriages with the electric light. Next we come to boring plants, some £2,500. There are firms in Perth who can supply all the material necessary for boring plants, and if they cannot make them they can import them, and can derive some measure of profit under the contract.

THE COMMISSIONER OF RAILWAYS : But they put in a very good price when they do so.

MR. WILSON : My experience is that local merchants and manufacturers can supply goods to the Government from 10 to 15 or 20 per cent. cheaper than the Government are paying for those goods through the Agent General's office.

THE COMMISSIONER OF RAILWAYS : I know something about it, and I am sure they cannot do so.

MR. WILSON : I will pass on down this list of items, and hon. members can take my word for it that there is not an article here but what could be contracted for by local houses. Here we have an item of £520 for blankets for aborigines. Will anyone tell me that those blankets

cannot be supplied by the wholesale houses established in our midst?

THE PREMIER : They could not make the blankets, which have a specially woven mark on them.

MR. WILSON : Could not that mark be put on the blankets in the colony ? If the mark is the broad arrow, that could be stamped here.

THE PREMIER : The blankets are stamped "Aborigines."

MR. WILSON : No matter what mark is required, the wholesale houses in the softgoods trade here could supply blankets quite as well as, if not better than, they are supplied through the Agent General's office. Indeed, I am willing to stake something that the local merchants could supply the blankets cheaper.

THE PREMIER : Then we ought to get them locally.

MR. WILSON : In the list there is an item of boilers for the dredger at Fremantle, of which I dare say we shall hear something when the member for East Fremantle (Mr. Holmes) submits the motion he has on the Notice Paper.

THE PREMIER : That hon. member's motion deals with the railways, and not with the harbours.

MR. WILSON : These boilers cost £1,700, and of course I may be met with the statement that these are special articles, and can be bought from one maker only. But tenders for these boilers could have been called locally, and if the local boiler-makers were not in a position to manufacture, and I do not say they are—

MR. GEORGE : They soon would be.

MR. WILSON : No doubt the local boiler-makers would soon be in a position to manufacture if they had a chance of tendering. Any of the local engineers or machinery merchants could send home to their principals, and be able to tender for the boilers, and land them at Fremantle as cheaply as, if not more cheaply than, the Government can purchase them through the Agent General's office.

MR. GEORGE : Why should not the boilers be made in the colony ?

MR. WILSON : Then I notice we have actually had to negotiate through the Agent General's office for firebricks to the value of £297.

MR. A. FORREST: Firebricks can be made in the colony.

MR. WILSON: The member for West Kimberley (Mr. A. Forrest) suggests that these firebricks should be made locally.

MR. A. FORREST: I say that they can be made locally.

MR. WILSON: Admitting that English firebricks are necessary, every importer in Fremantle imports them, and I have bought thousands. Why send home for £300 worth of firebricks when the article is kept in stock here? In reply to a deputation, the Premier said stationery was an item for which the Government used to send to England, but that now the supply was tendered for in the colony. I am afraid, however, the Premier is somewhat wrong in regard to that, because in looking through the list I find some £2,851 down for stationery sent through the Agent General's office.

MR. GEORGE: What does the Agent General know about stationery.

MR. WILSON: This shows conclusively that the Premier does not know what orders are being sent home through his department. Although during the past twelve months only £30,000 worth of goods has been imported through the Agent General's office—and that is only on account of orders which are at home—yet in the previous four or five years, I think I am safe in saying, some millions of money were expended through that office.

THE PREMIER: We could not do without the goods.

MR. WILSON: I contend that 90 per cent. of this money could have been spent through the local merchants, and this would not only have been a saving to the colony, but would have made some profit for the people who pay the taxes.

THE PREMIER: If that is the case we had better adopt the plan.

MR. WILSON: It is perfectly true, I can assure the Premier.

THE PREMIER: I do not think the course suggested would be the cheaper one, although I am in accord with the principle.

MR. EWING: It has been proved to be cheaper.

THE PREMIER: I do not believe that, though such a course would be more popular.

MR. WILSON: Certainly, it would be more popular.

THE PREMIER: But it would not be cheaper.

MR. WILSON: I wonder the Premier did not take up this matter long ago, and call for local tenders.

THE PREMIER: I have done so for the last three years.

MR. WILSON: But to no extent whatever, as is proved by this small list.

THE PREMIER: That list shows how small the importations have been through the Agent General's office.

MR. WILSON: But the requirements of the Government have been very small during the past twelve months, because the Premier has not had the money to spend; but what he has spent during the last four or five years through the Agent General's office has, I guarantee, run into millions.

THE PREMIER: We had to get these trucks and other articles.

MR. WILSON: That only adds to the force of my argument. The Government had to get trucks, locomotives, rails and fastenings; and why should not our own merchants supply these, if they can do so more cheaply than is done through the Agent General's office?

THE PREMIER: Hear, hear.

MR. WILSON: All I ask is that our merchants should have an opportunity of tendering for the supply of these goods, and surely that request is reasonable enough. If the Agent General can do better than local merchants, then let the Government go on importing through the Agent General's office; but if local merchants are able to compete successfully—which I maintain they can, and I know something about the matter—then, all things being equal, they should have the preference, and have the profits which attach to the transactions. The colony would benefit directly and indirectly to a very great extent by the adoption of the course I propose. Western Australia would get cheaper goods without any deterioration in quality, and I am sure every hon. member will admit that we ought to help the local merchants and manufacturers.

THE PREMIER: The Government are doing that wherever they can, and it has been done to a large extent.

MR. WILSON: It has not been done to any extent, when there is a list like this of goods imported through the Agent General's office.

THE PREMIER: These goods were ordered years ago, I expect.

MR. WILSON: I cannot answer that. Why does the Premier not see that orders are executed promptly.

THE PREMIER: It usually takes about two years to get an order executed; at any rate, we cannot get an order under twelve months. It takes two years to get a locomotive.

MR. GEORGE: The Government require no more locomotives at present.

MR. WILSON: There are no locomotives in this list. Another strong argument I was about to put forward is that when you order goods through the London office, the Government are entirely in the hands of the consulting engineer and sub-inspectors, and that is not a good thing for the credit of the colony, because these officials are bound to get into a narrow groove. In the Agent General's office there is a list of several firms who are open to tender for the supply of machinery and other goods for Western Australia; and these firms are consulted as to the price, and I believe, though I am not sure, that in many instances no public tenders are called. The contracts are placed, perhaps, with only one or two prices having been put in, and naturally these prices are high, while there are outside firms who are not so busy, and who could supply the goods more quickly and more cheaply, but who have not the opportunity of tendering. When once the goods are put on board ship and passed by our inspecting engineer, all responsibility ceases on the part of the tenderer. Would it not be much better to have a firm in the colony with responsibility.

THE PREMIER: Would you take firms of no reputation at all?

MR. WILSON: I do not ask that firms without any reputation should be allowed to tender, but there are hundreds of firms with just as good reputations as those the Government are dealing with. If tenders were called locally the Government would find hundreds of firms of which they had never heard before, with just as good reputations in other parts of the world, as the firms which we now allow to tender.

THE PREMIER: Who is to run the risk?

MR. WILSON: When the Queensland Government required some large pumping engines, somewhat similar to those which will be required for the Coolgardie water scheme, tenders were called locally and also in London, and the order was placed through a local agent.

THE PREMIER: Were the engines made locally?

MR. WILSON: Of course not, but they were imported by a local agent who was in the colony, and responsible for their proper working.

THE PREMIER: Had the tenders not to be by approved firms?

MR. WILSON: They had to be approved firms. It is much better to have a responsible firm or person in the colony supplying goods, even though that person be only an agent, because he is a man who can be got at if anything goes wrong.

THE PREMIER: In England they do not follow that plan.

MR. WILSON: What do they do in England.

THE PREMIER: There are recognised and approved firms which tender.

MR. WILSON: In England, so far as marine work and ship-building are concerned, in which I had many years' experience, the Board of Trade inspectors visit all the factories in the country, good, bad, and indifferent, large and small, and certify that certain firms have the necessary machines and appliances for turning out work of the class and size required. These firms are put on the Admiralty list, and whenever engines, ships, or other marine work are required up to standard, these firms are invited to tender. I remember when the inspectors visited the north of England, they inspected every factory, and the firm with which I was connected were put down amongst the number for a certain size of work, which, in the opinion of the inspectors, we could carry out, and we tendered accordingly. Another very good reason why there should be local tenders is that the purchase of goods by the Government would then be open to public criticism, and to the knowledge of members of Parliament and others interested. During the rush three or four years ago, when it was a question of getting material almost at any price,

the plan I am now advocating could not be inaugurated; but now that the rush is over and things are quiet, if we could adopt a system so beneficially and successfully carried out in the other colonies, we would reap the same advantages as the people there. I hope the House will carry the motion unanimously, and strengthen the hands of the Premier, who, I am afraid, is being opposed somewhat by the heads of departments, on whose part there is a dislike to the responsibility of drawing up specifications necessary to calling tenders locally.

THE DIRECTOR OF PUBLIC WORKS (Hon. F. H. Piesse): The Government have no objection to the motion, and for some time past we have by degrees been adopting the course advocated. Anyone who knows what it is to purchase stores, knows that to call for tenders for the whole of the supplies would mean that there would be periods during which we would have no supplies at all. Merchants would not be able to supply stores which are not always kept in stock, and therefore during the past two years we have taken the course of calling tenders for as much locally as we could possibly get. For instance, stationery is a very large item in our public departments, and the Government Storekeeper has told me that now quite three-fourths of the stationery required is tendered for and provided by local firms.

MR. WILSON: Why not all the stationery?

THE DIRECTOR OF PUBLIC WORKS: In a short time the Government intend to buy the whole of the stationery locally. I am a believer in obtaining our supplies locally when we can do so to advantage, but I join issue with the hon. member when he says we shall obtain them cheaper, for I do not believe we shall. I have had a good deal of experience with regard to indenting—that is, privately—and I know well there is no one who will carry on a business without profit; consequently, if goods are to be sold in this colony under tender, you may depend upon it that an extra profit will be added to pay for the cost of keeping these things in stock to be prepared to meet an emergency when the Government may call for a supply. Unless the merchant keeps a supply, you will at times find yourself in the

position of being without a stock, so there is a great deal of difficulty with regard to the question. We have sometimes found, when calling for tenders locally, that there has been great difficulty in getting merchants to supply the things in accordance with specifications, and in quantities as specified. We are bringing about by degrees what is desired, and we cannot put the system into effect without allowing some little time, because there is a period between calling for tenders and the delivery of the goods; and we must keep our own stocks until we are able to buy stocks locally. The hon. member charged the Premier with being guided by his officers, who objected to these indents. In defence of the Colonial Treasurer, I would like to say I have had a good deal to do with the ordering of these goods, and the Premier has been very strong on this point. Many indents have been sent back to my department with a statement that efforts should be made to obtain the goods locally. Where we could obtain them locally we have done so. Even with regard to electric lighting, we called for tenders for material for the lighting of the Fremantle wharf. We got it supplied very reasonably, and we have since done a good deal of business with the same people. As we can introduce this system of calling for tenders locally, we intend to do so; but there are some things we cannot tender for locally, namely our locomotives. There is not the slightest doubt that for some time to come we should have very great difficulty in getting those supplied locally, and members will recollect that when I placed before them my report last year, I pointed out that many of the engines ordered some two years ago were not delivered. It takes from eighteen months to two years to deliver an engine after letting a contract at home. With an assurance that it is the intention of the Government to do all they possibly can to purchase these goods locally, I think the hon. member should be satisfied. He has already had an assurance from the Colonial Treasurer on the matter, who previously stated that the Government intend to do it, and were doing it gradually. I think anyone who knows about the matter will agree that is the proper course to take. Provided we adopt that course, the House should be satisfied

with the action the Government are taking. There is one matter I would like to mention, which the hon. member referred to just now. I think he will recollect that some years ago, before he was a member of this House, we took up that course at his own suggestion, and endeavoured to obtain from local agents certain supplies; but we had a great deal of trouble over that with regard to some patterns, not from any fault of his, but because the things would not stand the test, and other goods had to be supplied. That shows there is some desire on the part of the Government to try to fall in with the wishes of the hon. member who made those suggestions at the time. If the hon. member will leave the matter to the Government, we will see that tenders are invited. Before I sit down I will give another instance, this being with regard to cement. When we required a large quantity of cement for the works at Helena, we called for tenders for the supply of 20,000 casks, and received local tenders; and we are adopting that course in almost every instance where we consider we can safely call for tenders for the supply of goods. In some instances we have to be very careful about calling for tenders, because, as I pointed out just now, we may be short of the material required, and until the local agents are able to stock any such requirements for the use of the public service as we need, I take it we must indent from home, but we will very soon stop that.

MR. LEAKE: A lot of that cement is no good.

MR. GEORGE (Murray): In supporting this motion, I may say I am very pleased indeed that the hon. member for the Canning (Mr. Wilson) has brought it forward, and I am sorry it did not occur to him that it would be as well to conclude the motion with a statement that alternative tenders should be invited, for colonial manufactures and for imported goods. I think that is only fair, carrying out the principle for which he has been contending, which I take to be this, that seeing the people of this colony actually find the taxes, or are responsible for the funds with which the purchases are made, there should at any rate be an opportunity afforded to them to make what little profit there may be in connection with these transactions. I do not

think the Commissioner of Railways quite sees the point the hon. member for the Canning makes, which is this, that when once it is distinctly understood by the manufacturers in the different parts of the world that the Western Australian Government are falling into line with the other colonial Governments, and are calling for tenders in their own land for goods, those people will immediately have their own representative here, such representative being either a man despatched from their own place and intimately in touch with them, or some reputable firm who could be approached and dealt with quite as well as the firms can be dealt with from the Agent General's office.

THE COMMISSIONER OF RAILWAYS: Our conditions are quite dissimilar from those in Victoria, South Australia, and New South Wales, where the things can be manufactured locally.

MR. GEORGE: My experience is different from that of the hon. gentleman. I think the course advocated by the member for the Canning was carried out some years ago, and that it worked very well. I would ask the House to consider whether the class of man we send home as Agent General is likely to be able to exercise proper supervision in relation to the things required. Does the fact of a man being a member of Parliament make him an expert on everything required for the colony?

THE COMMISSIONER OF RAILWAYS: You know he has nothing to do with that.

MR. GEORGE: It passes through his office, and he is the man we have to shoot at. He has to find someone who has the brains—I will not say the brains, but the experience—he lacks. The people in the colony who want these goods know what they need, or, if not, they should clear out of their positions. Could they not deal with the matter far better here with the local representatives of manufacturing firms than they could through the Agent General or whomever he may appoint? Do we not know, as a matter of fact, that the articles produced in Great Britain, Germany, or America have to be considerably altered in their pattern before they suit colonial ideas? There is one special thing I mention to the Commissioner of Railways which every hon. member will know at once. Who ever thinks of buying English axes?

THE PREMIER: They are all tendered for here.

MR. GEORGE: I would never buy an English axe, because the best axe I can get hold of for any purpose in connection with the colony is an axe you get from America.

THE PREMIER: That is tendered for here.

MR. GEORGE: The right hon. gentleman has the assurance to interrupt me on a matter in regard to which he knows very little, whereas I know a good deal about it.

THE PREMIER: We tender here.

MR. GEORGE: I respect the Premier; but he reminds me of "Poo Bah," who knows everything. But he does not know anything about this matter. However, I will try to explain what I mean.

THE PREMIER: We tender for axes here.

MR. GEORGE: I am endeavouring, if the Premier will permit me, to explain that one of the particular reasons why the London office cannot tell so well what is required for the colony is the fact that most of the patterns of things made in Great Britain and wanted for the colonies have to be altered to some pattern that will suit the colonies, and I mentioned the axe as an illustration which has come within the reach of almost every member of the House with the exception of the Premier.

THE PREMIER: What are the articles we do not tender for that you would like?

MR. GEORGE: We do not tender for Premiers. If we did we would have a change very quickly. By calling for tenders for goods, we give the officers of the department who require them a better opportunity of seeing the various samples produced by the manufacturers, and of getting the necessary improvements required here, which you cannot do by letters to the Agent General; and we also give the manufacturers at present in the colony, or those we may bring to these shores, an opportunity or inducement to see what chances there are of manufacturing the goods Western Australia requires. The Premier has been to the Exhibition of the Chamber of Manufactures, and he has frankly admitted, as I am sure the leader of the Opposition

(Mr. Leake) will do when he looks, if he has not been there —.

THE PREMIER: He has not.

MR. LEAKE: Yes.

MR. GEORGE: Well, I am sure he will admit that he has seen many things which have been manufactured in this colony that he did not think could be manufactured here. I believe that if tenders were invited for various goods required by the Government, you would find a lot of unsuspected manufacturers would tender. There are many men now following avocations altogether foreign to what they were brought up to; and if they had a chance of going back to their trades, they would do so and start manufacturing the things the Government want. The Commissioner of Railways spoke about merchants keeping stock and all the rest of it. The hon. gentleman did not see the point of the matter. If the goods have to be indented for at home through the Agent General, the colony has to wait till those goods come out. No more delay is caused if they are indented through the agent or representative here than if they are indented through the Agent General. Therefore the question of keeping things in stock does not come into the matter.

THE PREMIER: But the motion says everything.

MR. MONGER: What does the hon. member (Mr. George) want?

MR. GEORGE: "Man wants but little here below."

THE PREMIER: There are some things, such as certain things associated with lighthouses, that cannot be tendered for locally.

MR. GEORGE: The member for the Canning spoke about calling for tenders for boilers. I would point out to the Premier, who is representing the Commissioner of Railways in this matter, that boilers as good as those made in any part of the world are made in New South Wales, South Australia, Queensland, and Victoria; and if we want the most conclusive proof—which I think will be admitted even by the Premier—is it not to be seen in regard to the pipes for the Coolgardie water supply scheme? The Government invited tenders from all parts of the world, and colonial men tendered, and beat the people from other countries. We want that there shall be

more colonial people able to tender and beat the people in the other parts of the world. We assert that we want to foster population, and the Premier admits it; then, I say, foster it by not only agreeing to the motion, but carrying it out. I think the member for the Canning has some reason for the hint he threw out that possibly heads of departments did not care about it; and the reason is not at all far to seek. If I may, without being perhaps pitched into by the Premier for referring to a matter a little connected with my own trade, I can tell him I have seen documents from this department which have been written out, examined, certified as being correct, and all the rest of it; but, by heaven! if the man were in my employment, he would have the "sack" in about two minutes, for he evidently did not know the way to get an article at the lowest possible price. The idea seemed to be to get the dearest article, and to adopt the greatest trouble in getting it. If it were the rule to call for tenders in this colony, manufacturers' agents and merchants' agents could then interview the public officers and give them some education, so that the officers would have a grasp of the subject. The only chance the Government Storekeeper or our chief men in the colony have of forming an idea of how manufacturers are marching along is by means of catalogues. A man simply goes to the Agent General's office, but the Agent General does not care about the matter, and the manufacturer is passed on to the person who gets his commission out of the business. The member for the Canning (Mr. Wilson) did not mention the Helena dam, for which about £5,000 worth of stuff was indented.

THE COMMISSIONER OF RAILWAYS: That was for a special kind of pumps.

MR. GEORGE: We do not know what the money is for, therefore we have a right to ask for the information.

THE COMMISSIONER OF RAILWAYS: We are only too glad to give information, if members ask for it.

MR. GEORGE: In the other colonies the Governments have for years been obtaining from colonial manufacturers such machinery as this. The officers of the Government of this colony have no idea that manufacturers in the other colonies can supply pumping plants far

larger than those required for the Coolgardie water scheme. Messrs. Hoskins Brothers and Mr. Mephan Ferguson have made as good pumps as, if not better than, those which are made in any other part of the world.

THE PREMIER: Not pumps.

MR. GEORGE: They have made pumps that would swallow the Premier. I understand that the Government intend to accept this motion; therefore I need say little about it. The Chamber of Manufacturers and the bulk of the people of the colony will be glad to see that tenders are called, not only for the imported article, but for the colonial article. If we could get the colonial article within a small percentage of the price the article could be imported for, then the colonial article should be accepted, and that would do a lot of good.

THE PREMIER (Right Hon. Sir J. Forrest): I am generally in accord with the views expressed by the member for the Murray (Mr. George) and the member for the Canning (Mr. Wilson); and I think it would be a very good thing indeed if we could get our goods supplied by local tenderers, rather than have to call for tenders for the goods in England; that is, if the price is anything like the same. We cannot forget that if eminent firms in the old country, or in other parts of the world, have agencies in this colony, and are able to tender for the supplies of the Government, it is an advantage to the colony to have these persons resident in the colony; and besides, we should be in closer touch with the contractors. The only objection I have to the motion is that it seems to be too sweeping; but I do not suppose the hon. member intends that it should be so sweeping as the words of the motion convey. I have tried for a long time, for some years now, to call for tenders in the colony for everything we are likely to have a response to in the colony. I will mention one line which is somewhat large and somewhat important, although not very large. Two or three years ago I arranged that it should be locally supplied: I refer to the item of stationery. For many years it was customary to import our stationery from England, but I arranged that tenders should be called in the colony, and we accepted, I think three

years ago, a tender for stationery from a local tenderer. Of course he did not manufacture the stationery in the colony: I regret to say it was made either in Melbourne or London. Although I have not investigated the matter, and it is quite three years since the tender was accepted, no complaint has been made as to the quality of the material supplied. If members will look at the list of articles that are tendered for in the colony, they will notice the direction the Government have pursued is in accord with the views of the member for the Canning. We have not gone so far yet as the motion suggests, that is in regard to locomotives and steel rails and articles of that sort; still there is no reason whatever that we should not pursue that course of getting articles locally, if we can get them for anything like the price of the imported article. Local tenderers would be agents of manufacturers in England or Europe, and the local tenderer would have to import the articles from those places; the local tenderer would have to obtain the goods at a cheaper price from the manufacturers in order to obtain a reasonable profit for himself, so as to maintain his establishment in the colony. I firmly believe that private people can obtain goods cheaper than the Government can. I believe as a rule manufacturers give a trade discount to persons called middlemen, which perhaps they would not give to the same extent to the direct consumer; and it is possible, I think, that we may be able to obtain the goods in the colony as cheap, at the same time having establishments maintained in the colony. If we can do that, the advantages are altogether on the side of the people of the colony. I may point out the Government here have not the slightest interest in the matter: the Government as representing the people of the country have no interest whether the goods are obtained from local tenderers or from tenderers in England. Our object is the same: we desire to get a good article as cheap as possible. If we can get the article as cheap as the imported article, the colony will have the advantage of an establishment being maintained here. There are articles which I do not think could well come within the scope of the motion. Take, for instance, appliances for lighthouses: I do not know myself, there may be other

eminent firms in the world, but as a rule Chance Brothers, of Birmingham, supply the lights and machinery for lighthouses. That firm seems to be eminent throughout the world for these articles.

MR. WILSON: Could not Sandover import the lights for you from Chance Brothers?

THE PREMIER: They could, no doubt, but I do not think that would be any advantage. If you send a request to the Agent General to indent a first-class or second-class light from Chance Brothers, and also call for tenders in the colony, two people would be after the same piece of work, and I do not know what would be the result. Perhaps there are other eminent firms in the world—I am not quite conversant with the business—who supply lighthouse apparatus, and who would compete with Chance Brothers; but for all the lighthouses constructed in the colony, Chance Brothers have supplied the machinery. Then there is the apparatus for the Observatory, which is very technical and exceptional, so that it would not come within the scope of the motion or the intention of the hon. member. Of course there are only one or two firms in the world who supply this class of machinery, and we are in their hands when tenders are called for.

MR. LEAKE: That does not come under the head of "annual supplies."

THE PREMIER: I do not suppose the hon. member means the supply of technical articles such as those for which we have to go to eminent manufacturers who supply these specific articles. If we want an equilateral, there is very little choice: we have to go to Sir Howard Clubb; if we want a tangent instrument, we have to go to Sims. Then again there was the Mint machinery: I do not know where it was supplied from, but I take it the member for the Canning means the general supplies of the Government when he says "all the supplies." As far as I am concerned, my views are the same as his, and I have done all I could to give an opportunity to the people of the colony to make an honest living at no expense to the country. I think the member for the Canning will agree with me that we may let the motion pass, and the Government will do their best to carry out the intention. If we cannot carry out the intention in its entirety, we will be able to make

good excuses to the House why we have not been able to carry out the object in any particular. I hope hon. members will not run away with the idea, or are not imbued with the idea, that the Government have not already made an effort in this direction. We have done so. There are over a thousand items of goods which we require for the public service that are contracted for in the colony. That has been our object all along. We have not moved in this direction in regard to such things as locomotives, steel rails, and pumps for the Coolgardie water scheme, which we have been advised must be left to the consulting engineers at home, who, as we all know, have a limited number of contractors eligible to tender for these works. It does not altogether fit in with our ideas that only half a dozen firms should be allowed to tender, but that system is adopted in England. In my experience we have had applications from steel-rail makers and locomotive manufacturers to have their names placed on the list, and in many cases we have sent the applications back, saying that if the consulting engineer has no objection, the names ought to be placed on the list, and the firms have been so placed. The system is altogether anti-Australian, but in England, when the Imperial Government call for tenders, they do not allow everyone, every Jack, Tom, and Harry, to tender, and there is a good deal to be said in favour of the system. It is useless to allow people to tender who have neither the means nor the appliances for carrying out the work; and that is the principle adopted by the Imperial Government at home. I do not think we need carry that principle so far; but at the same time I will say, with regard for instance to the pumps for the Coolgardie water scheme, that I am certainly opposed to allowing everyone to tender. If such orders were filled by persons without experience, without reputation, the result might be that after we got the pumps placed in position, they might not be able to do the work they were intended to perform. In that regard I certainly think we had better stick to the plan at present in force, by treating those pumps as a specialty, so that we may have firms of acknowledged reputation and capacity as tenderers, so that when those pumps are placed in position, they may prove

thoroughly efficient. Speaking generally, however, I am altogether in accord with the proposal of the hon. member for the Canning.

Question put and passed.

ORDER OF BUSINESS.

THE SPEAKER: Notices of Motion having been discussed for two hours, according to the Standing Orders the House must now proceed to the Orders of the Day, unless a motion be made to the contrary.

MR. LEAKE moved that the consideration of the Notices of Motion be proceeded with.

Question put and passed.

MOTION—WORKING MEN AS JUSTICES OF THE PEACE.

MR. LEAKE (Albany) moved:

That, in the opinion of this House, it is desirable that suitable persons from amongst the representative workers should be appointed justices of the peace.

He said: I have no doubt hon. members are aware that considerable interest is taken, more particularly on the goldfields, in the appointment of justices of the peace. The Government have recently adopted a wider area of selection than has hitherto been their practice, the reason I have no doubt being that, under the existing law, justices of the peace are appointed in respect of limited areas: they are not appointed with jurisdiction over the whole of the country. And if that be so, and if the Government will follow up their general practice by including in the ranks of justices proper and suitable persons from amongst all classes of the community, I have no doubt there will be a feeling of increased security regarding the administration of justice. The qualification of a justice of the peace is not necessarily one of astute legal knowledge; but in a justice of the peace one looks primarily, I think, for some personal honour and integrity, common sense and worldly knowledge. Of course if we can have added to these qualities a knowledge of the local laws, so much the better; but I have no doubt that, if the justices of the peace who at present adorn the bench had to pass an examination in the local laws, they would possibly find a difficulty in qualifying. That is perhaps beside the question. No one desires that inexperienced persons

should be appointed, but the motion merely affirms that suitable persons from amongst the representative workers should be made justices of the peace. Amongst the representative workers and amongst those societies who represent the workers in the colony, I am certain that many very suitable persons could be found, and there is a feeling that certain interests could thus be safeguarded, or, if not safeguarded, at all events represented on certain occasions. Of course as a rule justices of the peace exercise only a summary jurisdiction, and also do certain ministerial work. They deal with matters which arise under the Police Act, with "drunks," and assaults, and things of that sort, and with inquests. Well, it does not require any great amount of legal knowledge to administer the law as defined by the Police Act. And again, we know that, on the goldfields especially, there are matters which engage the attention of magistrates, particularly in connection with mine accidents and so forth.

THE PREMIER : Is there not a coroner there to deal with inquests ?

MR. LEAKE : I do not think there is any special coroner appointed for the goldfields: there is a coroner for Perth.

THE PREMIER : There is, at all events, a resident magistrate.

MR. LEAKE : The functions of a coroner on the goldfields are generally discharged by the resident magistrate, if he be available; and if not, any justice of the peace can act as coroner: a responsible and creditable person presides at the coroner's court, for the purpose, in the event of a sudden death, of ascertaining the cause of death. I do not suppose this motion will be opposed; it has not been suggested to me that it will, and I hope it will not; but if it should be opposed, of course I can only appeal to hon. members' sense of fairness and justice in support of the motion. It cannot be said that because a man happens to be a worker he is not qualified to be a justice of the peace. I may quote a very homely illustration in support of the position I take up. We know that in the superior Court, in the exercise of its criminal jurisdiction, jurymen are selected from this particular class to which the motion refers, namely the working class.

THE PREMIER : But they are subject to the jurisdiction of the Judge on points of law.

MR. LEAKE : Certainly; on points of law they are subject to the jurisdiction of the judge; but the jurymen are the judges of the facts; and as a rule, in the exercise of summary jurisdiction, it is more a question of fact than a question of law. Moreover, if a question of law be involved, and if the justice go wrong, either party may appeal, and may take the opinion of the Supreme Court, either on a case stated, or generally on appeal. But I was about to point out that a jurymen is selected from the ranks of the workers; and it is the province of a jurymen to determine issues which involve the liberty, and very often the life, of the subject; and if a person be qualified to sit in the jury-box, and to determine whether or not a fellow creature shall forfeit his life—

THE PREMIER : But a jurymen does not do that.

MR. LEAKE : Pardon me. If a man be qualified to sit in the jury-box, and to determine whether or not a person's life shall be forfeited, surely he is competent to say whether or not a person shall be fined 5s for some minor offence.

THE PREMIER : Yes; but the ultimate decision does not rest with the jurymen.

MR. LEAKE : Oh, but pardon me! Does the right hon. gentleman know the first principles of the criminal law, or of trial by jury?

THE PREMIER : My remarks referred to the death sentence, of which you were speaking.

MR. LEAKE : I say, yes. The life of a person charged with a capital offence is in the hands of the jurymen, subject, of course, to all legal directions by the learned Judge, and to the ultimate decision of the Executive.

THE PREMIER : That is what I meant.

MR. LEAKE : But still, that statement applies to everything. The prerogative of mercy can be exercised in all cases, even in the case of a 5s. "drunk." It is open to His Excellency to remit the penalty, if he like, in such a case, just as he may remit the death penalty; but primarily, the life and liberty of a person charged in our criminal courts are in the hands of the jurymen, of jurymen who are selected from the ranks of the very

persons who I suggest should be represented amongst justices of the peace.

THE PREMIER: Then every juryman should be a justice?

MR. LEAKE: I do not say that at all.

THE PREMIER: Why not, according to your argument?

MR. LEAKE: I do not say that every juryman should be a justice, because we do not want every man in the country, or every juryman, to be a justice of the peace. There is no necessity. But I say that suitable persons—

THE PREMIER: Then what is the use of your argument about jurymen, if they are not all eligible to be justices?

MR. LEAKE: Well, of course I do not know whether the Premier was listening or not. I know he does not always listen, and I know that very often when he listens he cannot appreciate. But I was saying that there is no reason why a working man, a representative worker, should not be a justice of the peace; because we find that he is often entrusted with what seems to me to be the higher function of a juryman; that is to say, he may, as a juryman, hold the scales of justice, and determine upon the life or liberty of his fellow man. If he may do that, why should he not adjudicate upon a dispute involving a few shillings, perhaps, between other members of the community? Those are my reasons in support of this motion. I may say that the matter was brought prominently under my notice by representative workmen during one of my recent trips to the goldfields; in fact, there were men representing three different associations who brought this matter before me, suggesting that it might fairly be laid before this Assembly; and I have done so. I say that if the Administration can see their way to select one suitable person, there is no reason why they should not select another suitable person, irrespective of his peculiar calling or mode of living, so long as he is an honest man, possessed of honour, integrity, common sense, and worldly knowledge.

MR. ILLINGWORTH: Among our miners there are several masters of arts.

MR. LEAKE: Amongst miners there are no doubt many men who are far above the average of intelligence, I was about to say, of this House; and I

believe I should be perfectly right in saying that.

MR. VOSPER: That might be unfair to the miners.

MR. LEAKE: As the hon. member says, it might not necessarily be fair to the miners; but still, there is no reason why I should not say so. There are many representative workers properly qualified to discharge the duty of a justice of the peace. I do not ask the Administration to go out into the high-ways and by-ways, and appoint the first person they happen to come across, without proper inquiry; but the Government should permit the names of representative men to be submitted for approval, either by associations on the goldfields or by the wardens, and I am satisfied that if this practice be adopted, nothing but good can come of it. I do not wish to say one word about appointments which have been made, or draw invidious comparisons, but I am perfectly certain there are many working men in the colony as well qualified as many of those who have experienced Ministerial favour in this direction. I submit the motion with confidence, and ask hon. members to support it.

THE PREMIER (Right Hon. Sir J. Forrest): One would, perhaps, gather from the last words of the member for Albany (Mr. Leake) that the appointments of justices of the peace in this particular locality in which he is so interested, were made for political purposes.

MR. LEAKE: A sneer, again!

THE PREMIER: All I can say is that, as a rule, the gentlemen appointed on the goldfields to the position of justice of the peace are unknown to me, they being recommended by responsible persons, and the recommendations referred to the warden in the district, whose report is carefully considered. The member for Albany (Mr. Leake) was told the other night by the Attorney General that he was a good actor; and I think the hon. member has well sustained that character by the motion he has submitted. Hon. members would suppose that this was an abstract proposition, which had been suggested by chance during the recent visit to Kalgoorlie, and that it had not been the subject of any correspondence or decisions on the part of the Government. It might be sup-

posed that this was brought forward as a question of general importance, which hon. members might discuss and deal with in an off-hand manner. As a matter of fact, everyone in the House knows that the Government have had a good deal of difficulty in regard to the appointment of justices of the peace on the goldfields and other places, and that the Government have not been able to comply with the wishes of some of the organisations, which the hon. member so ably represents to-night. He has not referred to that, however, although for some time past there has been on the table of the House correspondence in regard to the appointment of working-men justices, there being a desire on the part of some of these organisations that justices of the peace should be appointed out of their ranks. These organisations of "workers," as they call themselves, seem to altogether forget that we are all workers in this country, and have all had to work with our hands at some time in our lives, and that if we are not compelled to do so now, it is because we have improved the shining hour, and are now able to do without that work. Most of the people in this colony are the architects of their own fortunes, and at one time or another have had to work for their daily bread. There are not many people here who came to the colony with fortunes, most of the people having commenced with a very small amount of money, if any, and by economy and industry made their own way in the world. That is the way most of us in this House, and most of the people outside, have had to work out their own careers in this country. There seems now to be a desire that justices of the peace should be appointed because they belong to some particular organisation, and that the rule adopted in the colony since its foundation, and which I believe is adopted in all British countries, and certainly in the mother country, should be derived from.

MR. JAMES: Rubbish!

THE PREMIER: The hon. member says "rubbish!" I wish he would not speak so loud, and then I should not hear him make such remarks.

MR. JAMES: Utter rubbish!

THE PREMIER: I appeal to the Speaker as to whether such language is Parliamentary.

THE SPEAKER: The hon. member should not make use of such an expression when an hon. member is speaking.

THE PREMIER: It would be better if the hon. member were not impertinent when a member is speaking.

MR. LEAKE: Is that Parliamentary, Mr. Speaker?

THE PREMIER: "Rubbish," as addressed to me, is certainly very impertinent.

THE SPEAKER: It was an improper observation to address to any member.

MR. LEAKE: "Impertinent"?

THE SPEAKER: No; "rubbish"; though I think "impertinent" is also an improper observation.

THE PREMIER: Then I beg pardon; but, when hon. members so far forget themselves, one is apt to retaliate. I withdraw my remark as regards "impertinent" and say the interjection was uncalled for. I was not addressing the hon. member particularly, and perhaps he will wait until I do, before he replies.

MR. JAMES: The first remark was *sotto voce*.

THE PREMIER: There is correspondence on the table in regard to this matter, and I think the member for Albany (Mr. Leake) has not been altogether open with hon. members in not referring to it, because he knew the correspondence was there. The hon. member's observations are in the direction of an appeal to this House, from a decision of the Government in regard to this matter, and he desires the House to override that decision.

MR. LEAKE: As a matter of fact, I have not seen the correspondence.

THE PREMIER: I have it in my hand, and will let the hon. member see it afterwards; but it was laid on the table of the House publicly, and the hon. member has had an opportunity of looking at it. If he has not seen the correspondence, that shows how little interest he has taken in the subject he has now in hand, and which he has been commissioned by some persons on the goldfields, as he tells us, to communicate to the House.

MR. LEAKE: Not "commissioned."

THE PREMIER: Well, the hon. member was addressed in regard to it, and I hope those persons who interviewed him told the hon. member they had approached

the Government on the matter, and had not had a satisfactory answer.

MR. LEAKE: I think that is about right.

THE PREMIER: The hon. member was careful not to tell the House the Government had had representations of that sort made to them. On the 4th August I received a letter from the Workers' Hall, from a place called "Boulder City," in regard to this matter, though I may say there had been some earlier correspondence. The letter of the 4th August reads:

At the last meeting of the K.B. and District Trades and Labour Council, I was directed to communicate to you requesting that "working men"—

"Working men," it will be observed, is in inverted commas. The letter goes on:

—that "working men" should be appointed to the position of justices of the peace on the fields. We make this request owing to the difficulty we are experiencing at the present time in placing the number of men (who are qualifying daily) on the electoral roll. Now that the position of deputy electoral registrars has been withdrawn, it is necessary for us to procure a J.P. to attest the claims, and we find that in the majority of cases men are unable to catch the local Js.P. disengaged while they are off shift. We are aware that your Government is bringing in a new Electoral Act, but until that becomes law we trust you will see your way clear to grant our reasonable request. I was instructed to enclose the following names of men whom their fellow workers consider are in every sense capable to hold the responsible position of Js.P. without discredit.

There are seven names submitted.

MR. GEORGE: Give us the names.

THE PREMIER: The names are:—Richard Blamire, president, K. B. & D., Trades and Labour Council; John Reside, vice-president, K. B. & D. Trades and Labour Council; Hugh De Largie, general president of the Amalgamated Workers' Association; Eli Shaw, president, Plumbers' Association; F. C. Gilbert, secretary, Amalgamated Workers' Association; R. O. Rusden, secretary, Kalgoorlie Engine Drivers' Association. Letters to a similar effect were addressed to the member for East Coolgardie (Mr. Moran) and others. Another letter was addressed to me by Mr. Fred. Davis, Secretary to the Trades and Labour Council, Perth, as follows:—

I am instructed to inform you that at the Trades Congress held at Coolgardie, April,

1899, a resolution was carried "That the Government be requested to appoint Js.P. from the ranks of the workers." There can be no question that at present the appointment of Js.P. is distinctly of a class character. The fact that not a single appointment has been made from the ranks of the workers shows that all existing Js.P. belong to the leisured classes.

"Leisured classes." I suppose he means people who have nothing to do. The letter goes on:

The more numerous class of the community, the working class, find it extremely difficult to obtain the services of existing Js.P., owing to the greater part of the day being spent at the workshops where they are engaged, and to the fact that the places of business where Js.P. are to be found are closed at night, while it is extremely difficult to see them at their residences in the evening. This continuous source of annoyance and difficulty could be obviated by the appointment of workers as Js.P., who are easily accessible to their fellows. In view of these circumstances we respectfully urge that the resolution passed at the Trades Congress be given effect to.

There is another letter from Mr. Henshaw, of the Amalgamated Society of Carpenters and Engineers, in the same strain, and to all these letters I replied. I do not know that this is the first time I have replied to such a request, but I did reply more carefully on the 31st August last to this effect:

I have the honour, by direction, to acknowledge the receipt of your letter of the 15th instant, with reference to the appointment of justices of the peace, and in reply to inform you that appointments to the commission of the peace are made by His Excellency the Governor in Council. Justices of the peace are recommended for appointment either on account of qualifications which specially fit them for the position, or because they hold some prominent positions and are respected in the community where they reside. It is also essential that they should have some leisure to devote to the very responsible duties of the office. I am further directed to inform you that neither in England nor Australia are persons recommended for appointment to the commission of the peace solely because they belong to any particular class; and the Government considers it unnecessary to depart in this respect from the procedure which has always been followed in this colony, and which is the established practice in Great Britain and all British countries, viz., that each particular recommendation shall be dealt with upon its individual merits.

That is the opinion of the present Government, and of myself, in regard to the appointment of justices of the peace;

and it is a safe rule to deal with every individual application on its merits. I do not think any reasonable person can take up a list of justices of the peace appointed during the last few years, and say that the present Government have desired to confine the appointments to any particular class of persons. The appointments are made, as a general rule, not on account of personal knowledge possessed by Ministers, but on account of the necessities in some particular locality. Any person has a right to write to any Minister, or to myself especially, and recommend anyone for the commission of the peace. When that recommendation is received, the usual course is to refer it to the magistrate. If a recommendation were made to myself of a person of whom I had knowledge personally, I would not consider it necessary to refer it to anyone else, because I would have sufficient knowledge to deal with it, either by approving such appointment or otherwise; but, as a rule, the application is referred to the resident magistrate, or the warden who is generally a resident magistrate, of the district in which the man resides, and when the reply comes from the magistrate, it is dealt with by the Minister by a recommendation to the Cabinet, and, as a general rule, the gentleman recommended is appointed. There is nothing personal in regard to it. If there had been anything personal in regard to it, it is not to be supposed that I would have kept the position I have held for the last nine years, and would not have conferred the honour upon almost all my friends throughout the colony. But I can assure members the greatest care is taken, although I am quite prepared to admit that in some instances mistakes have been made. We do not know everyone in the colony, and even those who recommend justices are perhaps mistaken, and may find out they have recommended an unsuitable person. Still, while there is no desire on the part of the Government not to appoint justices, there is a great desire to be careful in the selection, because we know perfectly well that if we appoint justices who are unsuitable persons to administer the law and justice throughout the colony, it must come back upon ourselves. We know the people in the district itself will be dissatisfied, because

I do not think there is anything more repugnant to the *amour propre* of an Englishman than that he should have to appear before a justice who is without reputation, and who, he believes, will not do him justice. We have to be very careful in this colony whom we appoint to this high position, because it is, I suppose, as high a position as any man can attain to, that of being able to commit his fellow man to prison; and I tell the member for Albany straight, that I am not going to recommend anyone for this high position unless he is a man respected among his fellows, and a man who is likely to do justice to those amongst whom he lives. It is not sufficient that a man should be respectable himself, but you want a man whom other people believe to be respectable.

MR. LEAKE: I do not ask you to depart from that.

THE PREMIER: The hon. member is as plausible as possible; but I know this is a political move on his part, and it is no use telling me he is not moving in the interests of people who will support him at another time, or even at the present time. It is only a political dodge, and I am not going to submit to it—I am not going to let the hon. member get this motion carried, if I can help it; and he knew very well the action the Government would take with regard to it. Those people he went to told him so; and still, with all that, he brings the motion forward in this plausible, acting manner.

MR. GEORGE: I do not think that is quite the thing.

THE PREMIER: I would not like to say anything against the member for the Murray (Mr. George), but the hon. member can take my word for it that this is not the simple matter the member for Albany would have us believe when he moved his motion. He knew very well we had refused the application to deal with this particular class of persons.

MR. LEAKE: I did not know it.

THE PREMIER: Did not the people who appealed to you tell you they had been refused?

MR. LEAKE: I was not aware of it.

THE PREMIER: I do not care about the dramatic action of the hon. member, in saying he "was not aware of it." That is very little to me; for if he did not know it, he ought to have known it.

This correspondence has been on the table for the last fortnight, and he ought to have made himself acquainted with it. All I can tell the hon. member is that these are the principles that are going to guide me in the recommendations for this high position: these are the recommendations, and I do not think the hon. member can take any exception to them. I think these views must commend themselves to him, and that he must agree with them as well as I do. [MR. LEAKE: Hear, hear.] Therefore there is no occasion whatever for this motion; and I hope that having had this expression of opinion, and having found that we are in accord, he will withdraw his motion. I can assure him and every one in this country that there is no desire on my part, or on the part of any member of the Government, not to appoint men because they happen to be working underground or anywhere else, so long as they are men of high character, are respected by their fellows, and their appointment would meet with general approval, or they hold some high position among their fellows which should entitle them to this position of distinction. Seeing that our views are in accord, I do not see any reason for the motion. I do not care whether a man is a miner, bricklayer, carpenter, or labourer, or whatever he is, so long as he has, by his conduct, lifted himself up amongst his fellows and become a man whom they all respect. It never shall be said of me, and it never has been said yet, that when such a man is properly recommended by those amongst whom he lives, and has obtained a position of importance, I have ever placed any obstacle to his being appointed a justice of the peace because he happens to follow any particular avocation or calling.

MR. JAMES (East Perth): I regret the right hon. gentleman should have taken up the quiet observation I made during the course of his remarks. As he suggested, I was deliberately quiet, I thought it advisable to repeat the statement so that there should not be a suggestion that I was afraid to repeat it. I regret it is against the Standing Orders; but as I have heard the expression "twaddle" used on the Government side of the House, without reprobation, I presume I am justified in saying that a great many of the right hon.

gentleman's remarks were "twaddle." No one has ever said that men are entitled to be placed on the commission of the peace because they follow a particular occupation; and for the right hon. gentleman to take that really as being the basis of our attack is "twaddle." Nor did anyone ever say that a man's application was refused ostensibly because he followed a particular occupation or not. What has been said is that it is a strange coincidence that among the dozens and dozens of justices of the peace in this colony, none of them are workers.

MR. HIGHAM: They are all workers.

MR. JAMES: We do not want to quibble about terms. The hon. member knows what I mean: I mean men engaged in manual labour. Of course we all have to work, none of us being in the pleasant position of being able to retire or live upon the means we possess. I repeat that when we use the word "workers" we mean manual workers, wages men. Hon. members know exactly what we all mean when we use the term, and there need be no quibble about it. It is simply because these words are quibbled with by the right hon. gentleman, that I want to point out what "twaddle" it is. The Premier goes further, and tells us that in no part of the old country or the British dominions are men appointed because they are workers. We know that, and he need not tell us something so elementary. But the fact remains that in the mother country there are men appointed who are manual labourers; whereas no manual labourers have been appointed to be justices of the peace in this colony. Is it not somewhat significant that in the old country and in all the other colonies there are justices of the peace who are manual labourers, whilst there are none in this colony? And yet we are told by the right hon. gentleman that, in connection with the appointments, we are following the practice laid down by the mother country and other colonies, when he knows very well we are not following that practice. No one can assert that because men are working men, for that reason alone they should be appointed magistrates; but I think a great number of us believe that you could, from the ranks of working-men, place upon the bench men who are quite equal to the average of those who are upon the bench at the present

time. And let me say that you could from the working men place upon the bench a number of men far better than some of those recently appointed to occupy that position. I venture to express my opinion that due care has not been taken with regard to the appointments to the commission of the peace in this colony. Numbers of men have been placed upon the commission of the peace who ought never to have been there, and there are men now occupying the position who ought to be removed as quickly as possible. It is an unfortunate coincidence that these tribunals which have to administer the law throughout the whole of this colony should be chosen from a particular class. There is no reason why we should be prejudiced in this matter. I suppose none of us are manual labourers in the sense we intend; but it is not right that the whole of the judicial bench—of course I do not refer to the Supreme Court, but to the bench which comes into daily contact with the workers or individuals in the various police courts in the colony—should be recruited from one class, and one class only. To tell us those placed in this position were not chosen because they belong to any one class is to contradict the fact that those occupying the position belong to one class, and to one class only.

MR. GEORGE: I do not think that is right, is it?

MR. JAMES: I know of no person engaged in manual labour who is a magistrate in this colony.

MR. GEORGE: There are other classes besides manual labourers.

MR. JAMES: I realise that; but what I wish to point out is that while the other classes are represented, this particular class is not, and unless there is this distinction in the minds of those who have these appointments in their hands, by what strange coincidence is it that all those appointed belong to a particular class, that is the non-manual labourers, while the manual labourers are not represented by one individual on the bench? Of course it may be a coincidence. It may be, as the right hon. gentleman says, that these poor individuals are not known in their districts; that they do not occupy high and responsible positions.

MR. VOSPER: And it is difficult for them to become known.

MR. JAMES: It may be that they are not recommended by the warden or magistrate in the particular district where it is necessary they should hold this office. If these objections are going to apply, I have no hesitation in saying we never shall have placed upon the commission of the peace in this colony men of that class, which is represented upon the commission of the peace in every British colony and in the old country, that is the manual workers. Of course the manual workers in the old country are not county justices; but they are simply borough justices, that is in the municipalities or towns. The fact remains that there are dispensing laws in the old country, as borough justices, a great number of working men who are manual labourers.

THE PREMIER: I do not believe it.

MR. JAMES: It is an absolute fact.

THE PREMIER: Name some of them; manual labourers working for wages.

MR. JAMES: It is an absolute fact, and I do not know whether the hon. member is quite in order in saying that I am telling an untruth. I say there are in the old country—

THE PREMIER: Hundreds, I suppose?

MR. JAMES: In the old country there are borough justices who belong to the working class of the community.

THE PREMIER: Men working with their hands for wages?

MR. JAMES: I have explained to the House what I mean by the "working class," and I do not want to explain it again. These men are appointed as borough justices: they are not allowed to sit as county justices because there are certain property qualifications which they may not possess; but there are many of these men, a great number, appointed as borough justices.

THE PREMIER: There are 37 millions of people in that country.

MR. JAMES: Whatever the numbers may be, there is the fact; and there are no justices among the working class here—whether that be accident or design I do not say. The fact remains that we have every class in the community represented on the commission of the peace except one class, and that class is excluded, which I say is undesirable. I venture to think that in the appointments to the

commission of the peace, we have not got entirely free from the old notions. The idea prevails that if a man is a working man earning wages, he is not fit to be placed on the commission of the peace. I think that is extremely undesirable; for I believe there are men in this colony who are earning wages as manual labourers who are fit to be placed on the bench, and I think they ought to be. Say what we will, we cannot hide from ourselves the fact that in the administration of justice by justices, a great part of the duties which have to be performed consists in deciding questions of fact. If justices venture to deal with questions of law, there is a statute which provides the machinery by which their errors can be corrected, if they make any, and we have a means of protection from wrong in that instance; but the majority of cases decided are questions of fact only. Without in the least impugning the personal integrity of anyone on the bench to-day, no man can altogether free himself from the environment that surrounds him. If some great issue is at stake which involves the right of one class or another, the fact remains that the bench which decides that issue is drawn from one class, and one class only; and however honest and conscientious that class may be, they must naturally be led by the prejudices and the views of the particular class to which they belong.

THE PREMIER: That applies to the Supreme Court bench, too?

MR. JAMES: The interjection is made that the argument applies to the Supreme Court bench; but that is a misconception of the facts. Justices are men who mix every day with the ordinary multitude, whereas Judges are men who rigorously abstain from mixing with the multitude. Judges free themselves from any possibility of mixing with the people—they carefully abstain from mixing with the people. How many members of this House to-day know the Judges personally? We know that in this colony the Judges have very few friends: they keep out of society; they keep from making friendships, and they keep themselves free from the feelings that may be prevalent in the community for the time being. But justices of the peace are not in that position: they cannot expect to be. The

question has been raised that we want men of leisure, men who can devote time to this work. We know by experience in this colony that there are dozens of men on the commission of the peace who never sit on the bench. Look at the difficulty there is in Perth, at times, in finding two justices to sit on the bench if the Resident Magistrate happens to be absent for one day.

MR. GEORGE: It does not follow that the justices do not do a lot of work.

MR. JAMES: That does not follow; but if it is said that justices must be men of leisure, then I say very few justices in the colony have sufficient time and leisure to guarantee that when they are required at 10 o'clock to take their seat on the bench, they are prepared to do so. The only point is this. We ought to have on our commission of the peace men who represent all shades of public opinion, who belong to all classes of the community; but when we find the system existing as it does to-day—let me be charitable, and assume that it is by accident—of a particular number of one class being represented, and that men belonging to another class are excluded, that condition cannot be satisfactory. It is not a condition which exists in the old country, or in the Australian colonies except in Western Australia, and it ought not to exist in Western Australia.

THE PREMIER: You do not know.

MR. JAMES: I only assert it.

THE PREMIER: You are good at asserting.

MR. JAMES: I assert it again: it is a condition which does not exist in the old country; it is a condition that does not exist in any part of Australasia except Western Australia, and it is a state of affairs which exists in Western Australia only because those who are responsible for the appointment think that men who happen to be manual labourers are not fit to sit side by side with the gentlemen who "run" the country.

MR. HUBBLE: Rot!

MR. JAMES: Is that remark Parliamentary, Mr. Speaker?

THE SPEAKER: I did not hear it.

MR. HUBBLE: I withdraw the remark.

MR. JAMES: I do not mind the observations.

THE SPEAKER: I do, because I think they are very improper observations to make use of.

MR. JAMES: I am prepared to admit that simply because a man belongs to a particular class he ought not, for that reason alone, to be appointed. It is singular that on the commission of the peace in this colony we have not men belonging to one particular class, which class is represented in the old country, and which class ought to have representation here.

MR. GEORGE (Murray): I must again state in this House, as I have stated before, it is unfortunate when a question of this sort comes up, and which ought to be discussed without any heat, it assumes a party aspect. The Premier says this is a party dodge. I do not know whether it is or not; but if it is, it only emphasises what I say, that we ought to discuss these matters irrespective of who sits on the Treasury benches. The member for East Perth, I know, wishes to be entirely fair, but I do not think he was quite as fair as I would like to see him in a few of the last remarks he made when he spoke of people looking down on the working class. I suppose I may use the word that it is "rubbish" to make a statement of that kind, and it is not correct to say that anyone in this Assembly looks down on the working classes because they work with their hands.

THE PREMIER: No.

MR. GEORGE: If there is such a person, then he ought not to be here; but I do not think there is such a person. I am sure there is no one in this Assembly who despises a man who is working for him. The member for East Perth has spoken about justices being tinged with the prejudices of the class from which they have sprung. There are very few men in this colony who have not sprung from the working classes, and if they are tinged with any prejudices at all, they are tinged with the prejudices of the working classes, as they have sprung from that class. I may say that I would as soon be judged by a working man on a matter of common justice as by the Supreme Court bench, and I would get justice and a fair verdict. I may say that when my men have done their day's work, we are not too proud to know one another, and

I believe that is true in regard to other employers. I do not see any reason why working men should be kept from the commission of the peace. The wording of the motion states that it is desirable that suitable persons from amongst the representative workers should be appointed justices of the peace. The Premier says he has appointed suitable persons, and this motion says that suitable persons should be appointed from the working men. We are all workers, and it does not matter whether a working man works by the day or by the hour. If he is an honest man, has the respect of his fellow men, and of his employer, I do not think the Premier would refuse to appoint such a man as a justice of the peace.

THE PREMIER: I have appointed hundreds of them.

MR. GEORGE: I am not discussing what the Premier may have done, but I say I do not think the Premier would refuse to appoint a man if he was suitable in other respects, because he was a working man, wore a dirty coat, and made his hands dirty in earning his bread. There are good and bad amongst all classes, and I can go amongst my constituents, and go amongst the working men in Perth, and tell them there are good and bad amongst them just the same as there are good and bad amongst the other classes. As to hon. members who try to get the support of the working men by talking about him, and telling him he is a "little tin authority," I can tell those hon. members that the working men have quite enough sense to understand what is meant. If members think they can fool the working man by telling him he is superior to others, then hon. members make a great mistake: they can take that from me. I do not think it would make any difference to me if I had to wear a suit of dungaree instead of a suit of broadcloth. As far as the commission of the peace is concerned, I am a J.P., but I have never sat on the bench: I have never had an opportunity. I do not know what were my particular qualifications for a justice of the peace; but I believe that where I carry on my particular avocation, which I am not allowed to mention in this House, I happen to be very close to the Central Railway Station; and there are lots of people who lose

their luggage tickets, and who have to go before a justice of the peace and sign declarations; and on the very morning my appointment as a justice of the peace was gazetted, I was engaged for two hours in doing that sort of business. The danger I see in this motion is that it says "representative workers," and that I take to mean that the heads of the different labour societies in this colony are to be appointed.

THE PREMIER: The hon. member (Mr. James) recommended three.

MR. GEORGE: Never mind whom he recommended.

MR. LEAKE: I did not recommend anybody.

THE PREMIER: No; but the member for East Perth (Mr. James) did.

MR. GEORGE: I take it that by "representative workers" is meant such workers as the president of the Trades and Labour Council, and the secretaries of any of those workers' associations; and without wishing to say anything unkind, I would draw the attention of those hon. members who sat upon the Joint Committee on federation to the attitude adopted by two of the witnesses, one being the president of the Trades and Labour Council and the other the secretary, and I believe an ex-president. One of them was not prepared to explain to us his reasons for the answers he gave, and the other one, I think I may say, carried his demeanour and his replies to the verge of insolence.

THE PREMIER: Yet they were recommended by the member for East Perth as justices of the peace.

MR. GEORGE: That may be; but I should be very sorry—and I speak regardless of what effect my words may have on my private business—I should be very sorry to make either of those gentlemen who came before that committee a justice of the peace.

MR. JAMES: I should be glad to do so.

MR. GEORGE: You would, probably; because you would make a tin-pot a justice of the peace if you thought it would suit your purpose.

MR. JAMES: The trouble is that you are an anti-federalist: that explains your remarks.

MR. GEORGE: No; it is not a question of being an anti-federalist. I tried to do my duty on that committee.

MR. JAMES: And you lamentably failed.

MR. GEORGE: That may be the hon. member's opinion; but whatever the result of my labours, if I did fail, I did not fail for lack of a good intention; and for that intention I should get credit. I would not make either of those gentlemen a justice of the peace, because I consider they are unsuitable for the position; and I could give very good reasons why one of those men, at all events, is in my opinion absolutely unfitted for such a post. I shall also point out where there is a difference between this colony and the old country. The manufacturing population in the old country is principally a settled population. Go to any of the large towns, and it will be found that the workers are men who have remained in the district for years, and who are likely to remain there for years. But the artisan population in Western Australia is naturally a floating, a nomadic population; and justices of the peace in this colony are appointed for particular districts. I, for instance, was appointed as a magistrate for Perth. I cannot sit in Fremantle. Had I been appointed for the district of the Murray, I could not have sat in the Wellington district. Therefore, according to our system, these appointments must be made for the particular district in which a would-be magistrate resides; and taking him as a rule, the artisan in this colony may be in Perth to-day, in Kalgoorlie in a month's time, in another month or two in Menzies, and so on; and consequently the use of such a man on the bench can only be of a very temporary kind. Again I would point out to the hon. member that these artisans are working for a daily wage; and very few of them, I am sure, could afford or would afford to give away their opportunity of earning wages in exchange for the empty honour of sitting upon the magisterial bench; at least, that is my opinion. Then I will tell the hon. member another thing which has come within my experience, I having been a working man myself, and which has probably not come within the hon. member's experience; that, as a rule, there is no more unpopular foreman in a workshop than a man who has risen from the ranks in the shop in which he is working. In the same way, the strictest

martinet in the army is usually a man who has risen from the ranks; and though he may be the better soldier, still, as a rule, he is not the most popular officer; and I doubt very much, if we were to take a poll, a vote of the sensible artisans of this colony—but I do not think I should qualify my proposition by using the word “sensible”—if we were to take a vote of the artisans of this colony, I daresay they would prefer to be judged by the present occupants of the magisterial bench, who have mostly risen from the ranks of the workers, rather than by themselves. I think they would feel that, from magistrates outside their own ranks, they would get a broader and a fairer judgment than they could obtain from the men who work beside them day by day, and who were naturally confined in their views by the comparatively narrow areas in which they work. I must agree with what has been said to the effect that the Premier is perhaps not so careful in his appointments of justices of the peace as his attitude in this House would lead us to believe. I think there have been cases—I do not wish to name them, but I think the right hon. gentleman is aware of men who have been appointed, goodness knows what for, except that they are held in respect by a few pothouse associates, men whose antecedents have not been such as to entitle them to be so exalted above their fellows; and in saying this, I am not speaking disrespectfully of any other part of the colony, but I think that any of the goldfields members could support my statement very strongly by giving the names of justices who are certainly no better than even the “representative workers” who have been mentioned in this debate.

THE PREMIER: But such appointments have been strongly recommended.

MR. GEORGE: They may have been strongly recommended: that is the worst of these cases. Sometimes a man may be strongly recommended for appointment as a magistrate; but because of some little local prejudice he is not appointed, though he may have been far better than the man who actually secures the appointment. The Premier knows of an instance which I personally brought under his notice; and I know there have been men appointed justices on the goldfields,

and probably down here too, who certainly should not have been admitted into the ranks of justices of the peace; and if the Premier wishes us to understand that, from this out, he is going to be more stringent in making these appointments, this debate will have done considerable good; but if he is going to exclude any particular persons, he should certainly exclude those men whom we as members, or even as private individuals, would never dream of admitting into our homes.

MR. KINGSMILL (Pillararra): I must admit that, before this debate started, I had viewed this motion purely from an abstract point of view; nor did I attach to it that political colouring which the Premier has thought fit to give it, and which, indeed, I know is generally attached to any motion emanating from this (Opposition) side of the House. In the first place, I had not read the correspondence which the Premier had laid on the table; and, without having read that correspondence, I had come to the conclusion that the motion we are discussing was deserving of my support. Since I have read that correspondence, that view has simply been strengthened. I may say it has always been a very open question in my mind as to whether an unpaid magistracy was or was not a good thing for the country, because I believe that perhaps the most noble purpose on which any country can spend money is in forwarding the ends of justice. However, since it has been decided in Western Australia that we are to have an unpaid magistracy, I think it would only be fair to the whole community that all classes of the community should be represented on it. If we must have honorary magistrates, I think that, as all classes of the community have to go before them, and as it is a principle of the British Constitution that every man should be tried by his peers, then practically all classes should be represented upon the bench which tries accused persons. With regard to the fitness of men who may be chosen from amongst the manual labourers of this colony, for my part I can assure the Premier that, at any time he may wish it, I can hand him the names of a quite sufficient number in my district, selected from amongst the manual labourers, who would worthily fill a

seat on the bench, and who, indeed, would be as great an honour to the bench as those gentlemen who have been appointed in the past.

THE PREMIER : And why did you not recommend them ?

MR. KINGSMILL : I had been waiting, hitherto, for the Premier to ask me to recommend them.

THE PREMIER : Oh ! I am afraid you will wait a long while.

MR. KINGSMILL : I think so too. I think I shall indeed have to wait a very long while before the Premier will ask me to recommend anybody.

THE PREMIER : It is not usual for the Government to ask for recommendations. People move, in such matters, of their own volition.

MR. KINGSMILL : I have much pleasure in supporting the motion.

MR. GREGORY (North Coolgardie) : I take it that the reason the motion is brought before the House is that recently, while attending a convention in Coolgardie, the member for Albany (Mr. Leake), the member for East Perth (Mr. James), and myself were interviewed by representatives of the Workers' Association, who asked us to assist in obtaining the appointment of justices of the peace from amongst working men ; and promises of assistance in that direction were given by several members of Parliament.

THE PREMIER : You will promise anything up there.

MR. GREGORY : Had that deputation waited on the Premier, a promise would have been given that, if it could be proved there were representatives of the workers who were men above reproach, and who could adequately fill the position, appointments to the bench would be made from their ranks.

THE PREMIER : I told the workers that before they interviewed you.

MR. GREGORY : Unfortunately, the matter has been brought before the House by the leader of the Opposition (Mr. Leake), and no doubt on that account the motion will be opposed by the Government. At the present moment appointments to the commission of the peace are necessarily made from the leisured classes, whereas there should be no desire whatever to appoint justices of the peace from any special class, but from all classes, if good men can be got

for the position. Those men who interviewed us at Kalgoorlie brought forward some very special reasons for their request, one reason being that under the Electoral Act it is illegal to appoint deputy electoral registrars, and they wanted men from amongst their own class to be in a position to witness electoral forms. I know that under the Electoral Bill now before Parliament, this objection will be removed ; but some 18 months must elapse before that Bill comes into force, and if representatives of the workers could be appointed justices, it would greatly assist in enabling people on the goldfields to have their names put on the electoral roll ; and such appointments would be of great assistance in outside districts, because it is hard to get gentlemen in those districts to take the position. What are wanted, in the first place, are men above reproach, and in the past, in some cases, men have been appointed who have been a slur and a reproach.

MR. VOSPER : And with whom their fellow magistrates would not even sit.

MR. GREGORY : Men have been appointed on the goldfields who have been a disgrace, and when representations have been made to Government, it has been found impossible to get those men removed from the commission of the peace. I myself know of two instances in my own district ; and no matter whether people belong to the workers or to the leisured classes, the greatest care possible should be taken before appointments to the commission of the peace are made. It should be shown that these men are of good character and above reproach ; but the mere fact of their working for their living should not be a bar to their being appointed as justices.

THE PREMIER : You had better give me the names of those two magistrates in your district, after the debate is over.

MR. GREGORY : I will give you one of the names now, if you desire it.

THE PREMIER : No ; afterwards.

MR. GREGORY : One was J. K. Smith.

THE PREMIER : He has gone out of the colony.

MR. GREGORY : He was a long time in the colony, and representations were

made with a view of getting his name taken off the commission of the peace.

THE PREMIER: By whom were the representations made?

MR. GREGORY: By myself.

THE PREMIER: Verbally, I suppose.

MR. GREGORY: I am not sure whether the representations were made in writing or verbally.

THE PREMIER: They were not in writing, I am sure.

MR. GREGORY: I think they were, and if I am in doubt, I am satisfied the Premier is in doubt also.

THE PREMIER: He was chairman of the Progress Association for a long time.

MR. GREGORY: He had a bad record.

THE PREMIER: Then why was he elected to that position? It is not the fault of the Government, if men in these high positions are placed on the commission of the peace.

MR. GREGORY: Perhaps the Government ought not to be blamed too much for making an error in this case; but would it not be wise to appoint justices annually? The member for the Murray (Mr. George) tells us that since he has been appointed justice, he has never sat on the bench; but if a person is appointed and will not perform the duties, he ought to be removed.

MR. HUBBLE: A justice is not necessarily bound to sit on the bench.

MR. GREGORY: I know one case of a man who refused to sit on the bench because he was afraid of losing his customers in the district.

THE PREMIER: That is a magistrate you recommended.

MR. GREGORY: But he is an honest man.

THE PREMIER: He will not do his duty.

MR. GREGORY: He signs documents, and is of some use in his district as a justice. But if justices were appointed annually, the Government could find out those persons who do not attend; and if an error had been made in any appointment, the name could be omitted in the next list. I hope no objection will be raised to the motion, and I may say that, so far as I am concerned, there is no political dodge connected with the proposal.

THE PREMIER: There is no necessity for the motion.

MR. GREGORY: If the motion be pressed to a division, I hope the House will support the view that there shall be no class distinction in regard to the appointments of justices of the peace.

MR. VOSPER (North-East Coolgardie): I support the motion, not because I believe men should be appointed simply for the reason that they are manual labourers, but because every class ought to be represented on an unpaid magistracy, so long as we have that institution. I approve very heartily of the suggestion by the member for North Coolgardie (Mr Gregory) for an annual revision of the members of the commission of the peace, a practice which in New South Wales and Queensland has been found very useful.

THE PREMIER: We have the power here.

MR. VOSPER: Then the power ought to be exercised.

THE PREMIER: We will exercise it, some of these days.

MR. VOSPER: The list might be gone through once every year, and the revised list gazetted, and if any undesirable persons were found on the commission, their names could be excised.

THE PREMIER: It would be very difficult, and the excisions would have to be very carefully done.

MR. VOSPER: I know that perfectly well, but it is a responsibility the Government should take, and one which other Governments have exercised for many years.

THE PREMIER: But very sparingly.

MR. VOSPER: Exactly; a Government will not omit a man's name except for some very serious reason; but, at the same time, that is the practice, and it should be carried out here.

MR. HAEFER: It has been done here.

MR. VOSPER: And rightly so too, because men occupy seats on the bench who ought not to be there. There are men on the goldfields who are better known than trusted, but I do not want to mention names, or inflict any injury.

THE PREMIER: There are a few, but not many.

MR. VOSPER: There are some.

THE PREMIER: Only two or three altogether. You could count them on your fingers, out of all the hundreds.

MR. VOSPER: That is all very well, but even if they can be counted on the fingers, there ought not to be justices who are a disgrace to the bench.

THE PREMIER: It would be very hard to get rid of them.

MR. VOSPER: Representations were made to the Government some time ago in connection with a person particularly well known to the Ministry, or at least who ought to have been well known to them, and in this case his brother magistrates positively refused to sit with him.

THE ATTORNEY GENERAL: And those brother magistrates would not come forward and give evidence when an inquiry was held.

MR. VOSPER: That is quite possible; but at the same time, a considerable outcry was raised in regard to this particular person, and that outcry was to a great extent justified. In any case I think one effect of the motion will be to induce the Government to exercise a great deal of care in future appointments; and it will also have an effect upon certain undesirable members on the bench. I shall support the motion, because I believe in the principle; but at the same time I do not wish to stand here for one moment and urge that people should be magistrates because they belong to an organisation or to one class of society. If a man is qualified he should be appointed.

THE PREMIER: Why not leave it to the Governor-in-Council, as in every other country?

MR. VOSPER: We do not propose to take that power away.

MR. WILSON (Canning): I simply rise to take exception to the remarks of the Premier, that the motion of the member for Albany is a political dodge. I do not think that charge is justifiable, and it ought not to have been made. As far as I am concerned, I did not know the motion was on the Notice Paper, and I do not think members on this (Opposition) side of the House knew about it; and I fail to see where the political dodge comes in. On a question of this sort, if people think they are not receiving sufficient notice or sufficient justice, why should not the matter be brought before the House?

MR. VOSPER: Supposing it is a political dodge, what difference does that make?

THE PREMIER: It is an appeal from the Government to the member for Albany.

MR. WILSON: Why should they not appeal? They are perfectly justified in appealing to the hon. member, and the hon. member is perfectly justified in bringing it before the House in order that their wishes may be carried out. With regard to appointing suitable persons from the ranks of the workers, I agree *in toto* with that principle.

THE PREMIER: We all agree with it.

MR. WILSON: As to appointing representatives of the workers, I think it would be well to leave that out. We recognise there are suitable men in the ranks of the workers, men as good as there are on the bench, and there is no reason why these men should not be appointed; but I do not think we ought to bind the Government or ourselves down to the men who are called representatives.

THE MINISTER OF MINES: They do not work.

MR. WILSON: I move that the word "representatives" be struck out. That would leave the motion to read that suitable persons from amongst the workers should be appointed as justices of the peace.

MR. HOLMES: I second the amendment.

Amendment put and passed.

MR. LEAKE (in reply): I do not know that the House will expect me to repudiate the suggestion that this is a political dodge. However, if it is necessary, I can do so. But of course such an accusation as that is not unexpected, nor is it unusual, coming from the right hon. gentleman opposite. I am always ready for these little observations. Again, the right hon. gentleman is quite wrong in supposing this was an appeal by these gentlemen on the fields from his decision; because at the time they made this request to me they had not received the decision of the right hon. gentleman upon the subject, judging from the correspondence to which he referred, because his decision did not go forward until about the 31st August, and it would appear that these good people interviewed me somewhere about the beginning of August.

THE PREMIER: They were a long while moving, then.

MR. LEAKE: It seems they consulted me early in August, because there is a letter—which, by the way, the right hon. gentleman did not read—with these papers, addressed to C. J. Moran, Esq., M.L.A., from the Workers' Hall, Boulder City, 4th August. I am going to read it:—

Dear Sir,—By direction of the K. B. and D. Trades and Labour Council, I am by this mail communicating with the Premier, requesting that he should appoint "justices of the peace" from the ranks of the workers. To strengthen our request we waited on the members of both Upper and Lower Houses while they were in Kalgoolie on the federation question, asking their assistance in this matter. While they all recognised the necessity of these appointments and were quite willing to give us all the assistance that lay in their power, they pointed out the great assistance that you could render us. I write soliciting your valuable assistance, and I trust you will use your power on our behalf. I think it unnecessary for me to put forward any arguments in favour of this question, as your knowledge of these fields will be sufficient to convince you that it is an absolute necessity. In my letter to the Hon. Sir John Forrest, I enclosed a list of six names whom we consider are in every sense capable of holding the position with credit. Anticipating your favourable co-operation, and hoping that your efforts will be successful in securing our request, I am yours faithfully (signed), WILL. D. JOHNSON, Secretary

The reason the request was not advanced by me at once was that when this representation was made to me I said that inasmuch as I did not represent the district, the proper thing to do was to make a representation through their member, Mr. Moran, because it looked as if I were trespassing on his preserve and there is a certain amount of etiquette among parliamentary gentlemen as to what they do in another member's district. That representation appears to have been made; but subsequently I was again urged to bring the matter forward, and I tabled the motion. So it will be seen from this that no attempt was made in the way the right hon. gentleman suggests. As I say, at that time the decision had not arrived; so again he does not do me justice. I was particularly careful in pointing out that they should make this proper representation through their member. It is a mistake to suppose the motion was tabled with the idea of urging that certain men should be appointed

justices of the peace because they belong to certain particular organisations or a certain class; but really the inference to be drawn from the argument of the right hon. gentleman is that because they belong to certain organisations or a class, they should be excluded, and that principle I wish altogether to repudiate. I do not quarrel with the dictum in the letter of the 31st August, which says that justices should be appointed on account of qualifications which specially fit them for the position, or because they hold some position of honour in their district, or because they hold prominent positions and are respected in the community where they reside. I commend those propositions, because the motion says suitable persons should be appointed.

THE PREMIER: If we are doing all you want, why move it?

MR. LEAKE: I do not say you are doing all we want.

THE PREMIER: Then it is a vote of censure on us, is it?

MR. LEAKE: Not at all. The right hon. gentleman said he would oppose the motion. That means that he is against the principle of the motion.

THE PREMIER: We say we have done all that is necessary.

MR. LEAKE: I say you have not, and I do not care much what the result may be. I do not mind these references to me: I am used to them. I have been told that I am "acting," and the other evening I was told by the Attorney General that I was "acting." It is a pity the hon. gentleman (the Attorney General) does not do a little acting himself; and if the hon. member wishes to "act," he had better put on a petticoat and appear as a "scold," because he is better fitted for that position than the position he occupies. We know that justices of the peace are selected from all classes of the community, from lawyers, bankers, merchants, farmers, mine-owners, publicans, and workers.

THE PREMIER: And labourers.

MR. LEAKE: We have the admission of the member for the Murray (Mr. George) that he himself is a worker, and I say he is a credit to his class. Would anyone say the hon. member is not fit to be a justice of the peace?

THE PREMIER: He is one.

MR. LEAKE: I am glad to think he was appointed. Why the hon. gentleman should stigmatise the general working class of the community as unfit to occupy a position which we say they ought to occupy, I do not know.

THE PREMIER: We do not say so.

MR. LEAKE: If the Premier considers the applications on their merits, instead of making these appointments from amongst his personal friends and "hangers-on," justice will be done. Again I urge hon. members to support the motion.

THE ATTORNEY GENERAL (Hon. R. W. Pennefather): The last words of the hon. member clearly indicate that his motion is in effect a censure on the Government in regard to the manner in which the appointments have hitherto been made. That being so, of course there is only one position for the Government to take up. The hon. member is not justified in making the observations he has done, because they are not warranted by any facts whatever to support them. An illustration was given just now by one hon. member, who referred to the fact that he knew of two or three justices on the goldfields — certainly the hon. member referred to one man as a perfect disgrace, and that a public outcry had been made about it.

MR. LEAKE: Who was that?

THE ATTORNEY GENERAL: The member for North-East Coolgardie (Mr. Vosper) referred a moment ago to some cases that emanated from his district, and the hon. member did not know until I told him, or he would not have made the observations, that the Government appointed a board to investigate the charges against these justices, and the men who made the charges refused to come forward and give evidence. Is that conclusive evidence that the charges were proved? That shows that an *ex parte* statement in a small community made by some person may blast another person's character, and the Government refused to take an *ex parte* statement, and decided to hold an inquiry. The value of an assertion of this kind is shown, when an investigation is held, by the gentlemen who made the charges not coming forward and giving evidence.

MR. ILLINGWORTH: Is that the Coolgardie case?

THE ATTORNEY GENERAL: Broad Arrow.

MR. VOSPER: I was speaking of Coolgardie: the person I referred to had no character to blast.

THE ATTORNEY GENERAL: The hon. member can make that observation because the person is not here to answer it. The next point is that the form of the motion, as amended, practically affirms that the Government have not hitherto appointed any person from amongst the workers to be justices of the peace. But the hon. member has admitted that in our Assembly we have one member who takes a pardonable pride in repeating that he has been a worker, and that he has been appointed a magistrate; and therefore, so far as that hon. member is concerned, the charge is not sustained. There are many other instances in this colony of appointments from amongst the workers; and therefore this charge which is now practically laid against the Government is unfounded and unwarranted. What particular object the hon. member may have had in moving this motion is best known to himself. He has disavowed any political motive in so doing, and of course when the hon. member says that, we acknowledge he must be correct; but if the hon. member wishes to press his motion in its amended form, he certainly cannot expect the Government to take it in any other way than as a vote of censure on their administration.

MR. MORGANS (Coolgardie): I desire, for the same reason, to oppose this motion, because it can be looked upon only as a vote of censure on the actions of the Government in the past in reference to the appointment of magistrates. If the mover could have framed a motion in such a way that this view could not have been taken of it, then I should have been very pleased to support him. I do not think it is quite right for hon. members on that (Opposition) side of the House to assume that they are the only persons in this Assembly who agree with the principle of appointing workers to the magisterial bench. We Government supporters agree with the principle just as fully as do members of the Opposition.

THE PREMIER: And working men have frequently been appointed.

MR. MORGANS: As far as I know, that principle has been acted on.

MR. GEORGE: Then why not accept the motion?

MR. VOSPER: The motion merely affirms the principle.

MR. MORGANS: No. If this motion means anything, it means that the Government in the past have taken exception to the appointment of workers on the bench. That is what it means, and it is capable of no other construction.

MR. VOSPER: It affirms a principle: that is all.

MR. MORGANS: It does affirm a principle, but it assumes the other inference at the same time; and if the leader of the Opposition can frame a motion devoid of that censure which his present motion evidently carries on the face of it, then I shall be very pleased to support him. I say it is absurd for any hon. member to assert that the Premier, or any member of the Government, or any of the Government supporters, have in any way stigmatised the working men of this colony. That has not been done, and I say that we on this side of the House all believe in working men just as much as do hon. members of the Opposition. I am prepared to say that I shall have pleasure, whenever opportunity offers, in recommending a working man for appointment to the bench; and I know that if I had been asked to do so, and if the person recommended had been suitable, I should have made the necessary recommendation. I may say that I never have been asked, but if I had been, and if I had considered the person referred to suitable, I should have given him my strongest support.

THE PREMIER: And he would have been appointed.

MR. MORGANS: What would be the effect of this motion if carried? Simply that the general public, and especially that sensitive public on the goldfields, would assume that the Government in the past had purposely avoided appointing working men to the magisterial bench. That is the only view the public would take of it; and the result would be that they would say, "This is the man to defend our rights, the hon. member for Albany: this is the man we want to represent us in the House of Parliament; a man who will bring these

motions forward in the House and protect the interests of the working man." I do not say the member for Albany had this object in view, but that would be the inevitable result of passing the motion, which I oppose on the ground that it implies a vote of censure, or if it does not go that far it at least involves the view that the Government have in the past appointed justices of the peace outside the ranks of the workers, with the fixed intention of not appointing workers when the opportunity offered. I stand here as great a friend of the working man as any member on the Opposition side of the House.

MR. LEAKE: But still a greater friend of the Premier.

MR. MORGANS: No; I stand here as one who has done as much for the working man as any hon. member on the Opposition side of the House, and probably more. My objection to the motion is that it would be misunderstood by the public if carried. I do not assert that was the intention of the member for Albany, but the motion would be looked on as a vote of censure on the Government in regard to the appointment of justices of the peace in the past.

Motion as amended put, and a division taken with the following result:—

Ayes	8
Noes	16

Majority against ... 8

AYES.	NOES.
Mr. Gregory	Sir John Forrest
Mr. Holmes	Mr. George
Mr. Illingworth	Mr. Harper
Mr. Kingsmill	Mr. Higham
Mr. Lenke	Mr. Hubble
Mr. Vosper	Mr. Lefroy
Mr. Wilson	Mr. Locke
Mr. James (Teller).	Mr. Mitchell
	Mr. Morgans
	Mr. Pennefather
	Mr. Phillips
	Mr. Piesse
	Mr. Rason
	Mr. Throssell
	Hon. H. W. Venn
	Mr. A. Forrest (Teller).

Question thus negatived.

ADJOURNMENT.

On motion by the PREMIER, the House adjourned at 11:15 o'clock until 7:30 the next evening.