did not apply to Aboriginal interpreters. In a recent case heard in the Supreme Court, he had tendered a native as an interpreter, but objection was taken by counsel to the native acting in that capacity unless it could be shown that he believed in the doctrines of Christianity and the sanctity of an oath. The objection was allowed by the Chief Justice, as the existing Ordinance only provides for the affirmation of natives giving direct personal evidence, and not to native interpreters. The present Bill had been introduced to remedy that defect, and apparent anomaly.

The Bill was read a second time.

In Committee.

Clause 1—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the words "or court and jury, as the case may be," in the eighth and last lines, be struck out.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 2—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the words "or court and jury, as the case may be," in the 11th and last lines, be struck out.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 3 agreed to.

New clause—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the following stand as clause 1, the interpretation clause:—

> The word "court" shall include any person or persons having by law authority to administer an oath.

New clause agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

PROTECTION OF WITNESSES BILL.

Second Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking), in moving the second reading of a Bill for the protection of witnesses, said it had been found expedient for the due administration of justice that persons giving evidence in any trial in the Supreme Court should be compellable to speak the truth and the whole truth and should not be able to excuse themselves from doing so by alleging that the answer to any question put to them would criminate them. The Bill before the House provided for such cases, and would no doubt commend itself to the consideration and support of hon. members. It was proposed that when a witness called to answer any interrogatory should decline to do so on the ground that his answer would criminate himself, the Chief Justice should be empowered to grant the witness a certificate which might be pleaded in bar to prosecution arising from any criminatory admission made in evidence. It was not intended, however, that such certificate should be pleadable in bar of any indictment or information brought against the witness for perjury.

The Bill was read a second time.

DISTILLATION ACT, 1871, AMENDMENT BILL.

Third Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

The Council adjourned at 10.30 p.m.

LEGISLATIVE COUNCIL,

Thursday, 9th December, 1875.

Paper Tabled—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill: Message from the Governor, No. 1—Crews of Coasting Vessels Discipline Bill: first reading—Closing of Streets in Perth Bill: second reading: in committee—Pearl Shell Fishery Regulation Bill: motion for third reading—Third Readings—Protection of Witnesses Bill: in committee

The ACTING SPEAKER took the Chair at 12 noon.

PRAYERS.

PAPER TABLED.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) laid upon the table a copy of the agreement made between the Government and the owners of the steamer *Georgette* with reference to the steamer postal contract.

WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT BILL.

Message from the Governor—No. 1.

The ACTING SPEAKER reported the receipt of the following Message from His Excellency, the Governor:—

> The Governor transmits, herewith, the draft of a Bill to amend "The Wines, Beer, and Spirit Sale Act, 1872." The main object of this Bill is to place a further check on habits of intemperance, by amending those sections of the Licensing Act which relate to the supplying of liquor to persons in a state of intoxication, and to illicit traffic in liquor; and the Governor begs leave to recommend it, as a measure of much importance, to the favorable consideration of the Honorable the Legislative Council.
>
> Government House, Perth, 9th December, 1875.

CREWS OF COASTING VESSELS DISCIPLINE BILL.

First Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking), in accordance with notice, moved for leave to bring in a Bill to make provision for the maintenance of discipline among the crews of coasting vessels.

The Bill was read a first time.

CLOSING OF STREETS IN PERTH BILL.

Second Reading.

The SURVEYOR GENERAL (Hon. M. Fraser) moved the second reading of a Bill to render it lawful to close up certain streets in Perth required by the corporation for the purpose of the main drain now in course of construction, having its outlet at Claisebrook. The primary object of the Bill was to validate the action of the City Council in this matter; a secondary object in view being the closing of an existing right-of-way,—which however had never been used as a public thoroughfare,—in the immediate vicinity of the Mulberry Plantation.

Mr. SHENTON said the closing of the streets referred to in the Bill would in no way interfere with public traffic, and the proposal met with the approval of the City Council.

The Bill was read a second time.

In Committee.

The Bill passed through Committee without discussion.

PEARL SHELL FISHERY REGULATION BILL.

Motion for Third Reading.

Mr. STEERE, who was absent on the previous day when it was read a second time and discussed in Committee, moved that the third reading thereof be postponed until Monday, when he would move its recommittal. There could be nothing more improper and imprudent than hurrying a Bill through its various stages, as had already been the case in more than one instance during the present session. No Bill should be passed into law without opportunity being afforded for fully discussing it, which could hardly be the case if a measure were passed through its three stages in so many days. The result of such hurry-scurry legislation must be laxity of statutory definition, which could not be otherwise than the cause of dissipating a large portion of public time. He would move that the motion for the third reading of the Bill be taken on Monday instead of that day.

The ATTORNEY GENERAL (Hon. H. H. Hocking) said he had often heard that Sunday, which was a *dies non* to most classes of the community—pearl divers excepted—was a day specially intended for lawyers to study their briefs and for tradesmen to make up their books. Probably the hon. member thought that it was likewise a very appropriate day for legislators to read up Bills. (Laughter.) There could be no possible objection for the third reading of the measure before the House being postponed until Monday.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said there was no desire on the part of the Government to hurry over the work of the session by the summary disposal of any measure,—a practice which often defeated the real object of legislation. In disposing of sessional work with as little delay as was compatible with a careful consideration of the legislative measures introduced, he was only actuated by a desire to meet the convenience of those country members who might be anxious to return to their homes at as early a date as possible.

The motion for the third reading was postponed in accordance with the suggestion of the hon. member for Wellington.

THIRD READINGS.

The following Bills were read a third time and passed, on motions by the Attorney General (Hon. H. H. Hocking): Capital Punishment Amendment Bill and the Law of Evidence Amendment Bill.

PROTECTION OF WITNESSES BILL.

In Committee.

Mr. STEERE moved the insertion of the following additional clause in the Bill providing for the protection of witnesses who may give evidence of a nature to criminate themselves:—"In any appeal against any order or conviction made by any Justice or Justices of the Peace, if it shall appear to the Judge before whom such appeal shall be heard that such order or conviction was made in pursuance of the provisions of the Act under which the appellant was convicted, such order or conviction shall not be quashed for mere want of form in the substance thereof."

Point of Order.

The ATTORNEY GENERAL (Hon. H. H. Hocking) said it was not competent for the hon. member to introduce such a clause without an "instruction" to the Committee, as it was not at all within the scope of the Bill nor relevant to the subject matter thereof. The purpose of an "instruction" was to give power to a Committee to do that which it could not do without that power, and introducing irrelevant matters was one of those things which a Committee could not do unless empowered to do so by an "instruction," which the hon. member should have moved immediately after the Order of the Day for the Committee on the Bill had been read.

Chairman's Ruling.

The CHAIRMAN ruled that the subject matter of the clause was foreign to the principle of the Bill, and, therefore, could not be introduced.

Committee Resumed.

Mr. STEERE stated he had anticipated that the hon. and learned gentleman would have thrown some obstacle in the way of the introduction of a section which, if it came into operation would have the effect of taking bread out of the lawyers' mouths, inasmuch as it would tend to reduce the number of appeal cases. But he did think that the magistrates of this colony, none of whom were trained to the law, should be so protected that a mere technical informality in the substance of a conviction or an order should not render such conviction or order liable to be quashed.

The ATTORNEY GENERAL (Hon. H. H. Hocking) said that the result of the adoption of such a clause as that which the hon. member for Wellington had proposed to introduce would have been to stereotype and perpetuate that perfunctory, happy-go-lucky style of administering the law which was too frequently characteristic of the magistracy of this colony. It would lead to carelessness, and consequent informalities, in the forms of convictions and orders made by the justices.

Mr. STEERE, with all due respect to the learned Attorney General, maintained that the magistrates of this colony do not conduct their business in a "happy-go-lucky style," but, on the contrary, in a manner which reflected much credit upon their sound judgment. Few, if any, of them had received a legal training, and the knowledge of law which their clerks possessed was, at best, but superficial and imperfect. Taking these circumstances into consideration, he maintained that the magistrates of this colony discharged their magisterial functions in a highly creditable manner and it was a matter of wonder that so few mistakes were made. He believed that the feeling of the House was altogether with him on the present occasion, and that had he been enabled to introduce the proposed clause into the Bill it would have been adopted.

Mr. BURT agreed with the hon. member that colonial magistrates, as a rule, and under the circumstances, discharged their duties in anything but a perfunctory and unsatisfactory manner. Unfortunately for the lawyers the average number of appeals throughout the year, from all the magisterial districts of the colony, did not exceed two or three,—a fact which spoke very highly of the sound judgment of the presiding justices. But the object sought to be attained by the hon. member for Wellington would not have been attained by the adoption of the clause of the nature of that which he had proposed to introduce, the result of which would have been to shut out the poor man from appealing. If the hon. member had been induced to propose his amendment, as he probably had, in consequence of the result of recent proceedings on appeal, he would tell him that in that case the conviction was not quashed "for mere want of form in the substance thereof," inasmuch as there was neither form nor substance in the magisterial proceedings from beginning to end.

Clauses 1 to 3 agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, without amendment.

The Council adjourned at 1.30 p.m.