very hard indeed. So long as we can secure payment to the municipality of rates, I do not think we need trouble ourselves about anything else. The rates should be a charge upon the land. When a person takes a house in all good faith, and in thorough ignorance of what has gone before, with perhaps a year's rates in arrear by the previous tenant, it is not right that he should be liable to have a distress put into his house within a short time for another person's default.

MR. A. FORREST: It has never been done.

MR. LEAKE: I say it has been done. It is my intention to debate this question, and I really hope the hon. member for West Kimberley, who represents the municipality of Perth, will consider this matter seriously, because it is really a most important principle. Many of us disagree altogether with the landlord's right to distrain. But to carry this principle on to the municipality is going altogether too far. I shall certainly raise a debate in Committee on this subject. I could talk about it for an hour and a-half, but I am sure hon. members do not want to hear me at that length to-night. I promise, them, however, I shall discuss this question, and if necessary at great length; and if hon. members will listen to arguments and are prepared to be convinced, I am sure they will agree with me.

Bill read a second time.

ADJOURNMENT.

At 9.52 p.m. the House adjourned until July 18th, at 4.30 p.m.

Legislative Assembly,

Thursday, 18th July, 1895.

Steamers not calling at the port of Dongarra—Railway Service Uniforms Contract—Overtime, etc., Accountant's branch, Public Works Department—Sewerage Scheme for Perth—Improvement of Brickfields, East Perth—Duties on Estates of Deceased Persons Bill; first reading—Return re Homestead Blocks—Return re Agricultural Areas—Justices Appointment Bill; third reading—Licensed Surveyors Bill; in committee—Message from His Excellency: Supply—Suspension of Standing Orders—Supply Bill: first reading; second reading; in committee—Goldfields Bill: second reading—Municipal Institutions Bill; in committee—Criminal Evidence Bill; adjourned debate; second reading—Construction of Mount Park Road—Adjournment.

THE SPEAKER took the chair at 4.30 p.m.

PRAYERS.

STEAMERS NOT CALLING AT DONGARRA. NEGLECT OF ADELAIDE S.S. COMPANY TO CALL AT PORT OF DONGARRA.

MR. PHILLIPS, in accordance with notice, asked the Premier, Whether he was aware that the vessels of the Adelaide Steamship Company had discontinued calling at the port of Dongarra. If so, would he give the reason for such discontinuance, and at once arrange for the steamers to again call at the port.

THE PREMIER (Hon. Sir J. Forrest) replied that he was informed by the Adelaide Steamship Company's agent at Fremantle that the company's steamers had ceased to call at the port of Dongarra as their vessels were now too large to enter that port with safety. The small steamer hitherto employed had to be withdrawn as it could not successfully compete with the larger boats of rival companies.

RAILWAY SERVICE UNIFORMS.

MR. RANDELL, in accordance with notice, asked the Commissioner of Railways, Whether the conditions and stipulations of contract for the supply of Uniforms for the Railway Service had been strictly adhered to; especially No. 3.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied that the conditions and stipulations had been generally ad-

hered to, but owing to the absence of the Supervisor, the uniforms had not been subjected to the examination of an expert.

OVERTIME, &c., ACCOUNTANT'S BRANCH, WORKS DEPARTMENT.

MR. JAMES, in accordance with notice, asked the Director of Public Works,—

1. The number of hours worked overtime in the Accountant's Branch of the Works Department since July 1st, 1894.

2. The remuneration (if any) paid for same.

3. How many officers had been suspended by the Accountant since that date for not returning after the recognised official hours.

4. Whether temporary officers were entitled to annual leave.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) replied as follows:—

1. This return will take some time to complete, and will be given if the hon. member will move for it.

2. *Nil.*

3. None suspended, but two were reported as not having returned when requested.

4. Temporary officers are not entitled to annual leave.

SEWERAGE SCHEME FOR PERTH.

MR. JAMES, in accordance with notice, asked the Premier,—

1. Whether the Government had yet been able to form any opinion upon the Sewerage Scheme proposed to be adopted for Perth; and, if so, what were the lines of such scheme.

2. If not, what (if any), professional opinion the Government proposed to obtain upon the matter, and when.

THE PREMIER (Hon. Sir J. Forrest), replied as follows:—

1. Not yet.

2. Until the survey is completed nothing can be done.

IMPROVEMENT OF BRICKFIELDS, EAST PERTH.

MR. JAMES, in accordance with notice, asked the Premier, whether, in the Estimates for this year, he proposed to make provision for the improvement of the Brickfields in East Perth.

THE PREMIER (Hon. Sir J. Forrest) replied that the Government had already paid the City Council for fencing in the land at a cost of £163, and had also paid £100 to the City Council for improving and planting the land, but he was not aware if the latter amount had yet been expended. No application for further assistance in regard to this locality had been made to the Government by the City Council.

DUTIES ON ESTATES OF DECEASED PERSONS BILL.

Introduced by MR. BURT, and read a first time.

HOMESTEAD BLOCKS GRANTED AND REFUSED.

MR. THROSSELL, in accordance with notice, moved that a return be laid upon the table of the House showing—

1. All homestead blocks granted up to date, such return to show in what area and district situated.

2. All applications refused, and reasons for refusal.

Question put and passed.

NUMBER AND ACREAGE, &c., OF AGRICULTURAL AREAS.

MR. PIESSE, in accordance with notice moved, that a return be laid upon the table of the House showing,—

1. The number of agricultural areas proclaimed.

2. The acreage of each area.

3. The acreage surveyed in each area.

4. The acreage under occupation in each area.

Question put and passed.

JUSTICES APPOINTMENT BILL.

Read a third time, and transmitted to the Legislative Council.

LICENSED SURVEYORS BILL.

IN COMMITTEE.

Clauses 1 to 5:

Put and passed.

Clause 6—Board to issue licenses to surveyors, etc.

MR. ILLINGWORTH said he noticed that the Board was to issue licenses to surveyors who had received a certificate of competency from any legally constituted Board of Examiners, for surveyors, "in any of the Australasian colonies." He wished to know whether surveyors who had practiced in other parts of the world—in Great Britain or in India—would

be placed in the same position as surveyors from the Australian colonies; or whether it would still be necessary for competent surveyors from other countries to reside in the colony for a period of six months before they could be licensed?

THE ATTORNEY-GENERAL (Hon. S. Burt) was not aware that a six months' residence was required, except in the case of surveyors who were licensed to practice under the Transfer of Land Act. So long as a surveyor was entitled to practice in the colony or country wherein he obtained his certificate the Board here would issue a license to him.

Clause put and passed.

Clauses 7 to 14:

Agreed to.

Clause 15—Surveyors' charges not to exceed the amount prescribed in the schedule to this Act "except by express agreement in writing."

MR. LEAKE said he noticed that the fee to be charged was limited to £3 3s. a day; would not this work a hardship in some cases? A surveyor might be engaged to do some very difficult and intricate work, or he might be asked to undertake a long job at a fixed contract price (say £20) for the job. Would it not be rather hard upon the surveyor to limit him to this £3 3s. a day? Would it not be rather hard if he could not recover according to the value of his work—*quantum meruit*. A man might be employed by some person out of the colony to survey a piece of land, without any express agreement in writing as to the charge, and the surveyor might, by dint of working from morning to night, be able to earn £10 or £15, or he might be able to get through a £20 job in two or three days; yet, in the event of a dispute with his employer, the employer might turn round and say "You can't charge me more than three guineas a day, according to the Act." Was not this calculated to work a hardship in some cases?

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) said his attention had been drawn to the probable effect of this clause in some cases, but he did not think there would be any great number of cases where it would work any hardship upon the surveyor. Under the Land Transfer Act it was the custom of surveyors to charge for work done at an agreed contract price, and this clause would not interfere with that custom; and, in all cases, it would be competent for the surveyor to make an express agreement with his employer as to the charge to be made. There might be some difficulty, perhaps, in the case of instructions received from persons residing out of the colony, and, in the absence of a special agreement; but he did not anticipate that any serious hardship would be likely to arise. As a matter of fact this provision and the same schedule of charges as were fixed in this Bill had been in force since the Act of 1886; so that if there was any hardship likely to arise, in practice, it was reasonable to suppose it would have arisen before now, and they would have heard something about it. It must be remembered that there were two classes of people to protect. They recognised that surveyors should be protected in their rights, but the public also should have some protection. It was possible that where surveyors were scarce, or where there was only one surveyor perhaps in the district, he might charge almost what he liked, unless there were some fixed scale of fees, and the public might suffer thereby. He did not mean to say that they would, but they might. The surveyor, in any case, was at liberty to make a special agreement with his employer. Perhaps it was going rather too far to require that this special agreement should, in all cases, be in writing. He had no very strong feeling in the matter himself, but he could not help being impressed by this fact: the same provision and the same scale of fees had been in force since 1886, and he was not aware that it had worked any particular hardship.

MR. A. FORREST thought that to limit the charge to three guineas a day in all cases, might certainly be very unfair in the case of some surveyors. A man might be employed to do some very difficult and intricate work upon some piece of ground perhaps in Hay-street, Perth—a work which would require exceptional skill and exceptional care, and involve a large amount of references to the Survey Office—and it would be absurd, in such a case as that, to say that the surveyor would be sufficiently paid at three guineas a day. The survey might involve property worth thousands of pounds, and it would require exceptional qualifications to carry out such a work. Why should they legislate to restrict the charges of licensed surveyors, any more than the charges of other professional men? He would suggest that the fee be increased

from three guineas to six guineas. No doubt most of these surveys were made under a special agreement, but sometimes telegrams came from distant parts instructing a surveyor to do certain work, and, when the surveyor did the work, and charged what he considered a fair price for his work, his employer might turn round and say, "I am not going to pay you that; you cannot charge me more than three guineas a day,"—although three guineas a day might be nothing like the value of the work done. He failed to see why they should legislate in this direction at all. Why should they go out of their way to protect people who would not go to the trouble of protecting themselves by making a special agreement?

MR. SOLOMON said he was rather in favor of the clause. He did not see where the hardship came in, so far as the surveyors were concerned. Every surveyor, before he undertook to do any job, would know that this clause existed, and that, unless he made a special agreement, he could not charge more than three guineas a day. He knew of a case that occurred not long ago where a surveyor was asked to come down to Fremantle to survey just one little block, and he charged five guineas for it, which was an exorbitant price He thought the Government were acting very properly in protecting the public in this way.

MR. JAMES hoped the Government would see their way clear to strike out the clause altogether. He did not think it was advisable to limit fees in this way, unless there was an express agreement, and that in writing. With all due respect to the hon. member for South Fremantle (Mr. Solomon), he did not think the hon. member was much of a judge of the trouble and skill involved in surveys—any more than himself. As a rule, if a surveyor charged too much he was not likely to get another job, and, in a small place like this, such a man soon became known.

THE PREMIER (Hon. Sir J. Forrest) said, the Schedule had been in existence for nine years, and he had never heard of it having pressed hardly upon any one. He looked upon it as being in the interests of the surveyors themselves, because some people would pay them no more than five shillings a day if they could. He was amused at the hon. member for South Fremantle, who referred to a surveyor having charged five guineas for surveying a small block of land, because a small block of land might give far more trouble than a large one. He did not see anything very bad about it, and it secured the surveyor three guineas a day, besides the expenses of his party.

MR. JAMES: That might sometimes be very hard on the other side.

THE PREMIER (Hon. Sir J. Forrest): It might cost him five guineas a day to get to the place. He asked the hon. member for West Kimberley if it were in the interests of the profession to take the clause away altogether; personally he preferred to leave it where it was. Many people looked upon the work that surveyors did as not being very much, forgetting all the time and trouble necessary to qualify them for their work. Where a person did not make a special agreement, he thought it not unreasonable that they should be charged three guineas a day by a surveyor.

MR. ILLINGWORTH hoped the hon. the Commissioner would accept the suggestion, and strike the paragraph out altogether. The House had no right to take upon itself to interfere with the private business of any person. They did not make laws to regulate the charges of doctors, or lawyers, or butchers. He objected to the principle that was involved, and thought it went beyond the proper sphere of legislation.

MR. MARMION said he understood when the Bill was introduced, that it was at the request, and with the full support, of the Board of Licensed Surveyors. If they themselves objected to this clause why did they recommend it? He thought that was a question some one should answer. It ought to be borne in mind too, that while not wishing to interfere with the rights of licensed surveyors, they had the rights of the public to protect. The licensed surveyors were well able to look after themselves. Provision was made for written agreements, in which case they were not precluded from making their own charges. It had been suggested to insert six guineas, but, if that were done, the surveyor would make that amount the basis upon which to calculate the charges for all the work he did. [MR. A. FORREST: There is too much competition for that.] He thought three guineas a suitable charge; and, unless it could be shown, that it was the desire of the licensed surveyors to have the clause struck out, he thought it should stand part of the Bill.

MR. JAMES thought a surveyor who was not a first class man might easily deceive the public; and probably would, by agreeing to

work for so much a day, and at the same time drag on the work as long as he possibly could. He thought when a surveyor wanted more than three guineas a day he would make an express agreement.

MR. A. FORREST thought the clause was in the interest of surveyors who did their work in a slovenly way. He was surprised that the hon. member for Fremantle (Mr. Marmion) should wish to curtail the emoluments of surveyors, which at the present time were not very great, owing to competition, and the public would not pay them too much. Then too, there were often intricate surveys needed, that might easily cost three guineas to get the information necessary to begin. The Hon. the Premier knew very well that, to have to make a survey of any part of Hay-street, for instance, might easily necessitate a whole day's search.

THE PREMIER: I would not do it without a special agreement.

MR. A. FORREST: A surveyor might get a cable from England, or any other place, and have to do exceedingly difficult work, without any written agreement; and afterwards his employer might wish to hold him to this schedule, and pay only three guineas a day.

MR. MARMION said he had the greatest possible sympathy with surveyors, notwithstanding the surprise of the hon. member for West Kimberley, and he thought he knew more about the Bill than that hon. member did. He still contended that as the schedule had been put forward by the Board of Licenced Surveyors, it should stand part of the Bill.

MR. LEAKE pointed out that a surveyor might have one day's work given to him without any special agreement, and he might make it last a week. He thought, the clause interfered, to some extent, with freedom of contract They had not thought of limiting a butcher's charges [MR. A. FORREST: Butchering is not a profession]. No, but they were very useful members of the community. He thought the same thing applied to any one who bought or sold. For the sake of testing the feeling of the committee he moved that the clause be struck out.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) pointed out it would scarcely be an interference with freedom of contract, because if there were any contract, the clause would not apply, seeing it only operated where there was no agreement or contract He had no objection to striking out the words "in writing," and thought that might meet the difficulty. It would be sufficient so long as a surveyor could prove he had an agreement of some kind.

MR. ILLINGWORTH said a person might go to a surveyor and ask, what certain work would be likely to cost; he would reply: the charge is three guineas a day. How long will it take? About three days. He would set to work, and perhaps make ten days work of it; and then say; oh there were difficulties I did not foresee; and so, instead of costing nine guineas, it would cost thirty. He thought the charge per day should be struck out.

MR. WOOD did not care whether the clause stood or not; but the Bill had been introduced in the interests of surveyors, and he though if the clause were struck out it would be distinctly against them.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the clause appeared in the Bill because it was recommended by the Board of surveyors, who requested the Government to introduce the measure. He thought himself the clause was in the interest of the surveyors, but at the same time, he did not think it of so much importance as to divide the commitee upon. He suggested, that as the Government had no strong feeling upon the matter, and some hon. members had, it would be better for the Hon. the Commissioner of Crown Lands to review the point; and if possible accept the suggestion to strike out the clause seeing the committee had so generously received all the rest of the Bill.

Amendment put and passed, and clause struck out accordingly.

Clauses 16 to 20:

Put and passed.

Schedules 1 to 3:

Put and passed.

Schedule 4 was struck out, consequent upon Clause 15 having been omitted.

Preamble and Title:

Agreed to.

Bill reported with an Amendment.

SUSPENSION OF STANDING ORDERS: SUPPLY £200,000.

A Message having been received from His Excellency the Administrator, recommending that provision be made to the extent of £200,000 towards defraying the expenses of various Departments and services of the colony during the year ending the last day of June, 1896.—

THE PREMIER (Hon. Sir J. Forrest) by leave, without notice, moved, "That the "House resolve itself into a Committee of "Supply and of Ways and Means, and that the "Standing Orders be suspended so as to permit "of the reporting and adopting of resolutions "therefrom on the same day on which they shall "have passed these Committees, and also the "passing of a Supply Bill through all its stages "in one day."

An absolute majority of Members of the House being present,

Question put and passed.

THE PREMIER (Hon. Sir J. Forrest) moved, that Mr. Speaker leave the Chair, and that the House do now resolve itself into a Committee of the Whole to consider the Supply to be granted to Her Majesty.

Question put and passed.

MR. SPEAKER left the Chair.

IN COMMITTEE.

THE PREMIER (Hon. Sir J. Forrest) moved "That there be granted to Her Majesty, "on account of the Service of the year 1895-6 "a sum not exceeding £200,000 towards defray- "ing the expenses of the various Departments "and Services of the Colony." He said: It is absolutely necessary, in connection with the large amount of public works now being carried on departmentally, that the Government should have funds that are legally at their disposal, in order to pay wages. If it were not for that there would be no necessity to move in such a hurry, but as the wages must be paid I move the resolution I have read.

MR. R. F. SHOLL: There is no necessity to get a vote of this kind. It appears to me to be a most unusual course; and certainly it is not convenient for a message to come down to the House, and for the House at once to go into committee to consider it. I have not the slightest objection to the message, but it does seem to me to be a very unusual course to adopt.

THE PREMIER: It is not unusual.

MR. R. F. SHOLL: The Government must have known a week ago that this was coming down.

THE PREMIER (Hon. Sir J. Forrest): The fact of the matter is, we did not intend to ask for supply until the end of the month, but it has been pointed out to me that a very large amount of work is being done at the Fremantle Harbor Works and other places, and that the wages of the men, which are only paid fortnightly, must be paid.

Question put and passed.

Resolution reported, and report adopted.

COMMITTEE OF WAYS AND MEANS.

THE PREMIER (Hon. Sir J. Forrest) moved, "That Mr. Speaker leave the Chair, and that the House do now resolve itself into a Committee of the whole to consider the Ways and Means for raising Supply granted to Her Majesty."

Question put and passed.

MR. SPEAKER left the Chair.

THE PREMIER (Hon. Sir J. Forrest) moved, "That towards making good the Supply granted to Her Majesty for the Services of the year 1895-6, a sum not exceeding £200,000 be granted out of the Consolidated Revenue Fund of Western Australia."

Question put and passed.

Resolution reported.

Report adopted.

SUPPLY BILL (£200,000.)

THE PREMIER (Hon. Sir J. Forrest) by leave, without notice, moved, for leave to introduce a Bill intituled "An Act to apply out of the Consolidated Revenue Fund the sum of £200,000 to the Service of the year 1895-6."

Question put and passed.

Bill introduced and read a first time.

THE PREMIER (Hon. Sir J. Forrest): In moving the second reading of this Bill, I should like to inform the House that I have added a few words to the second clause of the Bill; which, if they do not meet with the approval of hon. members, can easily be struck out, without in anyway affecting the principal matter which the Government have in view in introducing this Bill. By the addition of a few words in clause 2, I have made provision for appropriating out of the £200,000, a sum of £5,000, for the construction of the Perth Park road. When in Committee, the words can easily be struck out, if need be, without in any way affecting the Bill. I move the second reading.

Motion put and passed.

Bill read a second time.

The House then went into committee on the Bill.

IN COMMITTEE.

Clause 1:

Put and passed.

Clause 2: "The said sum shall be available to satisfy the warrants under the hand of the Governor, under the provisions of the law now in force in respect of any services voted by the Legislative Assembly in this present Session of Parliament, and shall include a sum of £5,000 for the constructing of the Perth Park Road."

THE PREMIER (Hon. Sir J. Forrest) said that in making the addition he had to this clause (as to the £5,000 for the construction of the Park Road), the Government was only following what was not an uncommon practice with some of the other colonies, and that was to add on to a Supply Bill any amount that the Government specially required to spend on matters which had been before the Legislature, and in connection with the expense of which no provision had had been made. As exception had been taken to the motion referring to this subject, when it was brought before the House by the hon. member for West Perth, he (the Premier) thought it would be a good way out of the difficulty to include the cost of this road in the Bill. The Government had no desire to press on this work, neither had it any object whatever in doing so. The only reason at all was that they had called for tenders for the work, and it was now only natural that the lowest tenderer should be enquiring when he would be able to commence his contract. The Government had everything before them before the tenders were called, and were well informed as to the probable cost of the work. So far as the Government itself was concerned they could well afford to wait a couple of months and let the matter come forward in the ordinary way, but there were other conditions, and consequently they now wanted to know whether the House wanted this work done or not. There had been two objections taken to the expenditure of this money. The first was that it did not come before the House in a regular way, and, if it was not opposed to the Standing Orders, was an attempt to get to windward of them. The second objection was that the cost was too much for the work which would be required at this place. With regard to the matter not having been brought before the House in a regular way, the Government remedied that by the manner it was now proceeding, in including the amount in a Supply Bill. As had been said by him last evening the Government had no object to serve, and if members did not want this road constructed, that portion of the clause in the Bill could very easily be struck out. The step now taken got over any difficulty there might have been as to the matter not having been brought before the House in a proper manner. With regard to the cost of the work, it really did appear to be a large sum for two and a quarter miles of road. However, it could not be said that all that was required here was an ordinary light Park road. They must have a road fit for the place. It would run right through a Park which it was proposed should be made something fit for the metropolis. All those who had been through parks and gardens in other parts of the world would be aware of the large amount of money spent in having the very best roads and footpaths for the enjoyment and the comfort of the people who used them. It was quite true that under some circumstances they could have a road constructed in a cheaper form, but it would not then be fit for the Park, nor would it be a real saving. The specifications and plans for this road would be placed on the table of the House, and hon. members could see for themselves that the money proposed to be expended would be well spent. The Commissioner for Railways had that very morning sent to the officer who had charge of this work, and had asked him for an estimate of the cost of the work, if the road was constructed of nothing but ironstone gravel, and the result of that estimate was that this modified form of road-making would involve the expenditure of £3,190.

MR. WOOD: And it would be no good when it was finished.

MR. R. F. SHOLL: I don't believe such a road would cost so much. The one who gave that estimate knows nothing about it.

THE PREMIER (Hon. Sir J. Forrest): The whole of the details in connection with the work are here, and they can be seen by members. For his own part, it resolved itself into the question, was the Government going to make this road or was it not? So far as the cheaper form of road was concerned, it should be borne in mind that the engineer did not recommend that. He only supplied the figures as to the cost when the price had been asked for. If the House was going to have some money spent in the improvement of this Park, why not let it be spent without delay. If they were not going to have the money spent, the few

words added to the clause could be taken away, and the whole question dropped. His own idea was that hon. members did really mean to spend money in order to give the people of the city some place to go to for recreation and enjoyment, and that there should be some fit place near the metropolis where people from other places could enjoy themselves as well. What he did sincerely hope was that they would not do these things in a poor way, but in such a manner that it would be a credit to the country and those who undertook the work. So far as the cost of the road was concerned, he would like to ask the Mayor of Perth what some of their roads—not nearly so difficult as this on Mount Eliza—cost that Municipality.

MR. A. FORREST: £30 a chain.

THE PREMIER (Hon. Sir J. Forrest): And this is just about £25 a chain. Besides this, the House should bear in mind that the road proposed to be made to the Park was to be 20ft. wide, while the roads of the city, said to cost £30 a chain, were only 16ft. wide. Where, then, was the excessive cost of the Mount Eliza road? It should be remembered that there would be great expense in laying down the tramway, and if hon. members read the specifications they would see that the contractor was not to be permitted to use the road when it was constructed. It was the opinion of the engineers that a good road could not be guaranteed unless it was completely finished before anyone was allowed to use it. He could assure hon. members that the interest of the Government in the road was only so far as the public were concerned, and he (the Premier), for one, was anxious to make this place more attractive and more fit for a recreation ground. It was really for the members of the House to say whether the Government should go on with this work in order to improve the surroundings of the city of Perth.

MR. A. FORREST: It is not wanted only for the people of Perth.

THE PREMIER (Hon. Sir J. Forrest): Certainly not. It is wanted to be attractive to everyone who comes here.

MR. MARMION trusted there would be no further opposition to the Government carrying out this work, and spending whatever money was necessary for the construction of the road. If there ever was a time in the history of the colony when they should put aside a portion of their surplus revenue for the embellishment of their cities and towns, it was the present. Now was the time when all these works of improvement could, and should be carried out. Surely out of their plenty a little could be spared to do this very necessary work. In the days when the colony did not have plenty, the urgency of this particular work was generally conceded, and now, when there was an abundance, and an overflowing Treasury, was the time to carry out the undertaking, so that people who lived in Perth, as well as those who came to visit it, could have this Park as a means of recreation and enjoyment. He, for one, also looked forward to other towns, including the one he represented, being assisted in the same way. Out of the fulness of their abundance he hoped to see the town of Fremantle assisted in the work of embellishing the place, and creating means of enjoyment, as well as, at the same time, adding to the health of the people. There really should be no further opposition to this vote. The Government was plainly now doing the proper thing and should be supported.

MR. RANDELL moved, as an amendment, that the concluding words of Clause 2, "and shall include a sum of five thousand pounds for the constructing of the Perth Park Road," should be struck out. The Hon. the Premier had altogether mistaken the feeling of the House in the matter. He quite acquitted the Premier of any desire to do anything but what would be calculated to be an improvement and to add to the enjoyment of the people of Perth. The same objection that had previously been taken to the way in which the matter was brought before the House existed in connection with the new method proposed by the Government. It was an extraordinary thing to include this matter in a Bill at the very time the subject was being debated by the House, and when, he understood, another notice of motion in connection with it had been given. In fact, the way in which the matter was brought before the House now was more objectionable than it was before. It really was not a proper thing, considering the evident feeling of members, and the fact that the debate was still progressing, for the Government to bring the matter forward. After what had been said it could not be expected that hon. members were going to agree to the expenditure of this money, until they had made further research into the plans and specifications, and satisfied themselves that the cost of the

work was not unreasonable. To postpone this subject until it could come before the House in the ordinary way was to do no harm or wrong to the inhabitants. When the proper time came he (Mr. Randell), would be very glad to give the Government any assistance he could towards the work being carried out. In the meantime it was neither the question of whether the road was required, or whether the cost was too great, that affected hon. members who thought with him. They might be perfectly well agreed as to the advisability of the road being constructed, but in the proper way, and consequently he could not but express a hope that the Premier would see his way clear to withdraw the words that had been added to Clause 2. There was no reason why the question should be labored now, and ample reasons had already been given why the House should not be called upon to adopt anything but the ordinary course in this case.

MR. A. FORREST desired to say a few words on this matter. It was a most important one, and it was with a feeling of surprise that he had heard the hon. member for Perth speaking in the way he had done. What the House had really to decide was, whether the road was to be made or not, and the most satisfactory way to settle that would be by letting a division be taken on it.

HON. MEMBERS: Oh no; that is not the question at all.

MR. A. FORREST maintained that this was the question. There could be no suggestion that this road, when made, would be a most useful one. It was nonsense to say that the road could wait. He had had three years' experience in the City Council, and he could inform the House that the roads made by that corporation cost from £26 to as high as £35 per chain. The construction of this road at the Park would be a most difficult matter, and it would be impracticable unless a tramway was laid down. The only other way would be to lay a line of rails to one of the jetties from the railway station and run the material down the river to be taken to Mount Eliza by the other way. He found it quite impossible to understand the position taken up by the member for Perth in this matter. He appeared to want the road one minute and not to want it the next. What the hon. member for Perth really appeared to be striving for was a road that would not be nearly so suitable as the one proposed by the Department. If they were going to have a road at all, let it be a good one and a credit to the place. There was no question of the fact that the site was a grand one in every respect. They should be very careful not to make a slip-shod road. A road which would cost them something like £20 a chain, which was in accordance with the ideas of some hon. members, would be absolutely of no use whatever. A bad road would be a discredit to them, and mean unfavorable comments from every visitor to Western Australia who saw it. When the matter was previously before the House it was suggested that they were attempting to get the money necessary for the work passed by a side wind, but that objection had disappeared by the Government bringing the subject before the House in the proper way. Now was the time to make roads, and he (Mr. Forrest) had received a memorandum from the City Surveyor that day, in which he emphasised the fact that no roads could be made after the next two months without much heavier expenditure. If members were anxious to have a solid road, there should not be any further delay. A technical objection should not stand in the way of common sense. What possible objection there could be, now that the Premier had brought the subject before the House in a proper form, he could not see. The road was necessary, and it was to the interest of the city and all connected with it, that the improvements proposed to be carried out at the Park should be gone on with.

MR. ILLINGWORTH claimed the careful attention of every member of the House to what was a very important matter. It was not a question of the road being built, or of what it was going to cost. It was a distinct "tack," and he would clearly demonstrate to hon members how it was so. The members of another place had no right to deal with a Money Bill, but they had a perfect right to say whether, when a Supply Bill was brought down, £5,000 of it was to be appropriated for the construction of the Park road.

THE PREMIER: How is that?

MR. ILLINGWORTH: They could reject the Bill. Members of another place would be perfectly within their rights in rejecting a Bill providing for the construction of a road. They could not alter a Money Bill, but they could reject it with this clause in it. They might say it was only an attempt to get certain work done under the cover of a Money Bill, and reject the whole measure.

THE PREMIER: They would never do that.

MR. ILLINGWORTH: I do not know that they wouldn't, at any rate. In fact, he would not be surprised if the Council did reject the Bill on these grounds. This was a distinct "tack" to a Money Bill which should not have been made, and it was almost certain to lead to difficulties with the other Chamber. There was no necessity for this. The Premier had no right to add the construction of this road to the Supply Bill, and he had seen great difficulties occur over a smaller constitutional point than was involved here. If it was objectionable to bring the matter of this road forward in the manner of the member for West Perth, surely the present method was more objectionable still. It is not a question of how or when the Perth Park road is to be made, or at what price. The question for the consideration of the House was whether they were justified in tacking on to a Supply Bill a sum of money—no matter whether it was £5, or £5,000 for the construction of a road.

THE PREMIER: It is often done in New South Wales.

MR. ILLINGWORTH: I do not care what they do in New South Wales. The procedure proposed by the Premier was wrong. The Premier knew that, and so did every member of the Government This improper course was taken simply for the reason that there was a certain amount of sympathy in the direction of having this road made. He (Mr. Illingworth) was not by any means against the construction of the road, so long as it was brought before the House in a proper manner. With the experience he had gained elsewhere of the difficulties likely to arise in these cases, he would be failing in his duty if he allowed the matter to go without his most serious protest, and he would support the motion of the hon. member for Perth.

MR. R. F. SHOLL regarded the action of the Premier in bringing this matter forward in a Supply Bill as being most improper. The Premier had informed them that any delay in the construction of this road would be rather hard on the contractor, because that person would not know whether the contract was to be accepted or not. It was an improper thing for the Government to have called for tenders until they had authority to spend the money. It appeared that the Government had already a sum of £3,000 in hand and if the work was one of such great urgency they could go on spending that first. As a matter of fact he knew when this £3,000 was voted that it was not expected that a road would have to be built out of it, and members did not really object either to the road or the cost, although he doubted the latter. What hon. members did object to was the way in which the matter had been brought before them. Personally he thought the cost of the road was excessive, and if the Government had so much money to spend it was a pity they did not carry out some of the other urgent works that could be mentioned. Hon. members would notice another thing in connection with these specifications, and that was while a great deal had been said as to the cost of a tramway for the contractor, nothing had been said about the Government having to provide the rails, fastenings, and so on.

THE PREMIER: We have got all these in hand.

MR. R. F. SHOLL: It does not appear so, when provision is made to protect the Government against any failure to supply them. The Premier had advised them to go to the other colonies and sees the parks and gardens there.

The PREMIER: I did not say the other colonies, but other parts of the world.

MR. R. F. SHOLL: I do not object to this road being made. All that he desired to emphasise was his belief that the money could be better spent in other ways. As to taking the estimate of the City Council, that was of no value whatever.

The PREMIER: It is the price under contract.

MR. R. F. SHOLL: Then I am surprised there are not more contractors. They must be making a great deal of money. However, he for one very much doubted whether the roads did cost the amount they were said to. If they did, the road in St. George's Terrace must be costing from £50 to £60 a chain. For himself he did not wonder from the way the City Council carried out its work at there being so many roads in the city that were in a bad and disgraceful condition. The hon. member for West Kimberley had informed them that after being three years Mayor of the City of Perth he was quite an authority on roads, but he would like to know where the hon. member got his experience. His duties as Mayor only required his presence once a week, and his principal experience must be in feasting and drinking and spending the ratepayers' money in travelling about the

country to Municipal Conferences, which were only an excuse for more eating and drinking. The City Council, it appeared to him, was generally in the habit of only getting 20s. worth of work for every 30s. it spent. As he had said before, he had no objection to the road, but did not like the price they were asked to pay for it. It was too expensive a road altogether for the requirements, but that was always the case with the Works Department. Had the Government gone outside the Department to have the specifications drawn, they would have found that the same road would be built much cheaper. They did not require such a grand road, and he trusted hon. members would not allow the expenditure to take place in the manner suggested.

THE PREMIER (Hon. Sir J. Forrest) remarked that it did not appear as if several members of the House had an objection to the road being made, and therefore he had made up his mind to vote with the hon. member for Perth for the words opposed in the Bill to be excised. It was not to be expected that he (the Premier) was going to stand up and fight for advantages being given to the place, when the member for the principal constituency for Perth was foremost in opposing him. He was certainly not going to ask the supporters of the Government to rally round him in trying to secure for the citizens of Perth something that the hon. member for Perth had most ainly shown he did not want. The course he had stated, was the course he intended to adopt on the present question, and in the morning the Director of Public Works would inform the contractor that no contract would be accepted. He was sorry it was so, but when the member for Perth itself raised obstacles to necessary work being done for the advancement of the city and enjoyment of the inhabitants, it was a fact which should be remembered.

MR. A. FORREST would not be doing his duty if he did not take the strongest exception to the more than stringent remarks which had fallen from the hon. member for the Gascoyne in reference to the City Council. The duties of Mayor of the City of Perth did not only consist of eating and drinking—there was a deal of hard work attached to it. For his own part he regulated and inspected the progress of road works. He (Mr. Forrest) was a hard worked man, but the hon. member or the Gascoyne had never done anything in his life. Certainly he had never taken any interest in anything but himself, and the remarks that hon. member had passed about the ratepayers' money being squandered in feasting and drinking was a piece of impertinence. His worst enemy could not say that he (Mr. Forrest) did not work hard.

HON. MEMBERS: You have no enemies.

MR. A. FORREST: I do not believe I have. So far as the City Council was concerned, it was well able to take care of itself, but he did regret the action of the Premier in withdrawing what would have been a work of much good to the whole of the citizens of Perth.

MR. RANDELL wished to say that in the remarks which had fallen from the Premier in reference to himself, that gentleman had spoken most ungenerously, and he must even say unfairly. The only object he had in opposing this road was a matter of principle. He gave way to no man in his desire to see the beautifying of Perth carried on wherever possible, and he had done as much in this direction, but if it was to sacrifice twenty roads to Mt. Eliza he would not abandon his principles—and here a great constitutional principle was at stake.

THE PREMIER: What is the principle?

MR. RANDELL: It is a distinct "tack" on to a Money Bill. Why the Government might just as well bring in a bonus to some one in this way, and not expect it to be opposed. Besides that the matter was still *sub judice*, and still under discussion by the House. It was not a question of what the road would cost, but at the same time it was necessary that members should have an opportunity to examine the plans and specifications, and see what would be the best sort of road to make. He had said before, and he said again, that the Premier has been a little ungenerous to him. Personally he was moved only by the interests of the community. The remarks of the Hon. the Premier could only be meant to prejudice him in the eyes of his constituents at the next general election, and that was hardly fair. However his constituents knew what he had done in the past and they were not going to compel him to sacrifice important principles. When they lost confidence in him he would be quite ready to vacate his seat, but he did not think he deserved the suggestion of the Premier that his action on this question should be remembered.

THE PREMIER (Hon. Sir J. Forrest) was

sorry that any words of his could bear the interpretation placed upon them by the hon. member for Perth. He had no desire to be ungenerous, but the Government did want to get on with this important work, and it should not be forgotten that they had been blocked in their desires on two occasions by the hon. member for Perth itself. The construction of the road was supported by the representatives of both East and West Perth, and he (the Premier) really did think the hon. member for Perth itself might have given way. If the hon. member for Perth took up the position he assumed, he could not expect the Government to force improvements to Perth upon him. Under no circumstances would he have anything he said taken as reflecting upon the hon. member's motives in any way. He had by far too great a respect for him to do that. No doubt he had been actuated by the best of motives, but in this case the action he had taken was certainly to be regretted.

Amendment (Mr. Randell's) put and passed.

Clause, as amended, agreed to.

Preamble and title:

Agreed to.

Bill reported, with amendment.

At 6.30 p.m. the House adjourned for an hour.

At 7.30 p.m. the House resumed.

GOLDFIELDS BILL.

SECOND READING.

THE ATTORNEY-GENERAL (Hon. S. Burt): Sir—I rise to ask the House to allow this Bill to be read a second time, and, in doing so, I would like to state at the outset that the Bill does not very largely differ from the present law in regard to the management of our goldfields, for this reason—it is not attempted to introduce an altogether new Act here, by any means; and I do not know that there is any great dissatisfaction on the goldfields, and amongst miners with the provisions of the law as they are at present. This Bill consolidates the four or five Acts we have on the subject, and, to that extent, it will be admitted by all to be certainly an advantage. The Bill has been very carefully considered, and all the suggestions that have been made by the different Mining Registrars and people who are interested in this industry have been studied for some months past, I may say, by the Mines Department and its officers, and particularly by the Mining Registrar of Coolgardie, who is a gentleman who has had very large experience in the other colonies, in similar capacities. The first part of this Bill, as members probably know, was prepared by a sort of committee in the Mining Department. The Acts of all the other colonies—Victoria, New South Wales, Queensland, and South Australia—were also very closely studied, and, the result is that the Department do not recommend the Government to make any very great departure from the law as it at present stands. With regard to the question of Mining Boards I may say at once that the system is not adopted in the Bill, for the reason that the authorities in each of the colonies I have named—Queensland, New South Wales, Victoria, and South Australia—all declare to us that their Mining Boards have been distinct failures, and those who have them now contemplate doing away with them. Under these circumstances, the Government do not propose that the management of the goldfields shall be entrusted to local Mining Boards, or that Mining Boards shall be constituted to make rules and regulations under which mining in this colony shall be carried on. As I have said, we are not inclined to think there is any great dissatisfaction with the law as it exists here at present; therefore, no great alterations are proposed in this Bill. If, however, when we go into committee on the Bill those who represent goldfields will be good enough to favor the Government with their views or suggestions, all I can say is, this bench will be most happy to consider any proposition that may come from those gentlemen, who, perhaps, through their constituents, may know of some points which the Government possibly may have overlooked in this Bill. It must not be forgotten that a great deal must be left, and properly left, to the Regulations, which are more elastic than a Statute, and can be altered from time to time as the necessity for doing so arises; whereas, by putting too much in an Act of Parliament you so to speak stereotype these matters too much, and you cannot readily alter them—not so readily as you can in dealing with regulations. I propose now to mention shortly a few alterations of the law that this Bill will effect. First of all it will be seen that in section 9 we deal with the application of the Mineral Lands Act of 1892 to goldfields. At the present time mining districts created under that Act may overlap a proclaimed

goldfield, and the effect of this ninth section will be this: in the event of any mineral other than gold being found on a declared goldfield, the working of that mineral shall be under the Warden of the goldfield, and not under the Mining Registrar of the mining district, under the Mineral Lands Act. Under this Bill, the Warden is constituted, for the purposes of the Mineral Lands Act of 1892, the Mining Registrar, and will exercise the powers of that officer, within his (the Warden's) goldfield, in respect of other minerals besides gold. That shortly, is the effect of Clause 9. Then in Clause 11 we propose that there shall be kept at the office of the Minister of Mines, in Perth, a record of all leases and transfers thereof, and of any shares or interests therein, and of all liens, charges, or other dealings and transactions relating thereto. This may seem a small matter, but at the present time very great inconvenience indeed is felt through the records of these leases being kept at the office of the Mining Registrars on the goldfields, and there only. I know, myself, of most serious inconvenience that has arisen owing to leases or transfers which have been signed in Perth being obliged to be sent all the way to a distant goldfield, to the Mining Registrar's office, to be there recorded, and then having to be sent back again a long distance, perhaps all the way from Coolgardie or the Murchison, to a gentleman who wants it in Perth. People often transact their business and have their dealings in Perth,—dealings involving perhaps thousands of pounds, which one party to the transaction is ready to pay and the other party is equally ready to receive. But the transaction cannot come off there and then, because, under the Act, the lease must go to the goldfields to be recorded, and then sent back again all the way to Perth; and in this way perhaps months may elapse before the transaction can be completed. We propose, therefore, that there shall be a record kept in Perth of all leases which may be signed here, so that the lease can be handed over at once to the parties to whom it belongs, or his agents. That provision, I think, will save a very great deal of inconvenience, and in some cases very much hardship. In Section 24 we propose to set out the grounds upon which exemption from work on goldfields' claims may be applied for. The present law does not distinctly define any grounds on which suspension of work may be asked for and obtained; but here we distinctly set forth the grounds upon which exemption may be applied for. They are these: (1) that the claim or holding is unworkable from any cause whatsoever; (2) that such owner or owners require to be absent for some sufficient cause from the locality, or is or are unable by reason of sickness or other sufficient cause to work in such claim or holding; (3) that the supply of water is insufficient to allow the working of the claim or holding to be profitably carried on; and (4) that the owner or owners of two or more adjoining claims desire to concentrate the labor compulsory on such claims on one of such claims, and obtain suspension of labor for other claims. Those are the reasons to be given when an application for suspension of work is applied for. These, I may say, apply to claims. A subsequent section of the Bill (Clause 39) contains a similar provision as to exemptions upon leases, defining the grounds upon which such exemptions shall be applied for. Part III. of the Bill deals with gold mining leases, and is perhaps the most important part of the Bill. Sections 25 and 26 contain virtually the law which was agreed to by this House only last year. It will be remembered that last year we passed an Act dealing with alluvial mining on leases, and the right of a miner to enter upon a claim for that purpose; and we propose to continue that law in this present measure, with some slight modification. The present law is this: when a lease is applied for it is not granted until the alluvial is worked out, and the lessee's operations are suspended in the meantime. Now there is no necessity for that. It seems to us that a lessee who goes on a reef and sinks on a reef, may well carry on his operations at the same time as the alluvial man is working the alluvial stuff close to him. The Warden under this Bill is empowered under certain conditions to allow a miner twelve months to enter upon a lease for the purpose of searching for, and obtaining alluvial gold; and, if necessary, he may further extend this period of twelve months until the alluvial ground to within 50ft from the reef has, in his opinion, been worked out. You may depend upon it that, so long as the alluvial is there no matter what law you may pass to keep the alluvial miner off, you will find him there; and I think it is only right he should be there. I heard of a case quite recently in which a young gentleman wanted the police to turn some

people off his claim; but when the policeman went there, he discovered about 400 men there, all laughing at him, and defying him, and telling him to come on. I believe that generally in these cases they wind up by having some wine together, and each party goes his own way. We know very well that, pass what law you like, the alluvial man will have his alluvial, and I think he is rightly entitled to it. Therefore, in this Bill we provide that he shall be at liberty to take his alluvial so long as it is there, but, at the same time, if the lessee wants to work his reef he can do so. We also provide, in Clause 36, for the amalgamation of leases, provided that the total area does not exceed 24 acres. We have altered the acreage from 25 to 24 acres, as the latter figures are more easily divisible, and adapt themselves better to the regulations. With regard to penalties for not working the leases—

MR. MARMION: Will the hon. gentleman say something about Clause 27, dealing with the issue of special leases? It is a new feature.

THE ATTORNEY-GENERAL (Hon. S. Burt) I thank the hon. member, but I have a note of that. It is conceived that in certain cases there may be particular localities to which the Act and the Regulations may not very readily adapt themselves,—for instance, in the bottom of some of the large lakes about Coolgardie, and possibly at the Murchison. Owing to the excess of water that may be found, or to other drawbacks, or to the great depth of the workings—owing to these, and other difficulties—very large expense may have to be incurred in order to profitably develop these localities; and this 27th Section gives the Government power to grant special leases in such cases, either extending the term, or easing the conditions of labor, or granting some other concession which the local circumstances and the surrounding difficulties may suggest. These special leases are only to be granted when the report of the Warden satisfies the Minister that there are special difficulties in the way of profitable mining in that locality, as I have said, either by reason of the poverty of the ground, its great depth, or its wetness, or the expensive appliances required for its development. Nor is there any limit as to the area or form of these special leases. It is a wide power certainly; but the simple object of the Government is to enable such localities to be developed at all, which can only be done under special conditions. I think that with the information the Government can obtain from their own officers in the locality, there should be no hesitation in allowing the Government to deal with exceptional cases of this description. As to the penalties for the non-working of leases hon. members will find that provided for in Section 38. The present law is that, if the labor required by the Regulations is not put on the lease and kept there, the lease is forfeitable on application to the Warden. No doubt there are many instances in which friends of a lessee take upon themselves the responsibility of jumping his lease, in a friendly way; and, pending the decision of the Warden, the labor conditions are in this way evaded. We propose now to give the Warden power to fine the lessee, in lieu of recommending the forfeiture of his lease In the first instance the fine is not to exceed £100. I think if a man finds he is liable to be fined £100, he will hesitate before he asks a friend to do a friendly jump for him. For a second non-compliance with the labor conditions the fine may be increased to £200; and for any subsequent breach of the law, the Warden may recommend a forfeiture of the lease, without the option of a fine.

MR. R. F. SHOLL: What happens in the event of non-payment of a fine?

THE ATTORNEY-GENERAL (Hon. S. Burt): If a man does not pay his fine he can be dealt with under a subsequent clause Amongst other little inconveniences he will have to go to prison. I do not know that he would forfeit his lease if he does not pay his fine; but that may be provided for in the Regulations, or put in a clause of the lease itself. That is a detail we can discuss in committee. There are some cases possibly in which it would be rather a hardship that a man should forfeit his lease, as he has to do now, for the first offence against these labor conditions. A man may possibly have a good reason for not having been able to comply with the conditions, which, it must be remembered, are very stringent. In some cases, as I say, it may be a great hardship that the lease should be forfeited for a first offence of this nature, and it would perhaps be more in the interest of the lessee himself that he should be fined £100. We do not want to forfeit a man's lease for a mere technicality. What we want is to see that these leases are worked *bona fide*. I now come to another part of the Bill. Sec-

tions 42 to 75 deal with the administration of justice on the goldfields in the Warden's Courts. I have very little to say about these clauses, because they are prettywell the same as the law is at present. Clause 75 provides that wages men can have a lien upon the claim where they have worked, in the event of the non-payment of their wages. I think that is a very good provision in the interest of the working miner. Men who have been working on a lease ought not to lose their wages, and have no remedy, owing to the impecuniosity of the owner. Under this clause they have a lien upon the claim where they have been working, to the extent of three months' wages; and they can register their lien with the Mining Registrar of the district. I think that is only fair and just. Then we come to the portions of the Bill dealing with appeals. Before dealing with these I might for a moment be allowed to refer to Section 55, which retains the present power in a Warden to state a case, in the form of a special case, for the opinion of a Judge of the Supreme Court, the Warden meanwhile withholding his own decision. If however, he gives his decision, and a case is not stated under this clause, then either party will now be able to appeal to a Court of Mining Appeal, which shall consist of the three Judges of the Supreme Court sitting together. We propose that the decision of this Mining Court shall be final and conclusive. I do not know but that we might, if it is the desire of the House, go a little further, and make the section a little stronger, so as to preclude any further appeal to the Privy Council. I think, myself, that in the interests of all parties we should have some finality in these matters, in the colony itself. If I were engaged in mining, it is certainly what I would desire, otherwise a rich man might be able to keep the thing going for years and years. I think if we have the three judges sitting together in Perth, and the cases are argued out by counsel, all parties might well be satisfied with the result, whatever it might happen to be. Appeals, I may say, are only allowed to be made on points of law. It would not be in the interest of miners to have to come to Perth, long distances, hundreds of miles, with all their witnesses. The expense would be terrible, and the delay disastrous to their interests. Therefore we propose that an appeal shall only be upon points of law, or upon the admission or rejection of any evidence, and not an appeal generally on the merits. The appeal will be in the nature of a case to be stated by the parties themselves, or their solicitors; or, if they cannot agree amongst themselves within fourteen days, either party may apply to the Warden to state a case, and, when the case is signed, either by the parties themselves or by the Warden, it will then come to Perth for trial before the Mining Court. Of course, when an appeal is made, the Warden will have power to impose such terms as may in his opinion be applicable as to the working of the mine, or the lodgment of the disputed gold in his office, pending the result of the appeal, so as to prevent any injustice being done to either party. I do not know that there are any other alterations made in the present law, in any material particular. The wording of the sections have been improved in some cases, I think; but, generally, the points I have mentioned are those which are new, or which embrace any special principle beyond mere questions of detail. It will be found in Section 12 that the price of a miner's right has been reduced from £1, to 10s. which I believe is the charged in all the other colonies. At any rate we have come down 50 per cent., which I think will be acceptable to our mining friends. No doubt if the price is fixed too high, people do all they can to avoid taking out these miner's rights, and it is not impossible that many men are working on our goldfields now without these permits, because they are very shy of paying £1; whereas if they have only to pay 10s., I do not think anyone will care to run the risk of being found without the miner's right for the sake of so small a sum. Certainly the inducement to take out a miner's right now will be double what it was before. I hope the House, when we go into committee on the Bill, will find that its provisions are acceptable, or if they are not, that we may be able to make them so. The Bill, as I have already said, has received very great attention from those able to advise the Government in the matter; and since then, it has received very much further consideration, and put into as good a shape as we can make it. I will ask the House now to read it a second time, and I would suggest—as there may be a desire on the part of members to have an opportunity of looking into the Bill, and of considering what I have said in explanation of it—I would suggest that some time should elapse before we go into committee on the Bill.

No doubt it will be an advantage to the Government and to the community generally that the Bill should find its way to the goldfields before it is dealt with in committee; therefore I propose to put off the committee stage as long as possible, so that we may have the accumulated wisdom of the country to assist us in putting a good and useful measure on the Statute Book. I now move to the second reading of the Bill.

MR. MORAN moved that the debate be adjourned for a fortnight.

Agreed to.

Debate adjourned accordingly.

MUNICIPAL INSTITUTIONS BILL.

IN COMMITTEE.

The House went into committee on this Bill.

Clauses 1 to 7:

Put and passed.

Clause 8—Constitution of Municipal Councils:

MR. A. FORREST moved an amendment to the effect that in a municipality where the population exceeded 10,000 the Council should consist of a Mayor and three "Aldermen" for each ward (instead of three "Councillors"). He said this was one of the recommendations adopted by the late Municipal Conference, and the Premier had promised a deputation that he would consult the Attorney-General about it.

THE PREMIER: So I did; he wouldn't hear of it.

THE ATTORNEY-GENERAL (Hon. S. Burt) said that in doing so he had only kept loyal to the Assembly. This same question had been debated and decided upon twice or three times in this House, only seven months ago, and he did not think it would have been right for the Government to have inserted a provision in the Bill which had been distinctly negatived by Parliament only a few months ago.

MR. A. FORREST said that under the circumstances he would not press his amendment.

Clause agreed to.

Clause 9 to 98 inclusive;

Put and passed.

Clause 99—Power to Council to make by-laws:

MR. JAMES, referring to the sub-section 7 (dairies), moved, as an amendment, to add, after the second paragraph, the words: "For the maintenance of cleanliness in and at every dairy and place used in connection therewith." He said that as the Bill gave power to deal with dairies to a certain extent, it would be well to add a further power for ensuring the cleanliness of dairies, as well as the cleanliness of milk shops. The words he proposed to add were copied from the provision relating to slaughter-houses.

Amendment put and passed.

MR. JAMES, referring to sub-section 27 (streets and footways), said he would like to make clear, and place beyond dispute, the meaning of the sixth paragraph which prescribed the removal of any verandah or balcony which might obstruct the footway or roadway, or might be dangerous. The intention of the clause was to give power for the removal of any existing obstruction of this kind, as well as future obstructions; therefore, to make the intention clear, he moved as an amendment, to insert in the second line, after the word "balconies," these additional words: "which have been, before the commencement of this Act, or may be hereafter erected."

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 100 to 148, inclusive:

Agreed to.

Part VII.—Financial:

MR. LEAKE asked the Attorney-General to consent that progress should be reported before entering on Part VII., because a question he had intended to bring before the committee, in reference to distraining for unpaid rates, would arise in dealing with the financial clauses. If the principle to be contended for were adopted, it would involve the recasting of several clauses in the Bill.

THE PREMIER asked where the proposed principle was in force.

MR. LEAKE said he did not know that it was in force anywhere.

THE PREMIER said that would not do.

MR. LEAKE said this Legislature should be progressive. He moved that progress be reported and leave asked to sit again.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the question of distraining for rates was debated on two occasions in the last session; and, unless the hon. member was prepared with more convincing arguments than he had used on those previous occasions, the hon. member was asking too much in proposing to report progress at this stage.

Motion to report progress put and negatived.

MR. LEAKE said that, in consequence of

this decision, he would now have to talk against time.

THE ATTORNEY-GENERAL (Hon. S. Burt) suggested that the clauses should be proceeded with until a contentious point was reached.

Clause 149:

Agreed to.

Clause 150—Income of municipality, how made up:

MR. LEAKE again moved that progress be reported, and leave asked to sit again.

THE CHAIRMAN ruled that the motion could not be put, as a quarter of an hour had not elapsed since the last previous motion of this nature was put.

Clauses 150 to 154, inclusive:

Agreed to.

Clause 155—Mode of making valuation:

THE ATTORNEY-GENERAL (Hon. S. Burt) said he did not know what the committee might think with regard to Sub-section 3, which fixed the annual value of rateable land that was occupied, at not less than 3 per cent. of the capital value of the fee simple. The object of the sub-section was to provide that, in the case of occupied land, the annual rateable value should not be less than 3 per cent. of the capital value; and the capital value must be assessed exclusive of improvements. Therefore, if a property were worth £5,000 with buildings on it, and if the buildings were worth £3,000, the capital value of that land, exclusive of the improvements, would be assessed at £2,000. The only value they had got to find for rating purposes, in the case of a property that was not let at a reasonable rental, was the value of the land exclusive of the improvements. If, therefore, they said the only rateable value should be not less than 3 per cent. of the capital value, that minimum would not be a high one, because they would not be fixing it on the full value of the property with improvements, but only on the capital value of the land—on the bare value, exclusive of improvements. There would thus be no rating assessment on the improvements at all, anywhere. If a block of land were let at a rental, then the first rule under this clause would apply, namely that a fair rental should be deemed to be the rateable value; but the rental must not be so small as to be less than 3 per cent. of the capital value of the land. The object was to meet those cases in which large blocks of unoccupied ground were held in towns or cities, with no improvements on them, except perhaps a little shanty put up for the purpose of enabling the owner to escape the higher valuation under sub-section 4, for rating unoccupied lands at 7½ per cent. of their capital value. To prevent such evasions, sub-section 3 provided that the annual rateable value should never be less than 3 per cent. of the capital value of the land itself. The question involved was, what return might be reasonably expected on the investment of capital in land? He thought it should be more than 3 per cent. Such a low rate of interest was not met with in ordinary transactions. He never heard of a 3 per cent. mortgage. Therefore he wanted to direct the committee's attention to the point whether 3 per cent., as a minimum, was not rather low. He was told that in the country districts, where this rating provision would also apply, very little revenue would be obtainable from a rate calculated on this rule; and, remembering that the valuation would be exclusive of improvements, it would yield only a small sum. His own opinion was that the minimum should be 4 per cent. This, however, was a question on which the Government had no firm opinion, and they preferred to leave the amount to be determined by the committee. He thought 4 per cent. would be nearer the mark than 3, to do justice to all interests. In regard to sub-section 4, dealing with the annual value of unoccupied land, the proposal was that the annual value should be taken to be 7½ per cent. of the capital value. This higher amount was proposed because the land was unoccupied, for, if an owner was doing nothing with his land but waiting for what was called the unearned increment of value, he should be rated more highly than in the case of improved land. Then, of course, an owner might put up a small shanty for the purpose of letting the land at a nominal rental, and in that way escaping the higher amount of rating, as he could at once cut down the amount of rates from 7½ to 3 per cent. Suppose that he (the Attorney-General) had a block of land in Perth which was altogether unimproved and unoccupied; it would be charged with a rate of 7½ per cent. on the capital value; but, on looking at these rating rules, he would find that, by erecting a very small cottage on the land and letting the property at a nominal rental, he could bring it within the rule as to occupied land, and thus reduce the rating from 7½

to only 3 per cent. of the capital value. [MR. ILLINGWORTH: Where is the equity?] There was no equity in that. Still, a man who owned such property would be a fool if he did not try to reduce the rates on a valuable unoccupied block of land in the city by putting a small cottage on it. He submitted that either 7½ per cent. was too high as a maximum, or 3 per cent. was too low as a minimum, for assessing the rateable value. He thought the maximum was fair enough, and his argument was that the minimum was the valuation which would usually apply, because human nature would prefer to pay 3, rather than 7½ per cent., and the tendency would be for owners of unoccupied blocks in a town or city to erect a shanty thereon, and so escape the higher valuation, by relieving themselves of the difference between 7½ and 3 per cent.—a difference of 4½ per cent. There was, he contended, too great a divergence between the higher and lower amounts of rating.

MR. A. FORREST moved, as an amendment in sub-section 3, to strike out the word "three," in the second line, and insert the word "four" in lieu thereof. The hardship caused to the city of Perth, in reference to insufficient rating, was shown particularly in the case of a large block of land in Barrack-street, which was about to be sold, and would realise probably £30,000, and yet the amount of rates leviable on that property under the present powers of assessment had not yielded sufficient revenue to pay for the repairs of the roadway. The minimum amount of rating should be not less than 4 per cent.

MR. ILLINGWORTH said the argument of the Attorney-General did not appear to have been sufficiently grasped by hon. members; for where was the equity as between the two extremes of 7½ and 3 per cent? There was no equity in it. The only way to be equitable in the matter was to fix the same rate for both classes of property—occupied and unoccupied—and he thought 5 per cent. for both would be equitable. The 7½ per cent. ought to be reduced, certainly; and the remaining question was the amount at which the minimum should be fixed. It was only a minimum in the sense that an owner would plead that he ought not to pay as much for land that was bringing in no rental, as he would be willing to pay for land that was earning a revenue. Hon. members would say, on the other hand that whether an owner got little or much as rental for his land, his rating should not fall below a certain minimum, and 3 per cent. was not sufficient.

THE COMMISSIONER OF CROWN LANDS said there must be something on the land, or the owner would be rated at 7½ per cent.

MR. ILLINGWORTH said the practice was to evade the higher rating by putting a shanty on land otherwise unimproved. The object of the clause should be to induce owners to improve their town lands. Streets and footpaths had to be made past the vacant blocks, and there was the same expense in making and mending, whether these blocks were yielding a low or a high revenue to the municipal body. The expense was sometimes greater in the case of vacant blocks. In many other cases, when an owner erected a good building, he would be inclined to make the footpath, or offer to pay half the cost of making it. The low minimum proposed in the clause would be like offering a premium to those owners who waited for the unearned increment without improving their land. As to the unearned increment, his own notion was that a man's best title to a piece of land was that he should use it. If the two extremes of rating value were brought together, and fixed at 5 per cent., the rule of rating would be equitable. He hoped the mover of the amendment would accept 5 per cent. instead of 4.

MR. LEAKE said the idea was that where an owner put up a building which was a manifest attempt to evade the higher rating value, that kind of improvement should be treated as a nullity, by rating the land as if it were entirely unimproved. As the rating value of unimproved land had been already fixed at 7½ per cent., why should the owner of land partly, or wholly unimproved be allowed to escape at a lower figure?

MR. JAMES hoped the committee would make a distinction between land which was unimproved and land which was improved. The amount of rating previously had been fixed at 10 per cent. for unimproved land, and he could not see why that amount should now be reduced to 7½ per cent.

MR. A. FORREST hoped the discussion would be adjourned, at this stage, as he wished to consult the officers of the City Council as to how the revenue of the city would be affected. He moved that progress be reported and leave asked to sit again.

Motion put and passed.

Progress reported, and leave given to sit again on Tuesday, 23rd July.

CRIMINAL EVIDENCE BILL.

SECOND READING—ADJOURNED DEBATE.

MR. LEAKE, in resuming the debate on the motion for the second reading, said: Last evening, when we were discussing this question, I was glad to hear the Attorney-General say that, so far as the provisions of this Bill are concerned, he was entirely in favor of the principle of accused persons being allowed to give evidence in their own behalf, so far as summary jurisdiction is concerned. And, beyond that, he said also that this question was an open one, and he wished to leave it to hon. members, so that they might act in accordance with the dictates of their own opinions. I agree with the hon. member (Mr. James), who introduced the Bill, in saying that, if we have to deal with the question at all, it will be better to extend the privilege of giving evidence to all classes of accused persons, and that we should not except felonies, as is proposed to be done by the first clause in the Bill. Although the Attorney-General did not go to the extent that the hon. member for East Perth is prepared to go, he gave his reasons, and the chief, if not the only reason, was that he thought that if accused persons were allowed, in all circumstances, to give evidence in their own behalf, and if also the privilege were extended to the husband or wife of an accused person, as the case might be, it would add materially to the possibility of perjury being committed in the course of criminal trials. I believe that was also the argument which was advanced when the proposals was made, years ago, to extend this privilege in civil procedure; and I am sure that those who watch the progress of trials in our courts will not come to the conclusion that this right to give evidence by the plaintiff, or the defendant, on his own behalf, has increased the tendency to commit perjury, or the actual committal of perjury. So far as perjury is concerned, we get quite enough of it in the courts, I admit. Nobody can attend our courts of justice without being struck with the flagrant instances of perjury that are committed every day. It is, perhaps, a lamentable thing to contemplate, but the fact remains that there is perjury committed. It is always very difficult to fix anybody with the offence; and indeed, of all offences that are tried in the superior criminal courts, the offence of perjury is the most difficult to sheet home. I do not think the argument of the Attorney-General is one that should be considered as being fatal to the provision which is inserted in this Bill. In the administration of the criminal law the tendency during many years has been to remove disabilities; and that tendency to remove disabilities is the progress of gradual development. It is within the memory of living men that a person accused of a criminal offence could not appear by counsel—that he was bound to defend himself. So you see that, when you talk about an old-established principle, we find that what is practised at the present day as a necessary right was looked upon with horror a few years ago, and the same might apply to this principle which we now argue for. If we regard it from a Conservative point of view, it is looked upon as a most drastic reform; yet, in the course of a few more years we may wonder why this reform was not acceded to long ago. From my experience in the criminal courts as Public Prosecutor, extending over some twelve years, the conclusion I have come to is, that if you allow this privilege—and always remember that it is a privilege which need not be exercised, and that an accused person is not compelled to give evidence in his own behalf—I have come to the conclusion that, if an accused person avails himself of this privilege, there is a greater probability of convicting a guilty person than of wrongfully convicting an innocent person. In cross-examining a prisoner who is charged with an offence you are far more likely to arrive at the truth of the charge than otherwise, and the innocent person will be more likely to establish his innocence, than will the guilty man be likely to escape. If an accused person refuses to make a statement—the Bill says, and rightly so—that fact shall not be used against him. The judges in criminal cases lean, if at all, towards the accused, and it is right that they should do so; therefore the judges will take good care that this power of cross-examining a prisoner who gives evidence in this way shall not be abused. But I am perfectly certain—and I feel strongly on the point—that it will assist in arriving at a just conclusion as to the guilt of an accused person, and that fewer guilty persons will escape if they venture to give evidence on their own behalf. So far as

the question of perjury is concerned, of course the party accused would always be laboring under a certain amount of disadvantage, and if he were committing perjury he would have to make out a plausible case before he would be believed, and when he was face to face with a phalanx of witnesses called on behalf of the prosecution, and the wife or husband of the accused person found herself or himself in that particular situation, the risk of being discovered in committing perjury would be infinitely greater than it is at present, because a person so giving evidence would probably have to contradict several witnesses, and not one only. Unfortunately, in this colony we are not able to quote precedents for this principle, and we cannot say, for certain, how the principle has worked in those colonies where it is in force; but, so far as I am aware, there has never been any attempt, since the passing of the law, to repeal it, and that speaks volumes in favor of the principle. I ask hon. members to consider this question with an open mind, and to apply commonsense arguments to it. If a party is a good witness in a civil procedure—that is to say, where his property is at stake—why should he not also be a good witness where his person or his liberty is at stake? I cannot see that there is any distinction. The great objection, in the old days, to allowing an accused person to give evidence on his own behalf was because he was interested, and that interest would perhaps induce him to give evidence which was prejudiced in his own favor; but we have seen, in practice, that the parties who do give evidence in their own behalf are not swayed to such extent as to interfere with the course of justice. Therefore, if the principle is good in civil cases, where property is at stake, why should it not hold good in criminal cases, where the liberty, and sometimes the life, of an accused person is at stake? I ask hon. members to regard what the Attorney-General said on the question as having been said on a purely open question, and to say, whether or not in all circumstances the principle is not a good one. If it is good in the smaller jurisdiction of the lower courts—and we have the admission of the Attorney-General that it is—surely it must also be good when the accused is before one of the superior courts, and before a jury. I cannot see why we should draw a distinction. I have often heard counsel, when defending a prisoner, lament in almost frenzied terms to the jury that he was not allowed to place his unfortunate client in the witness-box. And why? Because the defending counsel knows very well his client would convict himself if allowed to tell his story in his own way. But it is the guilty man we want to hit; and directly that guilty man opens his mouth to give evidence, he puts his foot into it, or a policeman puts his foot in for him. The majority of convictions in our superior courts are obtained by the statements of accused persons made at or after their arrest; and if these persons commit themselves then, we have every reason to believe they would commit themselves when they pass from the dock to the witness-box. I am convinced that the adoption will assist materially in the administration of justice, and particularly in convicting guilty persons; whereas, on the other hand, it will give to the innocent person an opportunity of making that reasonable explanation which will always let him out of the difficulty.

THE PREMIER (Hon. Sir J. Forrest): The hon. member in moving the second reading of this Bill made what was no doubt a very plausible speech in its favor, but what struck me most forcibly about the matter so far, is that if this law for us is to be such a very good one, why has it not been adopted in the old country.

MR. JAMES: It has been. It has been adopted in the Criminal Law Amendment Act of 1885, so far as certain cases are concerned.

THE PREMIER: Surely not in England.

MR. JAMES: Yes, and here as well, in some instances.

THE PREMIER: To my mind the principal point of objection is in the fact that the new law has not, so I have been informed, been adopted in England. Now in that great country which we all admire so much, they have not this as law, and we should surely not be in advance of the old country in matters of legislation.

MR. ILLINGWORTH: We gave them the ballot and other things.

THE PREMIER: No doubt we have in these colonies passed Acts that were afterwards found suitable for the old country, but in such a question as the amendment of the Criminal Law, what reason can there be for us to bother about it and simply be in advance of English legislation? Is there any presure for the introduction of these new

ideas? I fail to find that anyone has been asking for any alteration.

MR. JAMES: The best test is to take the opinion of the leading criminal lawyers.

THE PREMIER: Lawyers are all right in their way, but in such a matter as the amendment of the criminal law, members should exercise their own opinions and not necessarily follow those of the lawyers. The criminal law in England should be in advance of us, instead of the other way about. I have to admit that the alterations proposed by the hon. member do appear reasonable, but if they are so reasonable, why have the alterations not been made before? There must be good reasons why this has been done, and the objections raised by the Attorney-General had certainly great weight with me. I see no necessity whatever for the introduction of the new laws, unless it be to immortalise the hon. member for East Perth. In the absence of the law being adopted in England we should not have it here, more especially when we recollect that it has only been shown that two other places—New Zealand and South Australia — have laws like it.

MR. LEAKE: Our own Act, that for the protection of girls, passed in 1882, has the confirmation of the principle.

THE PREMIER: Is there any pressure for it—any great need for it. That, I think, is what hon. members of this House would like to know. It may be like the Perth Park Road —do no harm by waiting a little bit.

MR. ILLINGWORTH: But there the necessity did not exist.

THE PREMIER: Yes, it did, as much as it does here. What I want to know is, whether anyone is asking for these alterations in the law. It has never been mentioned to he people of the country before, and I do not think the hon. member even told his constituents that he was going to bring this matter on. My advice to members of this House is that at the present juncture we should have nothing to do with the proposal. What possible reason there can be why this colony should go experimentalising on matters of evidence I do not know, and I venture to hope that the House will not even approve of the second reading. I am afraid that the Attorney-General, who had been led to refer in tones of approbation to some portions of the Bill, did so because he was reminded of the ambitious dreams of his youth, and not even he would be very much annoyed if the House decided to postpone the second reading for six months. There will be plenty of time to consider such matters as these a little later on. In order to test the feeling of the House on the matter I will move "that the Bill be read this day six months."

MR. ILLINGWORTH: This question is very largely a lawyer's question.

MR. JAMES: Essentially so.

MR. ILLINGWORTH: I think it is probable that the Hon. the Premier will be ready to listen to the opinions of leading judges and justices in the colony of Victoria, where this law has been in force for some time. It was a question that constantly created great discussion, and was continually brought forward by no less a judge than the late Chief Justice Higinbotham, while the opinions expressed by him have since been affirmed by the present Chief Justice, Sir John Madden who is generally regarded to be one of the greatest lawyers in the country. Mr. Justice Hood had also most emphatically expressed his opinion on the subject, and finally it was generally conceded that the arguments brought forward by the learned judges and others were absolutely unanswerable. It was upon the suggestions made by these gentlemen that Victoria adopted the Bill the hon. member for East Perth is anxious to see become law here. Quite a number of articles appeared in the leading press commenting on the probable effects of the new law, and its progress was watched with very close interest. So satisfactory, however, has the working of the law been in Victoria, that I have never read one comment unfavorable to the system. There is surely some little evidence in the experience of Victoria. Hon. members of the House must remember that it is not a matter of my opinion at all, but one of actual experience. As I have said before, the question is, in the main, purely a lawyer's question. At the same time, quite a number of cases has come under my own personal knowledge—that is, I have read the evidence in cases — and it has ways seemed to me a grave defect in our criminal procedure that a man can be brought before a magistrate by a policeman, all sorts of things may be charged against him, and yet he cannot say a single word in his own defence.

THE PREMIER: He can speak for himself at any rate.

MR. ILLINGWORTH: He can give no evidence in his own favor in this country. He could give evidence if he were in Victoria, but he cannot give it here. There is no doubt that the question of the criminal law is a very serious matter. That an alteration is required must be pressed on us by that very remarkable case of the man Dean, in Sydney. If that man could have been called as a witness, he might have thrown a great deal of light on that particular case. I have known cases in Victoria where, as soon as the accused has been put in the witness-box, examined and cross-examined, and permitted to give his explanation of the occurrence, his evidence has been of such a character as to lead to his immediate acquittal. It was not a pleasant thing to say, but it was well known that when the police have a man in charge they are always bent on obtaining a conviction. So long as a man is unable to give evidence there are plenty of little things which tell against him, but which could readily be explained if he was in the witness-box. The principle sought for by the mover of the motion for the second reading of this Bill has been tried in Victoria, and has worked very well so far; however, if the law were passed here it would not be like the laws af the Medes and Persians—unalterable, but could be altered without much trouble. In all the tests made so far all the results of this system have been most successful, and I have not heard a single diverse view in all the colonies that have tried it, on the other hand it, has proved itself over and over again to have acted, without exception, in a most beneficial manner. I have thought it well to give the House my thoughts on this matter. Naturally, I am not able to give an opinion as a lawyer, nor would I presume to express an opinion on a purely lawyer's question. It only struck me that it would be of interest and value for the House to be informed of the success of this system in the Colony of Victoria.

MR. RANDELL: I think, Mr. Speaker, it would be a very great pity indeed if this Bill were dropped in the rather unceremonious manner the Premier appears to wish. The very least that could be done with it would be to refer it to a Select Committee in the same way as the Bills on Partnership and Arbitration. To my own mind the Bill seeks to make reasonable and unobjectionable amendments of the law. I do not wish to be at all presumptuous in expressing an opinion on a somewhat technical subject, but I have read of judges—and I think in our own colony—who have often expressed a wish that a prisoner could be placed in the witness-box to give evidence. It seems to me that very little real objection can be taken to this Bill. It is not only a reasonable, but a perfectly proper step. in the direction of progressive legislation. If a person is permitted to give evidence in civil cases where he is concerned, surely there is all the more reason why he should be able to give evidence in a criminal case in which he is concerned! The House has already been informed of the valuable experience of Victoria in this connection. The Premier has stated that we should not be in advance of England, so far as legislation is concerned, but there is really no reason whatever why we should wait for England. The hon. member for Nannine has shown that England gave in to the ballot, and that in other ways the old country has been glad to copy the colonies in the matter of progressive legislation. We must not forget this fact—that Great Britain is a Conservative country so far as its laws are concerned, and it takes years and years of agitation before they will alter anything on their Statute Book. It is only after being compelled by the force of public opinion, and after great pressure, that the Parliament of Great Britain gives way. We might very well copy English legislation on such matters as commercial and other laws, for the simple reason that they have there a great body of men who, on questions of this character, have the experience and wisdom to lead, not only us, but to lead the world. History teaches us that the laws of England have not been particularly careful so far as the rights of persons are concerned. Even to-day you will find enormous penalties for the most trivial offences, and they have yet in existence some of the most barbaric laws, notwithstanding that they have been framed by reasonable men. I will not say that the framers of these laws are Christian as well as reasonable men, for some of the laws I refer to are outrages upon Christianity as well as common sense. I think the Bill of the hon. member for East Perth is a step in the right direction, and as the hon. member for Albany has said, it will facilitate the ends of justice. This is of itself a very good reason why we should carefully consider the provisions of this Bill, and that it

should not be thrown out as the Premier suggested. In fact, it would be a very wrong thing if, seeing how much the Bill involves questions of law, it was not sent to a Select Committee to be reported upon, so that the members of this House could have the benefit of the opinions of the legal members. I hope that the Premier will not press his motion, but let us consider the matters raised in this Bill very carefully. If we find that it is likely to be prejudicial we need not have it, but, on the other hand, if it is not likely to be beneficial there is no reason why the necessary amendments in the law should not be made.

THE PREMIER (Hon. Sir J. Forrest): If I am in order I would be glad to fall in with the view of the hon. member for Perth and withdraw my motion, so that the second reading might pass, and the Bill then be referred to a Select Committee dealing with the other Bills, for report. This would meet my views entirely.

The motion that the Bill be read that day six months was thereupon withdrawn.

MR. JAMES: I have to express my thanks, Sir, that the Hon. the Premier has seen his way clear to adopt the suggestion to refer this matter to the Select Committee. At the same time I feel certain the Premier must have overlooked the fact that the Bill is divided into two parts. One portion of the Bill enables a person charged with felony to give evidence on his own behalf, and this is recognised to a good extent in the English Act of 1885, and the Act of this colony in 1892 contains what is really the same principle, only applied to certain cases. The second part of the Bill is to enable persons charged with trivial offences which are dealt with by summary jurisdiction, to exercise the right of giving evidence themselves. This is the portion of the Bill which appears to meet with the approval of the Hon. the Attorney-General, and he approves of it for the simple reason that he knows very well the monstrous injustice of the present system. It really was a monstrous thing that upon some trivial charge a man could be brought up before the police court, and when he got there, although he might be perfectly innocent, he would practically have his mouth shut. My own experience, and I am sure the experience of others who have been in our courts, is that where a person is being prosecuted by the police they go there to get a conviction, and I am sure the Justices who sit on the Bench must bear me out when I say that they must exercise the greatest care to prevent being led away by the assertive evidence of a policeman. Whatever may be said as to the first section of this Bill, I say that the second section of it should be passed without the slightest hesitation or the least doubt. It is law in the other colonies, and as I said before, the principle is involved in the English Acts. As to the first part of the Bill, the Attorney-General opposes it on the ground that it will operate very much against accused persons. It is strange, but true, that the grounds of the opposition are really the grounds for supporting the Bill. Experience has shown that the accused person, if innocent, is not injured by being called upon to give evidence, but is very much benefited. It was also suggested that the proposal, if carried into law, would be productive of a great deal of perjury. It has only been within the last fifty years, after years and years of terrible struggling, that plaintiffs and other persons interested in civil suits have been permitted to give evidence. As recently as the times of James I. a man was permitted to give no excuse. He could not be heard by counsel, nor could he call witnesses. As soon as that state of affairs had been altered another struggle took place to make the law more humane still, and more reasonable. It has been within the reign of the present Queen of England that this piece of justice has been properly conceded, for, at the times the alterations were agreed to, it was a popular opinion —and an opinion shared by many honest and able men of the time—that if persons were allowed to give evidence on their own behalf the spirit of self-interest would be so great that there would be nothing but perjury. Such views as these would be laughed at to-day, and treated as being the height of absurdity. There is no more reason for anticipating wholesale perjury under the alterations proposed in this Bill than there were grounds for the absurd fears expressed years ago as to the danger of allowing plaintiffs and defendants in civil cases to give evidence. I have already said that there was a distinct recognition of the principles we are now seeking, for, in the Criminal Law Amendment Act of England in 1885, the actual law itself was fought very hard for by a Conservative Law Chancellor of much experience, but he did not succeed with the House of Lords. On the other hand it should be borne in mind that the principle was already on the Statute Book and it had

actually been working in certain cases for ten years. After ten years' experience efforts were now being made to extend the provisions as to evidence. The section I am desirous of seeing passed is on the lines of one that unanimously passed the House of Commons in 1885. Mr. Hopwood, at present the Recorder at Liverpool, had spoken very strongly in favor of prisoners, in some cases, being compellable witnesses, and he was known for his short sentences, so that he could not be said to be opposed to the interests of accused persons. When the section referred to was before the House, Sir Henry James is reported as saying, "He was so glad to get this alteration in the law, however, that he would not take up the time of the Committee now, but would consult with the Attorney-General, and move some amendment at a later stage." The amendment referred to by Sir Henry James was as to making it clear that the prisoner could be called upon to give evidence. This section was, as I have stated, the same as that now before the House. I have read the report of Sir Henry James's remarks, and the House will also be interested in the statement which fell from Sir Richard Webster the Attorney-General of that time, who is reported as having said that he "wished to "say . . . . that if there was one "reason why the House should be in favor of "this clause, it was because he thought the "guilty would be detected just as well, whilst "the innocent might more readily escape. ". . . . Where guilty he would be likely "to say nothing, so that the provision would "enable the innocent man to get off, and aid "the conviction of the guilty." These were surely weighty words from an Attorney-General and an ex-Attorney-General of Great Britain, and ought to go far in support of the clauses remaining in this Bill. However, they had also had the opinion of Mr. Warton. The House knows Mr. Warton, and I am sorry the Attorney-General is not here to listen to the quotation. Mr. Warton said:—"They were now making a most "startling change in their Law of Evidence. "The clause introduced so vital a change "that he was surprised at the ease with which "the Attorney-General and the ex-Attorney-"General had seen their way to desert the "principles which had hitherto formed the "bases of their criminal legislation. The two "important principles involved in this clause "should certainly not be introduced into a "measure which they were hurrying through "Parliament as they were hurrying that one. "He did hope the Committee would pause. "All the other questions in this Bill did not "together amount to the same importance as "the great and grave principles which they "were now introducing into it. No more "startling innovation had been made in their "criminal law for centuries, and he could not "allow the clause to pass without entering his "earnest protest against it. He warned them "of the state of things which happened in "France, where the judge cross-examined the "prisoners in a most infamous manner. Next "year he would undertake to say they would "have the same sort of thing in their "courts. They would have lawyers cross-"examining these unfortunate criminals "in the same infamous style. It was a return "to the same state of things as existed in the "old days of the Inquisition in France, and "was quite too serious a change to be intro-"duced into such a wretched Bill as this. . . . . . In the meantime, he stood aghast "and horrified at the action which had been "taken by the right hon. gentlemen of the "legal profession on this occasion." There they had a great deal of prophecy without any other result, and looked at to-day, the statements of Mr. Warton were too laughable. However, even on that occasion, his remarks were not let go without challenge by Sir Henry James who "altogether denied that "they were acting in a hurry in this matter. "The clause had, in the shape of a Bill, re-"ceived the approval of the House of Lords "twice before, and it had received the approval "of the Criminal Code Commissioners. It had "also been inserted in the Explosives Act, "and its introduction into that measure had "been the direct means of establishing the "innocence of a man charged under that Act." Hon. members will therefore see that there is ample reason why the Bill should pass into law here. The extension of the law of evidence in England ten years ago, in the direction mentioned, had proved so successful that efforts were now being made to carry it still further. The opinions of such men as Sir Henry James were of far more value than the arguments that had been used against the Bill. I shall be very glad to have the Bill transmitted to a Select Committee, and I thank the House for the sympathetic attention given to me in bringing forward this measure.

Whatever difference of opinion there may be on matters of detail, I know every member of this House shares with me the desire to see the ends of justice served in as complete a manner as possible, with every possible advantage to a man to prove his innocence, and with no means, whereby because of this, a guilty man can go free.

THE PREMIER (Hon. Sir J Forrest) moved, "That the Bill be referred to the Select Committee consisting of the Attorney-General, Mr. James, Mr. Leake, Mr. Loton and Mr. Randell.

The motion was agreed to.

CONSTRUCTION OF MOUNT-STREET, PARK ROAD.

MR. WOOD said he desired to withdraw the motion standing in his name having reference to this question, the debate upon which had been adjourned; and, by leave of the House, the motion was withdrawn.

ADJOURNMENT.

The House at 10 o'clock adjourned until 4.30 p.m., on Tuesday, the 23rd inst.

Legislative Council,

Tuesday, 23rd July, 1895.

New Member—Married Women's Property Act Amendment Bill: first reading—Perth Mint Bill: second reading; Committee—Agent-General Bill: first reading—Justices Appointment Bill: first reading—Supply Bill: first reading: second reading: committee: third reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4·30 o'clock p.m.

NEW MEMBER.

THE HON. A. B. KIDSON, having subscribed the Oaths required by law, took his seat.

MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL.

On the motion of the HON. S. H. PARKER, this Bill was introduced and read a first time.

PERTH MINT BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): In rising to move the second reading of this Bill, I desire to point out that its object is to establish in this colony a branch of the Royal Mint. I feel certain that hon. gentlemen have read the remarks of the Premier in another place, in which he referred in great detail to the advantages of having such an institution in the colony. I may, however, refer to a few matters, if only to refresh the minds of hon. members. The establishment of branches of the Royal Mint has been found to be most advantageous in two of the other colonies, and I do not think we shall go far wrong if we follow them. The advantages which have accrued have been very great, and on the whole, the establishment of the Mints has proved of much service to the people. It is not contended for one moment that when we establish a similar institution here it will be a paying concern, and I do not suppose that any colony ever expected an institution of the kind to pay—at any rate, directly. Still, in New South Wales, where a Mint has been established for a large number of years, the total expenditure is found to be about equal