to withdraw his motion and have the debate adjourned until this day week. There will then be farther time to consider the matter, and perhaps some members would like to go down and see the locality for themselves. I should not like to see anything done which would interfere with this project, which so far has been carried on very successfully, but if the debate is adjourned it will give the Government an opportunity of looking into the question farther. Although the leader of the House says he has gone over the ground and there is no site so suitable as the one selected, yet he may find another site. The views of some members of the House are strong on the matter, therefore the Government may see their way to reconsider the question and make another suggestion. I urge the hon. member to withdraw his motion and then some other member may move that the debate be adjourned for a week.

HON. A. G. JENKINS: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

On motion by Hon. J. W. HACKETT, debate adjourned for a week.

ADJOURNMENT.

The House adjourned at 8·50 o'clock, until the next day.

Legislative Assembly,

Tuesday, 19th August, 1902.

Petition: Esperance to Goldfields Railway—papers presented—Question: Poor-box Donations, Fremantle—Question: Police-court Procedure, Subiaco—Question: Museum, New Wing (funds)—Fremantle Harbour Trust Bill, first reading—Returns ordered (2): Estates Purchased under Statute, Leonora Railway Cost—Explosives Act Amendment Bill, third reading—Elementary Education (District Boards Bill), in Committee, progress—Justices Bill, in Committee, reported—Fremantle Prison Site Bill, first reading—Public Works Bill, second reading—Droving Bill, second reading (moved)—Indecent Publications Bill, second reading (resumed)—City of Perth Building Fees Validation Bill, first reading—Adjournment.

THE SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PETITION—ESPERANCE TO GOLDFIELDS RAILWAY.

MR. R. HASTIE presented a petition from 35 public bodies on the Eastern Goldfields, including municipal councils, roads boards, chambers of mines, mine managers, workers' associations, Trades and Labour Council, etc., praying the House to authorise the immediate construction of the Esperance Railway.

Petition received, read, and ordered to be printed.

PAPERS PRESENTED.

By the PREMIER: 1, Woods and Forests Department, Report for year ended 31st December, 1901. 2, Regulations for Ticket-of-Leave Holders. 3, Regulations for the Management and Control of Gaols and Prisons. 4, Report on Industrial and Reformatory Schools for 1901. 5, Report on Rottnest Prison for 1901. 6, Report of Charities Department for 1901. 7, By-laws made by the Municipalities of Perth, Bunbury, Coolgardie, Collie, Fremantle, East Fremantle, Leonora, Guildford, Leederville, Mt. Morgans, North Perth, and Norseman.

By the MINISTER FOR WORKS AND RAILWAYS: Alteration to Railway Classification and Rate Books (reduced fares to students).

By the COLONIAL SECRETARY: 1, Report of the Committee of the Victoria Public Library, 1901-02. 2, Report of the Chief Inspector of Explosives and Government Analyst for 1901.

Order: To lie on the table.

QUESTION—POOR-BOX DONATIONS, FREMANTLE.

MR. HASTIE asked the Attorney General: 1, What had been the receipts of the poor-box placed in the Police Court, Fremantle, for the past 12 months. 2, Whether the poor-box benefited materially by substantial donations given by successful applicants for special marriage licenses. 3, If any fees were now charged at Fremantle for special marriage licenses; if so, since when, and under what authority; if the fees continued to be placed in the poor-box; if not, why was the system stopped, and who benefited by the present custom.

THE ATTORNEY GENERAL replied: 1, £1 5s. 2, No; such donations were given to the hospital. 3, Yes; a fee of 10s. 6d. is charged; since the 21st of February, 1902, and under authority of the Registrar General; the fees are not and never were placed in the poor-box; the system was not stopped, never having existed; the Resident Magistrate receives these fees.

QUESTION — POLICE COURT PROCEDURE, SUBIACO.

MR. DAGLISH asked the Attorney General: 1, Whether it was true that a man recently arrested in or near Subiaco on a charge of wilful and obscene exposure was admitted to bail contrary to the custom in such cases, and that the evidence against him was taken in private by the Police Magistrate. 2, If so, who was the person so treated, and by whose authority the case was heard *in camera*. 3, Whether this action was taken on account of the social influence of the accused, or, if not, for what reason. 4, Whether a similar procedure was ever adopted where the accused person was without social influence. 5, Whether complaints of similar offences being committed within a short distance of the locality where the arrest took place had been made recently, and whether the description of the alleged offender corresponded in any respect with that of the person accused in this instance. 6, Whether the depositions of the witnesses in this case were recorded; and, if so, whether they could be placed upon the Table of this House.

THE ATTORNEY-GENERAL replied: The Police Magistrate informs me that any person charged with the offence alleged is entitled to bail. He also informs me that no person so charged, nor indeed any person charged with any other offence, was tried in private or the case heard *in camera*. In a recent case, the person accused was tried in the clerk's room, this room being constantly used as a court room. This is the usual procedure, and the Press is always represented at such hearings, and no member of the public is refused admission. In the case in question the person accused was acquitted, and the Press were supplied with the depositions to copy if necessary. I shall be glad to show a copy of the depositions to any member of Parliament. Complaints of similar offences have been made, and steps were taken to see if the accused in the present case was the person referred to in such complaints, with the result that he was declared not to be the same.

QUESTION—MUSEUM, NEW WING (FUNDS).

MR. JACOBY, for Mr. Throssell, asked the Treasurer: 1, Whether a sum of £10,000 was approved by Parliament and provided in the Estimates for 1900, for the erection of a new wing to the Public Museum. 2, Whether it was the intention of the Government to make provision on the present year's Estimates for carrying out the work.

THE TREASURER replied: 1, No. A sum of £1,000 was provided by Parliament on the Estimates for the year ended 30th June, 1901, for Victoria Public Library and Museum Additional Accommodation, the probable cost of which, when completed, was set down at £10,000. 2, The question as to farther provision is now under consideration.

FREMANTLE HARBOUR TRUST BILL.

Introduced by the COLONIAL SECRETARY, and read a first time.

RETURN—ESTATES PURCHASED UNDER STATUTE.

On motion by Mr. STONE, ordered "That there be laid on the table of the House a return, showing — 1, What estates have been purchased by the Government under the Lands Purchase Act. 2, The acreage of each of such estates. 3, The districts in which they have been

purchased. 4, The amount paid for each estate. 5, The names of the persons from whom the estates have been bought, 6, The amount of money placed at the disposal of the Board by Parliament. 7, The balance now available."

RETURN—LEONORA RAILWAY, COST, ETC.

On motion by Mr. A. E. THOMAS, ordered "That there be laid upon the table of the House a return showing—1, The cost for rails and fastenings for the Menzies-Leonora Railway, delivered at Menzies. 2, The price per ton paid for these in England. 3, The freight and railage on these per ton. 4, The estimated cost of the work remaining to be done on July 31st to complete this railway, exclusive of station buildings. 5, The estimated cost of station buildings, etc., and the amount expended."

EXPLOSIVES ACT AMENDMENT BILL.

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

ELEMENTARY EDUCATION (DISTRICT BOARDS) BILL.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. W. Kingsmill) in charge of the Bill.

Clauses 1 to 4, inclusive—agreed to.

Clause 5—Members to be appointed by Governor:

MR. ILLINGWORTH moved that the clause be struck out and the following inserted in lieu:—

> Nominations for seats on the Education Board shall be lodged on the second Saturday in January of each year. The board shall be elected on the last Saturday of January in each year. The roll to be used for such election shall consist of the names of the whole of the parents, or where there are no parent or parents, of the guardians of the children enrolled in the schools within the school-board district.

The object was to make the school boards elective. The wording of the amendment could be settled by the Parliamentary Draftsman.

THE COLONIAL SECRETARY: There was no objection to elective boards; but the amendment would not remove the apathy of the general public in electing them. This did not arise from difficulty in obtaining rolls, for had there been sufficient candidates nominated anywhere rolls would have been prepared. Only by entreaty of the department could enough nominations ever be secured to constitute a board.

MR. MORAN: If there were no contest, there was practically a nominee system.

THE COLONIAL SECRETARY: True; but the amendment should not apply to the whole State, for in many districts there would never be an election. Let it apply merely to districts to be proclaimed, which might desire elections.

MR. ILLINGWORTH: If election notices were brought from the schools by the children to the parents, interest would be excited. Should the plan fail, the department could see that persons were nominated, and such nominees would be returned, as in parliamentary elections.

THE PREMIER: By the existing Act, the roll of electors consisted of those who the amendment supposed would take an interest they had not shown, namely householders occupying dwellings of the clear annual value of £10 each, the father or in his absence the mother of any child attending school, or the guardian or other person maintaining the child.

MR. HASTIE: But the rolls were not made up.

THE PREMIER: In this case was not the word "election" a shibboleth? The elective principle must always fail unless strong interest were shown by the great body of electors. We had the electoral principle applied to this House, but in a great number of our electorates in the past—at all events some of them—there had never been contests because there was never public opinion in those particular electorates. What was the value of the elective principle unless people would take an interest in the matter? We found that for some years past no interest had been taken in this matter.

MR. TAYLOR: People did not know exactly that they had the power.

THE PREMIER: A few years ago there always were contests, and it was not to be supposed that the people who knew then that they had the power, had since forgotten it.

MR. TAYLOR: On the goldfields people did not know.

THE PREMIER: Elections were under a different Act then, and there was a certain amount of interest taken in them. Since the amendment in the Act, the same power existed, but there had not been contests. It was suggested, Why should you have the nominee principle when, under the present system, if people do not nominate, you can? The difficulty was that the elective system would place the control in the hands of a few busybodies who could nominate themselves. We had busybodies in every community. We knew what they were. They were the sort of gentlemen who very often nominated themselves for Parliament and lost their deposits. That class of individual came forward in elections like this, and men who took an interest in educational matters found that if they were candidates they would have contested elections. It must not be forgotten that a great number had no direct interest in this matter, and why should they be asked to record their votes?

MR. NANSON: People could please themselves.

THE PREMIER: Yes; but no elective system was useful unless active interest was taken by the electors. For the last few years there never had been an interest taken in these boards. In the case of a board with such limited powers it was hardly worth the trouble of going to election for the purpose of being a member of it. Many useful boards had not much power. As we had found the present system worked so unsatisfactorily, why should not the system advocated in this Bill be tried?

MR. GORDON: Members of the community who took a deep interest in education were people who would not care, in many instances, about facing an election, but as a rule were of a very retiring nature.

MR. HAYWARD: The apathy which existed arose from the very limited powers the board possessed. The boards were not even allowed to get a pane of glass fixed, if one were broken. If they attempted to do anything, they were promptly snubbed by the Central Board, and probably those who had been on a board would take care never to be on it again. If persons were nominated, very few of them would, in his opinion, hold the position more than 12 months. Some years ago a board in the town he represented resigned in a body. They spent £5 on some necessary work, and had to pay it themselves.

MR. RESIDE: It was not generally known, especially on the goldfields, that under the present Act the elective system was in force. He went to the Minister for Education and asked him to appoint a board for the Hannans district, and was told they had no roll prepared. Every school should have direct representation on the board, and by that means interest lacking at the present time would be aroused. It might perhaps be of some advantage to give boards a little more power. If the elective principle failed, the Government could fall back upon the nominee system. People should have the opportunity of exercising the power of election, and, if they did not embrace it, it was their own fault.

MR. DAGLISH: Since he had been in Western Australia, living five years in one district, he had never yet heard of a school roll or the possibility of an election of a school board in that district. The same thing prevailed in all districts throughout the State, pretty well. They might take great interest in education, but could not be expected to know the provisions of various Acts of Parliament. The Premier said busybodies might like to get on the board, but it seemed to him that the class of persons referred to were just the sort who would be found on the boards if the boards were nominated, because the Government would be pestered by individuals of that class to be appointed, for the honour and glory of it. The people themselves were better qualified than the Government to say who should be on the board. No adequate reason had been given for a departure from the elective principle.

MR. PURKISS said he was an out-and-out believer in the elective principle, and it had been a revelation to him that in the past so little interest appeared to have been taken in school boards. He spent 25 years in a colony in which the elective principle was one of the most highly cherished in the land, and school committees associated with boards were found most active.

MR. MORAN: What powers had they?

MR. PURKISS: More power than in Western Australia. The apathy which existed in this State must be not because parents and guardians did not take an interest in their children, but because, as had been suggested, they did not know the powers and privileges they possessed.

MR. HASTIE: As to the want of power which could be exercised by school boards, he believed that if there were a system of popular election the boards would find they had plenty of power to exercise a wholesome influence. The Colonial Secretary and the Premier had reminded members that the existing law provided for the election of school boards, but that the people generally did not take sufficient interest in the schools to ask for elections in their several districts. His personal experience on the goldfields during nearly eight years was that when people had asked about the election of members to a school board, the answer was that there was no machinery by which elections could be carried out.

THE PREMIER: Special instances of that kind were not sufficient. The board system applied throughout the State, and members should have regard to the results of the system generally.

MR. HASTIE: Speaking from experience, not one instance could be remembered in which persons were allowed an opportunity of voting for the election of members to a school board, and in the more populous centres it had become a general complaint that people were not allowed any opportunity to have elections to school boards, as was suggested by the member for Cue. This opportunity should be allowed to the people, and where the power was not exercised the Government could in such case trust the officers of the Education Department to recommend suitable persons for nomination to the particular school board.

MR. MORAN: That was the present law.

MR. HASTIE: It was not a good law, as shown by the results.

THE COLONIAL SECRETARY: Some members had said that on application being made for the election of school boards, they were refused the opportunity to hold such election. He was not prepared to accept that statement, and he asked members to supply him with those instances on which they relied, and he would undertake to inquire into them. The Government were willing to accept a compromise such as that suggested by the leader of the Opposition (Mr. Nanson), who had advocated that boards should be elected in proclaimed districts where this was deemed desirable. If an amendment to that effect were proposed, he would accept it on behalf of the Government. In country districts, or in any districts which did not show a desire for the election of school boards, the nomination system could continue.

MR. RESIDE: As to specific instances, he had himself approached the then Minister for Education (Mr. Illingworth), who informed him that there was no roll in existence by which an election to a school board could be conducted. He now asked the present Minister for Education whether there was a roll in existence now in the Hannans district? He was informed at the time mentioned that no roll was prepared, and no machinery was in force for carrying out such elections. He denied the statement of the Minister for Education that there had been no suggestion to assist in the direction of overcoming the apathy of people in regard to school board elections. He had suggested that there should be two representatives of the people elected on each board, and that these should act as delegates to a central board. If this means were adopted, he believed it would do away with the apathy now complained of.

MR. NANSON: It would be well to provide that candidates for election to school boards should be elected on the parliamentary roll, because the machinery being in existence, the process would be much simplified.

THE COLONIAL SECRETARY: It would not be practicable to adopt the parliamentary roll for this purpose.

MR. NANSON: The Government should at any rate follow the parliamentary roll and existing machinery as far as possible; and if there were districts where the people did not take any steps for electing a school board, the returning officer could inform the Government to that effect, and the Government could then nominate members to that board.

THE PREMIER: There were many school districts in this State where the people were aware of the power to elect a

school board if they chose to exercise it; and as this had not been done, some other provision became necessary. But it was not necessary that, because in a few exceptional cases there might be a desire to elect a school board in a popular manner, therefore the popular system of election should be adopted for the whole State, whether the great majority of districts desired that form of election or not. The effect would be that a small number of persons who desired to be elected to a school board would nominate themselves at the last moment, and would in that way secure control of the board. This was not desirable. In scattered country districts where little or no interest was taken by the parents and guardians of children attending schools, the nominee system appeared to be more desirable than the system which was likely to result in a few people nominating themselves at the last moment, and practically constituting themselves a board.

MR. MORAN: There would be some satisfaction even if they did that.

THE PREMIER: People generally had shown that they were practically satisfied with the system by which the Government elected members of the school boards, because people had the power to make use of existing machinery for these elections but did not use it, whereas if they were not satisfied with the present system they might be expected to use the power which existed. What Parliament should provide for was an effective board; and whilst the board had power to exercise an influence under the present powers, it would be found that if the system of popular election were adopted, the limited powers now existing or proposed in the Bill would not be considered sufficient by some persons, and so there would not be that satisfaction which was desirable as the result of a change of system. It was a fact that in almost any country district in this State a person well acquainted with it might place his hand on the five or ten persons who would be suitable for appointment to the local school board, the number being so limited. Members should try to secure the smooth and effective working of the law regulating school boards.

MR. ILLINGWORTH: This Bill would not remove the difficulty. The nominee boards were unsuitable and unsatisfactory in the present condition of the country. The Government nominating the boards had no means of finding out the character and suitableness of persons to be nominated in the several districts. The reason for the apathy was the change which had resulted from the new system under which elementary education was now carried on. A strong feeling was growing up that some kind of local committee should be appointed for controlling the working of schools in the several districts. Cases had come under his notice in which the teacher was absolutely unfit for his position, and as no one in the district was authorised to report to the department, the effect was that some person had to be requested to make inquiry and report, and on his report the department had to take some action. Clauses 5, 6, and 7 destroyed the present elective principle, and lodged all power in the Governor. Affirm the principle of electing annual boards, and let the Government re-cast the clauses.

THE PREMIER: The amendment went farther than was necessary, and could not be accepted. Why not insert a clause providing for the adoption of the elective system on petition from a majority of the parents or guardians of the children in the district?

MR. DAGLISH: No. Rather let them petition if they desired a nominee board.

THE PREMIER: So far, the elective system had not been a practical success.

MR. McDONALD favoured elective boards. At present, probably not one of the school-board members in his district had a child attending the school; and certainly the public did not know they had a right to elect the board. East Fremantle children attended a school in Fremantle, on the board controlling which their parents would not be represented.

MR. HIGHAM: For Fremantle the nominee system would be preferable; for not more than two per cent. of qualified persons had ever displayed an interest in the elections; therefore sometimes mere busybodies were elected, though as a rule all responsibility devolved on church workers. Much of the apathy resulted from the lack of power in the board to do anything. Frequently, before simple repairs could be effected,

more was spent on stationery than on repairs. All members of district boards would prefer a nominee to an elective system.

MR. TAYLOR: The Mt. Margaret parents did not know they had the power of appointing representatives or they would have done so. Were there any goldfields schools which had rolls prepared for the election of representatives under the present Act? [MR. HASTIE: None.] When such facilities were offered and not utilised, it would be time to talk of the failure of the elective system.

MR. JACOBY supported the elective system, which would be availed of if known. Though he took much interest in schools, yet until this Bill appeared he had not known that boards could be elected; and the same might be said of 50 per cent. of the people, who were newcomers in the State. The roll should comprise parents and guardians rather than roads-board electors. If nominee boards were successful, why were so many never heard of, like that in his constituency? In country districts each school should elect at least one member, and the large schools more than one—say one for every hundred children. If after trial the elective system failed revert to nomination.

THE COLONIAL SECRETARY: If the last speaker were not sufficiently interested in school boards to ascertain that they could be elected, it was unlikely he would hear much of them. The work of school boards was not advertising work, but the Boards dealt principally with the Education Department in an advisory way, so they would not come very much into contact with the member for the Swan (Mr. Jacoby). As to the observations by the member for Mount Margaret (Mr. Taylor), the preparation of these rolls was a somewhat expensive process, but as soon as the Government had evidence to show that candidates would come forward, the rolls would be prepared, even if the work did cost money.

MR. TAYLOR: Were there any prepared?

THE COLONIAL SECRETARY said he was not prepared to state. If the hon. member gave notice of the question, he would be very pleased to give him every information in the power of the department. He regretted members did not feel disposed to accept the suggestion of the Premier. In those districts where it was claimed people were simply yearning to have a voice in the election, there should be no difficulty in satisfactorily proving to the Government that they wished to elect school boards, and the Government were quite prepared to make an amendment in the Bill on those lines; that was, that where a majority of parents and guardians of the children attending school expressed by petition a wish to have elective boards in those districts, an elective board should be supplied and the franchise should be held by the parents and guardians of the children attending school. He did not think we could get any simpler or more satisfactory plan. Where people did not take the trouble to express that wish, the system would fail as it had done hitherto. He moved that progress be reported.

Progress reported, and leave given to sit again.

JUSTICES BILL.

IN COMMITTEE.

THE PREMIER (Hon. Walter James) in charge of the Bill.

Clauses 1 to 5, inclusive—agreed to.

Clause 6—Appointment of justices generally:

MR. ILLINGWORTH: Did the Attorney General think that any better means of appointing justices could be adopted than the system that the Government might appoint? He was not prepared to suggest anything, but the present system seemed to him to be not a very satisfactory arrangement.

THE PREMIER said he did not know of any better way of appointing justices.

MR. MORAN: In America justices were elected.

THE PREMIER: Election would be no good unless we had a limitation in the number, because various justices exercised certain defined duties. In America it was an office justices occupied, but the justices we appointed did not occupy an office. The justices in America did not fulfil the same duties as those discharged by justices here. If members could suggest a better mode than the present, he would be very glad. Doubtless we wanted the services of these justices, and the fact that some failed in their duty was no reason

for rejecting others. The difficulty with regard to referring nominations to the Supreme Court would be as to how the Court would test a man. It would not do to impose an educational test, or a property qualification. We could not say there should be in every district a certain number according to population; in fact, the more population, the less comparative need there was for justices.

MR. TAYLOR: There was a resident magistrate.

THE PREMIER: Yes. He did not think the difficulty which now existed could be overcome.

MR. MORAN: All over Australia there was political significance attachable to the appointment of justices. No one sought to deny that such was the case, and members of Parliament knew particularly what influence could be brought to bear. Not for one moment did he say a man was going to use his influence because so-and-so was a supporter of his, but we knew that Governments all over Australia very often made appointments to the Bench, in themselves desirable and in every way suitable, but still some persons chosen might not have been appointed had they never had political views. Sir John Forrest strictly adhered to constitutional precedent and principle, and had very sound sense in matters of this kind, both in reading and experience, and so far as he (Mr. Moran) could gather, Sir John never sought to deny that after all it was a patronage in the hands of the governing body of the State. At times one thought it would be advisable to have a veto or the advice of the Supreme Court in the matter; but looking at the subject in all its bearings, he saw great difficulty in the way, and the Supreme Court was less able to judge of a man's fitness for the position than were the Government of the country, who had the advice of all their departments and of members of Parliament, who ought to know the people in their electorates.

THE PREMIER: The Government always referred to members.

MR. MORAN: It was, he believed, a principle to always refer to members. As long as we could insure good, pure administration, and a Government actuated, as he was certain the present head of the Government was, by the highest motives in governing affairs—however members might differ from him in political matters—he should be prepared to say we must go on in the old way, due care being exercised, and if pressure were brought to bear upon private members, they should not be too importunate themselves for the appointment of justices in any part of the State.

MR. DIAMOND: The system of the appointment of justices must remain as at present, but no doubt there had in the past been a tremendous amount of laxity, and members had to lay a great deal of the blame on their own shoulders. There had not been sufficient care on the part of members in recommending men to this honourable position, which should be filled by men of the strongest integrity as well as ability, and the various Governments had not exercised the discretion they should have done.

MR. HOLMAN: The present system was not at all satisfactory. A system of election for justices of the peace was the only way to get an improvement. Referring to certain justices, he must say their actions since their appointment had been anything but creditable to the position. If nominations were sent in to the Government from the several districts, the Government might have the power to veto any of those nominations, and the people could then elect from the remaining list of suitable persons. Justices of the peace held a position more responsible than that of a member of Parliament; therefore a better system of appointment was necessary.

MR. JACOBY: Without wishing to curtail the responsibility of the Minister in making appointments, he knew of cases in which the advice of the resident magistrate was requested by the Government, and when received, was ignored. Many of the unfortunate appointments which had been made would have been avoided if the Government of the day had given more attention to the advice of resident magistrates; and it was not fair for the Government to go through the form of requesting a resident magistrate to report on the fitness of a particular person, and then ignore the advice given. A clause might be inserted in the Bill providing that all existing appointments should cease after a certain date, and the Government should then proceed, by royal commission or otherwise, to thoroughly

revise the appointments, and select from the most suitable persons in the several districts a sufficient number of justices to perform the duties of the office. That appeared to be the only way in which a satisfactory roll could be compiled. He asked for some expression from the Premier on this point.

THE MINISTER FOR MINES: Would the hon. member advise the Government confidentially about some of those undesirable appointments?

MR. JACOBY: With great pleasure.

MR. DIAMOND: Yes; with great pleasure.

MR. JACOBY: If this were taken in hand, a much needed reform would be brought about.

THE PREMIER: No one would be more pleased than himself if the present list of justices could be reduced, the number in some districts being excessive. There was certainly a want of activity shown by some justices of the peace in discharging their duties, and he thought this was evidence that they did not deserve the honour conferred on them. The commission of the peace was revised recently, and certain reductions were made; but he thought that some names had been left on the list which would have been better put off, and in certain cases names had been put off which would have been better left on. He was going through the list again, and hoped to make an improvement. If a justice appointed in a particular district removed to another district, he should not expect to have the right of transfer to his new district, where an additional justice might not be necessary. As to complaints that some appointments made were not altogether desirable, this would place any Ministry or any House of Parliament in an awkward position if called upon to judge whether a certain individual who had been placed on the list was or was not fit to be on the commission of the peace.

MR. JACOBY: The Ministry were called upon now, before making appointments.

THE PREMIER: But it was a different case to take away from a man an appointment which had been given to him at a previous period, because that would be inflicting on the man a hardship or an undeserved reproach. Where a justice was clearly shown to be unfit for the office, the objection he had made would not apply; on the other hand, because members of Parliament might think a particular appointment should not have been made, that circumstance alone would not justify the removal of that justice's name from the list. The member for the Swan, in his remarks, did not bear that distinction in mind.

MR. JACOBY: Would drunkenness be a good cause for removal?

THE PREMIER: Yes.

MR. JACOBY: Then many of them were drunk every day.

THE TREASURER: This was a position in which a member of Parliament ought to be able to give a confidential report to the Government of the day without any fear that his report would be laid on the table of the House or be made known outside. If members were asked to give confidential reports, that would have the effect of making them particularly careful in any report or recommendation they might make to the Government as to the fitness or otherwise of a person to be a justice of the peace.

MR. MORAN: Many times had he been asked to report on the fitness or otherwise of particular persons to be justices, but never had that request been made in writing.

THE TREASURER: So long as members of Parliament recognised their higher obligation, the probability was that there would not be objectionable appointments made to the same extent as was now complained of. The member for the Swan had suggested that the whole list should be struck out and a fresh roll made; but that would be an undesirable slur on those justices who might not be reappointed on the new list, and of course a large number of the present justices were capable men who had filled the position well. Last year it was suggested in this House that where justices would not attend to their duties by sitting on the local bench they should be struck off the roll.

MR. MORAN: Sitting on the bench was the least of their duties.

THE TREASURER: It was very evident in Perth that this duty was not well attended to. The question of appointing justices was surrounded with difficulties, and if members of Parliament recognised that a good deal of obligation was cast on

them in making recommendations to the Government, it might be hoped that greater care would be taken in the future in making the recommendations.

MR. FOULKES: It was gratifying to hear that the Premier was likely to give some attention to this subject. It had been the practice that when a person applied for appointment as a justice of the peace, the Government of the day referred the matter to the local member of Parliament; but it was not fair to make reference to the local member, because every applicant would know the procedure, and if he happened not to be appointed the blame would in 99 cases out of 100 be cast on the local member as not having recommended him.

THE PREMIER: Whom else should the Government apply to for local knowledge?

MR. FOULKES: There were qualifications other than that of member of Parliament which should fit persons to give local advice; and knowing how a member of Parliament was likely to be influenced, it did not seem right to make reference to him in such cases. There was the resident magistrate of the district in each case, and he would be likely to know the qualifications of applicants or of persons proposed. [Several interjections.] He had met one resident magistrate recently who told him that the only time he was asked to advise in a case of this kind was when the Government did not want to appoint the particular person; and of course that person would probably know that the reason he was not appointed was because the resident magistrate had not recommended him. The Attorney General should make it a rule not to appoint more justices in any district, unless the resident magistrate reported that more were necessary.

THE PREMIER: The resident magistrate was always referred to in such cases.

MR. FOULKES: Cases were known to him in which the resident magistrate had not been referred to, and one resident magistrate had complained bitterly to him. A list should be made every year showing the attendance of justices of the peace at petty sessions, in which case the Attorney General would be in a position to call the attention of a particular justice to his want of attendance, and ask what guarantee he could give for better attendance in the coming year. If no proper guarantee were forthcoming, that justice should be removed from the bench. It was a fact that some justices openly boasted that they did not attend the courts.

At 6·30, the CHAIRMAN left the Chair.
At 7·30, Chair resumed.

MR. WALLACE: Members now appeared unanimously in favour of confidential reports regarding nominees for appointments as justices; but recently he had been vigorously applauded here for his condemnation of similar reports by civil service officials. Even Ministers supported the system. Surely a member of Parliament should be above sending in such a report, and should plainly tell the aspirant for justiceship that his appointment could not be recommended. Previous Governments, including that of Sir John Forrest, had appointed men against whom there were numerous police court records; and some such appointments were made as political favours. As bad a man as could be found in the State had been appointed. [HON. F. H. PIESSE: Surely not many such.] It was no use asking the member for the district for an opinion as to an aspirant, for to give it would not suit the member, who should be equally unwilling to make a secret report to which the person affected could not reply.

MR. ILLINGWORTH: There should be no "lion's mouth," as in Venice.

MR. WALLACE: Personally he had no objection to telling an unsuitable applicant that he could not recommend him: but such responsibilities should not be thrown on members. New justices should be persons recommended by wardens, by resident magistrates, or by mayors of municipalities in the districts; and in the absence of the mayor's or warden's recommendation, the nominee should not be appointed. [MR. DAGLISH: Nonsense!] Did not Labour members wish to put down jobbery and abolish political sops?

MR. HASTIE: Would there be less jobbery if mayors recommended justices?

MR. WALLACE: Whether or not, the responsibility would not be on the mem-

ber; and hon. members did recommend appointments because they were afraid to refuse.

MR. JACOBY: To dispense with secret reports was impossible.

MR. WALLACE: Scarcely a day passed without recommendations. In some districts justices were too numerous, while in others a justice could not be found to sit. In his district there were only two, of whom he (Mr. Wallace) was one, and the other lived 70 miles from Yalgoo. Recently two accused persons could not be prosecuted there, because no magistrate could be procured to try them; yet the Government said they were not making any more appointments in that district. Still these were going on day after day in other districts, and he only wanted the Government to consider well before making an appointment, whether the appointment was necessary. The Government did not seem to know much about the wants of districts, for in many there were numbers of justices, and it would be interesting to have a return showing the number in certain districts. In some districts where they needed scarcely more than three or four, there were eight or ten, and in other districts, such as gold-mining districts, there was a scarcity, so that it was difficult to get anybody to attest documents when necessary, and still more difficult to get anyone to adjudicate on cases.

MR. NANSON: The suggestion by the member for North Murchison (Mr. Holman) that justices should be elected was one with which he had considerable sympathy. If justices were appointed in that fashion, the people in the district, who would suffer if they elected an unfit person, would take very good care that the right man was chosen. A proposal of that kind would be regarded as an innovation, and by some as a revolutionary innovation, but in the mother country a very important officer of a magisterial if not of a judicial character, namely a coroner, was appointed by popular election, and he believed the system, which dated back almost to Anglo-Saxon times, answered admirably. A coroner might have to investigate cases of a most serious character, and in England, at any rate—he was not quite certain whether it was so here—a coroner's court was sufficient to commit an accused person for trial on a capital offence. Moreover, auditors to municipalities, who occupied a very responsible position, were elected by popular vote, and on the whole the men chosen were certainly as good as those who would be selected if the appointments were left in the hands of the councils. There was much less jobbery in appointment by popular vote. There would be very little chance of securing an admission of the principle on short notice like this, but he would like to see it provided that justices of the peace might be elected by the vote of the ratepayers in municipalities, and of roads board electorates in roads board districts, provided that on a poll being demanded, two-thirds of the persons in the district decided in favour of the justices being elected in this fashion. He believed this system answered admirably in the United States. As to confidential reports, he rejoiced that at least on one occasion he found himself in accord with the senior Government whip (Mr. Wallace). He was entirely with that member in disbelieving in the system of confidential reports. If there was one duty more incumbent than another upon a member of Parliament or upon any man filling a public position, it was that he should be fearless in speaking his mind with regard to qualifications of persons aspiring to a position on the magisterial bench. The more our Government departments, in matters regarding civil servants or applicants affecting the magistracy, were free from this secret report system, the better it would be for the honesty and purity of administration. Nothing might be more unpleasant than for a member of Parliament to have to protest, even in a semi-private manner, against the appointment of one of his constituents to a seat on the magisterial bench; but if he conceived it to be his duty to do so, he ought not to shirk publicity; not perhaps court publicity, but be prepared to accept publicity and full responsibility for what he did. The Premier, before occupying so important a position as he did to-day, was never backward in suggesting innovations in the laws and institutions of this country, and it might therefore not be altogether an extravagant hope that the hon. gentleman would endeavour to

insert some provision in the Bill that would give the people of the district, if they so wished, the privilege of electing their own magistrates In his (Mr. Nanson's) own constituency, he had, on more than one occasion, heard the opinion expressed that it would be a good thing if the people in that district had the right of electing their own justices of the peace.

MR. DAGLISH: The suggestion of the member for the Murchison (Mr. Nanson) was one which he would like to see carried out. As far as possible we should take away from the central Government as many of the powers as we could without disadvantage. We could not have the principle of local government too widely recognised, and he would therefore welcome an amendment in this Bill in the direction proposed. The great bulk of the people were in favour of the election of justices of the peace. It had been represented that before an appointment was made in any constituency, the member representing that constituency was consulted. That had not been his experience during the time he had been in Parliament, for an appointment had been made in his constituency not many months ago without his having been consulted in any way whatever, and he assumed that what had occurred in his own electorate had very likely occurred in other electorates, so some appointments made might have met with disapproval of members if those members had been consulted with regard to them. The suggestion by the member for Mt. Magnet (Mr. Wallace) that the mayors of districts should be consulted after members of Parliament had made their recommendation seemed absurd, because if a member of Parliament was not fit to give a recommendation to the Government, it could not be expected that we should go to the mayor, who was a less representative man in many cases, who had been selected by a smaller body of people, and who had to rely more directly on purely local influences to retain his position. If the principle of recommendation by members of Parliament was bad, there was no virtue in the principle of recommendation by mayors of municipalities. Municipal councils as a whole might be allowed to recommend persons in their respective districts, selected as suitable for the position of justices of the peace.

MR. MORAN: That had been the practice of municipal councils on the goldfields for years past.

MR. DAGLISH: This form of indirect election would be better than the nominee system alone. As to resident magistrates making recommendations, that officer would not know much about the requirements of a large district, especially in regard to those duties which justices of the peace were expected to perform, such as signing and attesting documents. If a system of public election were not obtainable, the next best system would be the principle of recommendation by municipal councils.

MR. HASTIE: It was desirable to have something like popular election introduced into the appointment of justices, for many reasons. Reference had been made to the practice in England, but the practice in Scotland was more to the point, for there was hardly a justice throughout that country appointed by the Government, and those who were elected were called "magistrates," and were elected by the local town councils, this being popular election in a second degree. The class of men elected as magistrates in Scotland were not far behind the standard of justices appointed in Western Australia. If popular election was not obtainable here, we might have a system of election by local boards and municipal councils. Each body might elect certain of its own members as persons fitted to be justices of the peace. It was absolutely necessary that the responsibility of appointing justices of the peace should not rest with Government nor with Parliament, because the executive of the country could not know the fitness or otherwise of persons in the different localities for the position of justice of the peace. If a direct popular vote could not conveniently be obtained, we should try to get election by an indirect vote of the people. There were many objections to the system of confidential reports, and to the system of referring these appointments to local members of Parliament in each district. It would be more absurd still to refer such appointments to the mayors and resident magistrates. Many resident magistrates liked

to see a large number of justices appointed, while others, and these the more respectable kind of resident magistrates, preferred to see few if any appointed, believing they could do all the business themselves. This practice had been carried so far in one or two districts that inconvenience was caused to people in the signing of documents. Another question was, who was to decide when an appointment became necessary in a district? He would rather see the people elect justices of the peace, or the Government should take the recommendations of public bodies in the particular district. He hoped members would try to make an improvement on the present system.

Clause put and passed.

Clauses 7 and 8—agreed to.

Clause 9—Resignation:

MR. BUTCHER: This clause was injudicious. Many mayors were undesirable persons, while in some instances they were not. Better leave the provision as in the present Act.

MR. HASTIE: The word "shall" appeared to make it compulsory on a mayor to act as a justice of the peace.

THE PREMIER: He was not compelled to act as a justice, but would be a justice by virtue of his office as a mayor if he chose to act as a justice.

MR. HASTIE: Could he refuse?

THE PREMIER: There was nothing for him to refuse, and it was not necessary for him to be sworn, under this provision.

MR. HASTIE: Was power given to any public body or to persons to prevent an undesirable mayor from being a justice of the peace?

THE PREMIER: One was shocked to hear the suggestion from the member for Kanowna, about an undesirable mayor elected by the people! One would think it should be absolutely impossible to have an undesirable mayor elected by popular vote.

MR. ILLINGWORTH: During the period of his mayorship, the mayor would act by virtue of his office as a justice of the peace, but the moment he ceased to be mayor he ceased also to be a justice. Being elected mayor, he would be a justice for the time being; and whereas an ordinary justice was appointed for life, would not the term of his office as justice cease at the end of his mayoralty?

THE PREMIER: A mayor would hold the position of justice only by virtue of his office for the time being.

MR. TAYLOR: Would future mayors be sworn in as justices?

THE PREMIER: By Clause 16, a justice other than an ex-officio justice must not exercise his office till he had taken the oath; therefore a mayor need not be sworn in as a justice.

MR HASTIE: There were two goldfields mayors who, for business reasons, had hitherto objected to act as justices. Could they be compelled to act?

MR. PURKISS: It would be redundant for a mayor to take the oath as a justice; for on taking office as mayor he must have taken two exactly similar oaths.

MR. NANSON: Could a mayor refuse to sign a warrant?

THE PREMIER: There was no obligation on a mayor to act in any way as a justice, though it could hardly be said he could refuse to sign a warrant; for in that case a mandamus could be obtained against him. But if such mandamus were sought, the court would not grant an order absolute unless he were the only justice in the district, and injustice would be caused by his refusing to sign the warrant.

MR. WALLACE: By Clause 9, the Governor might prohibit any mayor and justice from acting as a justice till he had been again elected mayor or reappointed a justice. Why this provision?

THE PREMIER: By Clause 7, power was reserved for removing undesirable justices, say for offences against the law. A mayor having, by Clause 9, been made an ex-officio justice, there would be no power to remove him from the commission so long as he remained mayor; therefore there must be some power to deal with such mayor as a justice, similar to the power given by Clause 7 to remove an ordinary justice. But the mayor could hardly be disqualified for all time. If re-elected as mayor or reappointed by the Governor, he again became a justice.

MR. JACOBY: After the second election as mayor, could he be again prohibited from acting as a justice?

THE PREMIER: Yes; if the offence had not been purged.

Clause put and passed.

Clauses 11 and 12—agreed to.

Clause 13—Justices beyond the State:

THE PREMIER: This new clause was the law in sister States, and was introduced here in compliance with requests to appoint justices in other States to carry out duties arising under the Transfer of Land and other Acts requiring certain documents to be attested by justices. Such appointments would have to be made with great care.

Clause put and passed.

Clauses 14 to 18, inclusive—agreed to.

Clause 19 — Letters "P.M.," "J.P.," etc.:

MR. MORAN: Why the proviso regarding justices?

THE PREMIER: In order to prevent complications if a man signed a document as "J.P." merely. By the clause, such signature would be *primâ facie* evidence that he was a J.P. for the whole State, without technical proof being given.

MR. TAYLOR moved that "Government Resident," in line 2, and "G.R.," line 3, be struck out. That such officer should be a justice had doubtless been desirable before responsible government; but now most of his powers had been taken over by roads boards, health boards, and Parliament; therefore there was no necessity for his being on the commission.

THE PREMIER: The amendment would make no substantial alteration, as it would abolish neither the office nor the name; and by Clause 4, the definition of "Resident Magistrate" included "Government Resident."

MR. TAYLOR: Let the amendment be withdrawn.

Amendment by leave withdrawn, and the clause passed.

Clauses 20 to 29, inclusive—agreed to.

Clause 30—Majority to decide:

DR. O'CONNOR: Supposing, with regard to the second paragraph in this clause, the case were a licensing one?

THE PREMIER: The justices would not be exercising that power at all. That would be dealt with under the Licensing Act.

DR. O'CONNOR: By the third paragraph, power was given to a minority to commit a person for trial.

THE PREMIER: That was the law at present. It was not a case where a determination was arrived at, but where the minority had the right to refer the matter to another tribunal for farther trial. Where the decision arrived at was a final one, the majority ruled.

Clause passed.

Clause 31—agreed to.

Clause 32—Jurisdiction of one justice in certain circumstances:

DR. O'CONNOR called attention to the word "conclusive" in the paragraph reading, "A certificate under this section shall be conclusive evidence of the fact stated."

THE PREMIER: It was necessary to have a matter determined when a decision was once given.

Clause passed.

Clauses 33 and 34—agreed to.

Clause 35—Justices may act outside jurisdiction:

MR. MORAN: What was the meaning of this clause?

THE PREMIER: A man might, through inadvertence, be acting outside his district, and it was desirable that his action should not be invalidated on that account. Of course, if a justice were found acting outside his district as a matter of practice, he would very soon be removed from the commission.

Clause agreed to.

Clauses 36 to 38, inclusive—agreed to.

Clause 39—Order in lieu of *Mandamus*:

DR. O'CONNOR: Supposing a justice refused to sign?

THE PREMIER: One could not penalise a justice for refusal until application had been made to the Supreme Court, because he was allowed to exercise his discretion. Such justice might ultimately, perhaps, be mulcted in costs.

DR. O'CONNOR called attention to the words "and also the party to be affected by such act."

THE PREMIER: This clause provided that not only the justice but also the person to be affected should have notice and an opportunity of arguing the matter. The power was very similar to that which existed now. It was very rarely exercised.

Clause passed.

Clause 40—agreed to.

Clause 41—Penalty for insulting or interrupting justices:

MR. DAGLISH: One did not see any particular limitation to the number of justices. If the power was usable by one justice, the section seemed to him

to be an exceedingly dangerous one, especially the second portion of it, which provided virtually that no record need be made excepting that of the conviction.

THE PREMIER: That would apply to cases where one justice was sitting by himself. There must be some power to insist upon respect to the court. The class of people who frequented the police courts was somewhat difficult to control sometimes. He did not think the power given by the clause was too great. It was simply a power to fine up to £5, and in default of payment to impose imprisonment. There were very similar powers now.

MR. DAGLISH: Why not leave out that reference to "insulting"? Then there would be power to deal with those who disturbed the Court.

THE PREMIER: The word "insulting" was, he thought, intended to meet a case where abusive language might be used. It contemplated some act which delayed the proceedings of the Court.

MR. STONE: The clause provided for the penalty of £5, or, in default, immediate imprisonment. He thought an opportunity should be given to a man to pay his fine.

THE PREMIER: It rested with the justice.

MR. STONE: It was too much power for the justice.

MR. DAGLISH: It was a very big power to give to one justice. A bumptious justice might have a comparatively inoffensive criticism made with regard to some decision, and might punish a man for "insulting" him. He had heard that some justices were inclined to be bumptious in some places like that which the member for Mount Magnet (Mr. Wallace) represented.

THE PREMIER: The word "immediately" might be struck out.

MR. STONE said he would agree to that. He moved that the word "immediately" be struck out.

MR. DAGLISH: If the member for Greenough (Mr. Stone) would allow him, he would move that the words "insults any justices," in line 1, be struck out.

Amendment (Mr. Stone's) put and passed, and the clause as amended agreed to.

Clauses 42 to 55, inclusive—agreed to.

Clause 56—Service thereof:

MR. DAGLISH: Some provision should be made fixing the time at which the summons upon an accused person must be served. He thought hardship was very often done to an accused person through his having insufficient notice to attend and arrange for his defence. He moved that the words "at least 48 hours before the time for hearing" be added to the clause.

THE PREMIER: The time suggested by the hon. member was too long.

MR. PURKISS: The defendant invariably obtained a postponement when asked for.

THE PREMIER: No case of hardship had occurred under this provision, within his experience. He had known dozens of cases in which a demand for a postponement had been granted as a matter of course. In 99 cases out of 100 the charge would be of a petty character, involving perhaps a few shillings.

HON. F. H. PIESSE: As a rule, magistrates granted sufficient time to obtain an adjournment.

THE PREMIER: In the great majority of cases of this character the residence of the man would not be known. That was often the difficulty. This clause would give ample protection to those who served and ample protection to those on whom summonses were issued.

MR. DAGLISH moved that there be added to the clause the words "48 hours before the time of the hearing." In Victoria the time allowed for service was 72 hours by the Act, and that was a much longer time than he was proposing.

THE PREMIER: It would be noticed that Clause 137 provided that if at the time and place appointed the defendant did not appear when called upon, and proof was made to the justices that the summons had been served, the justices might then proceed. Therefore, if the man did not appear, it would be necessary to prove the service of the summons within a reasonable time before the time for his appearance in court.

Amendment put and negatived, and the clause passed.

Clauses 57 to 116—agreed to.

Clause 117—Bail in capital crimes:

DR. O'CONNOR: With regard to the power of the Minister, suppose the Minister were not a lawyer?

THE PREMIER: In most cases he would be Attorney General. This was a risk that might safely be taken.

Clause passed.

Clauses 118 to 168—agreed to.

Clause 169—Scale of imprisonment for non-payment of money:

HON. F. H. PIESSE: Imprisonment not exceeding six months seemed a severe penalty for the non-payment of £5, and three months for less than £5.

THE PREMIER: The term was at present unlimited, and this would regulate it. True, six months seemed rather long; but the object was to encourage justices to inflict fines rather than to imprison.

HON. F. H. PIESSE: To imprison a man for six months rather than to fine him £5 would involve loss to the State.

THE PREMIER: Make the terms two months and four months respectively.

HON. F. H. PIESSE moved that in line 17 the word "three" be struck out and "two" inserted, and that in line 18 "six" be struck out and "four" inserted.

MR. HOLMAN: Clause 41 provided for a fine of £5 or seven days' imprisonment.

THE PREMIER: That was for contempt of court.

Amendments put and passed, and the clause as amended agreed to.

Clauses 170 to 225, inclusive—agreed to.

Schedules, Title—agreed to.

Bill reported with amendments.

FREMANTLE PRISON SITE BILL.

Received from the Legislative Council, and read a first time.

PUBLIC WORKS BILL.

SECOND READING.

THE MINISTER FOR WORKS (Hon. C. H. Rason): In moving the second reading of this Bill, I do not propose to go to any great extent into details, but rather to outline as briefly as possible the general principles of the Bill, dealing with details in Committee. It may surprise hon. members to learn that there is at present no Public Works Act in this State. The only statutory provisions relating to public works are to be gathered from nine Railway Acts and three Land Resumption Acts. These provisions it is proposed to enlarge, amend, and consolidate into a practicable Public Works Act such as I hope the Bill now submitted will prove. The sections of the other Acts repealed are set out in the first schedule to this Bill. The Bill relates to Government works and also to local works, that is to say, works by municipalities, roads boards, and other local authorities. Public works are defined in Clause 2, including any railways, tramways, water supplies, wharves, ferries, piers, jetties, and bridges, breakwaters, harbours and rivers, and drainage works. One of the principal executive officers under the Constitution Act is to be the Minister for Works, who is to be charged with the administration of this measure and all Government works. The control of Parliament over public works is amply provided for in Clause 8, which provides that during each ordinary session there shall be laid before Parliament full and detailed estimates of the expenditure proposed, and separate estimates in regard to work to be constructed out of loan funds. Clause 9 provides that "The Minister shall, during each session, lay before Parliament a full departmental report of the Government works carried out under the authority of this Act during the preceding calendar year until such time as the financial year is made to end on the 31st March, when the report shall relate to all works carried out during the financial year." By Clauses 17 and 18 the mode of procedure for taking land for public purposes is simplified very considerably, and it amounts to an immediate vesting of the land taken by notice in the *Gazette*, and the conversion of all estate and interest in the land to a claim for compensation. This procedure is founded on the New South Wales Public Works Act, 1900, as adopted by the Commonwealth "Property for Public Purposes Acquisition Act, 1901."

MR. MORAN: You can make that proclamation when you like?

THE MINISTER FOR WORKS: When a public work has been approved of by Parliament, the mere notice of the taking of the land in the *Government Gazette* converts all the estate and interest of every person in such land into a claim for compensation only, as from the time

that the land was advertised in the *Gazette*.

MR. MORAN: It is a pity you cannot go farther and take the land as soon as the work has been determined upon.

THE MINISTER FOR WORKS: Yes. No doubt the House will suggest many alterations, and when we are in Committee we shall be glad to accept any suggestions which will make the Bill better than it now is. The right of the Crown to take or resume land without compensation under conditions and reservations of "Crown grants" or by other statutes is preserved. Probably the most important principle is contained in Clause 63. Clause 63 contains the principle of valuation, and members will notice that in this clause the betterment principle is introduced. Sub-clause (c) of the clause reads, "By way of deduction from the amount of compensation to be awarded, the Court shall take into account any increase in the value of the estate, right, or interest of the claimant in any land adjoining the land taken likely to be caused by the execution of such proposed public work." I think members will agree that some such principle as that is absolutely necessary. There has been no such provision in the past. It seems to me little short of a scandal that the owner of land should be able to claim compensation for a small piece of land taken for the purpose of a public work, and that no allowance should be made for the improvement of the rest of his estate; and in future, if this Bill passes, by way of deduction from the amount of compensation allowance will have to be made for the improvement, if any, that is given to the value of the rest of the land of the owner from whom some portion of the land is taken.

MR. ILLINGWORTH: If the land has decreased in value, what then?

THE MINISTER FOR WORKS: Then no doubt it will be within the power of the Court to make some award.

MR. JACOBY: What about the adjoining land?

THE MINISTER FOR WORKS: The same principle applies in the Commonwealth Act. In Clause 68 provision is made to impose costs against claimants making an excessive claim. Members will see that Sub-clause 2 provides that if the compensation awarded does not exceed the amount offered by the respondent or one-half of the amount claimed, the claimant shall pay the respondent's costs. Sub-clause 3 says that the court may in any case declare that no costs shall be awarded, and the fact shall be stated in the award. The limit of time for making claims is also fixed. It is fixed at two years in ordinary cases, but provision is made to protect absentees and infants. That protection will be found in Clause 39. Another important provision is in regard to the compensation court. Instead of referring to arbitration with one arbitrator appointed by either side and those two arbitrators agreeing upon an umpire, it is provided that there shall be a compensation court which shall consist of a president and two assessors, one assessor to be nominated by the Minister and one by the claimant; and the president, if the claim exceed £500, will be a Judge of the Supreme Court, and if it be £500 or under, a resident magistrate or police magistrate will be the president. Part IV. provides for the right of entry on land for the purpose of making surveys. Part V. defines roads, rivers, and bridges, and gives power to the Minister to construct or repair any road within the State, and to compel the local authority to keep the same in repair. It provides that no road shall be stopped or diverted unless a way to the lands in the vicinity is provided. It directs how the Minister may stop or divert a road, giving public notice to all concerned. It provides certain by-laws as to the use of roads, bridges, ferries, etc., and penalties for any breach of such by-laws. It provides that the Minister has control of all rivers, streams and watercourses, and may remove all driftwood, logs, trees, etc., or authorise the local authority to do so. Part VI. deals with railways and their construction, and gives the necessary powers to that end. Part VII. deals with the general provisions, amongst which is one that the Minister for Works shall have the charge and control of the Tramways Act instead of, as at present, the Commissioner of Railways. Members will know from their experience that there has been considerable complication in the past, there being divided authority between the Minister for Works and the Minister for Railways. It is far better that the full control of the tramways

shall be in the hands of one Minister, and probably for the purpose of the Act it will be better for that Minister to be the Minister for Works.

MR. ILLINGWORTH: During construction only?

THE MINISTER FOR WORKS: For all time; during construction and afterwards. Power is given to extend the provisions of the Fremantle Water Supply Act to other localities. It is merely a temporary expedient. It is absolutely necessary for the Minister for Works, whoever he may be, to have some power to deal with water supply in towns where there is no legislation at all. Under this measure we can extend the provisions of the Fremantle Water Supply Act to other places. The schedules to the Act clearly define the form of claim for compensation, one advantage being that the claimant must state under different headings the different amounts he claims, instead of, as at present, claiming in a lump sum. The claimant will have to set out, not only the amount he claims, but exactly how he arrives at that sum. Without wearying the House with details—and this, I submit, is a Bill which will demand close attention as to details when we are in Committee—I think I have outlined briefly (and I do not think I have omitted any important point) what are the principles, the most important principles, at all events, of this Bill, and with every confidence I submit it to the consideration of the House. As I have already stated, I believe the wisdom of the House will suggest some amendments when we are in Committee, and I entreat the attention of every member to this important measure. I only hope that, with such alterations as may be found necessary in Committee, it will prove to be what is very much desired at the present moment—a workable Public Works Bill. I beg to move that the Bill be now read a second time.

MR. C. J. MORAN (West Perth): I agree with the Minister as to the importance of this great measure, governing as it does the resumption of land, that has been such a fruitful source of trouble in the past in Western Australia, of which we have seen a very striking instance only recently. Beyond that, we have the great question of the control of railways, and this measure will affect Perth very largely in regard to crossings and bridges. Some great powers are now held by the Commissioner at the will of the Perth Council. Regarding the matter of the resumption of areas in connection with all the various public works which will come on around Perth, I have in my mind more particularly some extensions of the railway system around the metropolis. All these matters are of the gravest importance to Western Australia; besides which we have the introduction of a new principle, what is a half-and-half adoption of the betterment principle, and the betterment principle is a half-and-half measure in itself, since it is impossible to define the radius or area where improvement is effected by public work. Not only is the improvement effected on particular lands, but a whole neighbourhood is improved by work of this kind, and, after all, it comes under the head of judicious land taxation. The betterment principle is only one branch. However, it is a step in the right direction. No doubt it is very requisite and necessary. In the course of my inquiries in my own electorate, in the last two or three days, I have come across a case in point, where the owner of a piece of land is most pig-headed. He puts a most extravagant and extraordinary value on his land, and he affirms all sorts of disabilities which the work will do to his ground, whilst, at the same time, he wants to get double the value of the land. Such impracticability and pig-headedness should never be allowed to stand in the way of the State's progress or the progress of public works. I rise to impress upon the Minister that I hope that if the second reading be passed to-night, he will allow a long period to elapse before the Committee stage comes on. I do not think that anything less than a fortnight or three weeks will be at all satisfactory. I feel certain that this Bill will cause to the municipal councils in and around Perth any amount of consideration in connection with roads and streets; also it will have great effect upon roads boards where rivers, etc., will be interfered with. Even as an administration Bill, I know of no other of greater importance that has come before this Chamber, as a consolidating Bill dealing with all the multifarious sections in which works have been dealt with before in Western Aus-

tralia. I request the Minister to give all the time he can and to allow this Bill to be circulated amongst the governing bodies in the State; I suggest that a copy of its provisions be sent to all municipalities and roads boards. You cannot send them all over the State. I know you cannot send them probably to the North-West; but if they are circulated about the goldfields and at Geraldton and around the metropolis, I feel certain great good would arise. I feel too that the Press of the State should be given considerable time in which to criticise the measure; for we know that newspapers in Western Australia perform the most valuable function of any public bodies, and do work we could not possibly do ourselves as members of Parliament. Their columns are filled with useful information, and very much of what we find, or at least what I find, particularly useful in connection with public affairs is put forth in some of the columns of the Press in this State. Especially do I say this in regard to financial matters and to such matters as this Bill deals with. I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

DROVING BILL.

SECOND READING.

MR. W. J. BUTCHER (Gascoyne), in moving the second reading, said: I desire to draw the attention of members to some of the more important clauses in the Bill. This is practically the same Bill as was introduced and passed through this House last session, though it contains a few amendments; and as this House passed it then, I have no doubt it will be passed this session. Clauses 1, 2, and 3 are identical in effect. Clause 4 deals simply with waybills; and members will find the clause provides that where waybills are given, duplicate waybills shall also be made and a copy be sent to the Chief Inspector of Stock. I may mention that the object of this provision is that drovers are often in the habit of losing their waybills, and then applying to the nearest justice of the peace for an interim waybill. The drover may in the meantime have picked up some additional stock, and of course he includes them in his interim waybill. He may have picked up a number of sheep, and be able in that way to travel those sheep as being part of the stock with which he started. My object in providing that a duplicate waybill shall be sent along to the Chief Inspector of Stock is that in case the waybill produced by a drover does not tally exactly with the original waybill, there is *primâ facie* something wrong, in which case it will be within the power of the Chief Inspector to make the necessary inquiries and find out whether there has been a case of sheep-stealing along that route. The object of the Bill is to protect the settlers as far as possible. Clause 15 deals principally with the question of giving notice. I may mention that this clause is put in because under the existing provision as to notice there is another chance given for the drover to pass through a run and pick up stock, as is sometimes done. The provision in the Act makes it necessary only for the drover to give notice when he gets inside the 10-mile limit of the home station, or where an overseer is stationed, and it has been frequently the practice to evade that provision. Under this clause, however, it will be necessary to give notice if the drover enters an enclosed run or approaches within 10 miles of any head or out-station, in which case it will be impossible for him to pass through a person's run without giving due notice. In the existing Act it is necessary to give not less than 24 hours' notice, but this Bill reduces the time to 12 hours, which is very much in the drover's favour. There are no other clauses differing from the existing Act, so that I need not labour the question. I therefore move that the Bill be now read a second time.

MR. F. WALLACE (Yalgoo): I have no desire to criticise the Bill, beyond trying to help the hon. member to get it passed into law, because I believe there is great necessity for a measure of this kind. The absence of certain provisions compel me to speak on the Bill. I know that in Queensland many years ago we had a system by which any person travelling with a number of stock exceeding so many was bound to have a waybill, no matter what description of stock he had. Clause 4 of this Bill says "any stock," and does not specify the number of stock.

I want to make it clear that we must stipulate the number of stock, because this Bill will apply, as it stands, to a man travelling a pair of horses. The position used to be that any man travelling more than three horses in Queensland had to have a waybill, and the same applied if he was travelling with 500 head of cattle. We can deal with this point in Committee, so as to enable the authorities to trace every movement of horses throughout the State where the number is over three.

MR. MORAN: That is not carried out in Queensland, as to three horses.

MR. WALLACE: Anything more than three horses. As far back as 24 years ago I remember coming through Blackhall, in Queensland, and it was then necessary, because three of us travelling together had more than nine horses, we were therefore required to have a waybill. It will not be any hardship on the man travelling three horses, while it will be a great convenience, by enabling the movement of any number over three horses to be traced throughout the State. We have also to deal with compulsory inspection. Clause 10 provides that the drover of any such stock, on being requested so to do, shall submit the stock in his charge to inspection, and shall produce his waybill. What I am endeavouring to point out to the mover is that a drover can evade the authorities under the existing law and under this Bill, for he can pick up a mob of horses and travel right through a district, provided he takes care to evade the police. If he pass within a certain distance of a police station or the residence of a justice of the peace, it should become compulsory for him to give in a report; and if his horses do not compare with the waybill, the police would be able to take some action by making inquiry, and in this way prevent him from getting through any part of the country without a proper waybill. I remember that in a portion of the Murchison district not long ago a man took a number of horses from a certain locality and travelled them round to Leonora. If this provision which I am suggesting had been in operation, he would have had to report the number of his stock at Magnet, East Mount Magnet, Lawlers, and every important place to Leonora. In the absence of this provision he was able to go through the country and evade the police. The provision I am advocating would apply especially to where a man is leaving one district and travels stock to another district. To give effect to what I am suggesting requires a knowledge of draftsmanship, and I now only offer the suggestion.

MR. MORAN: Fancy a man moving from Yalgoo to the goldfields, and having to send to the Chief Inspector at Perth for a waybill, and also report at every place he passed through!

MR. WALLACE: To protect stockowners someone must be hampered, for such provisions cannot work smoothly in every case. The member for Mount Margaret (Mr. Taylor) has had great experience with travelling stock; and I hope he will move the adjournment of the debate, in order that at a future sitting he may give us the benefit of his knowledge.

HON. F. H. PIESSE (Williams): The object of the Bill is doubtless to regulate droving in districts where large numbers of stock are moved from place to place; and the measure may work very satisfactorily in such districts, for instance in the North, whence much stock is brought overland to the more settled portions of the State. But if it be applied to more settled localities, we shall find it will not meet with great favour, but will cause much hardship to those who, without a waybill, desire to move their stock perhaps only two miles from one farm to another. [MR. WALLACE: No. Subclause (*b*) of Clause 4 provides for that.] Unless there be some provision—and it has escaped my notice—permitting the unrestricted removal of stock in the settled districts, great hardship must result. The definition of travelling stock includes any stock driven or carried on any road or on any run other than that on which such stock are ordinarily kept or depastured, but does not include stock in actual work. Therefore it will be necessary to obtain a permit to have one's sheep branded with the letter T, to signify that they are travelling and to comply with other provisions of the Act, in order to take one's stock from a run in one's own district to another run three or four miles away. The mover should, before the second reading, explain how the interests of people in the settled localities are protected.

MR. G. TAYLOR (Mount Margaret): I have not read the Bill, and will move the adjournment of the debate, if no other member wish to speak.

THE PREMIER: Could we not finish the second reading, and discuss details in Committee? I was hoping the member for Mount Margaret would address himself to the question, for I believe his personal experience of droving would be of assistance.

MR. TAYLOR: My object is to secure an adjournment for the purpose of providing certain amendments.

THE PREMIER: That can be done in Committee.

MR. C. J. MORAN (West Perth): As a general principle, in introducing all such measures it is due to the House that copies of similar measures passed in the Eastern States should be laid before us. In this matter, all members who are not drovers or cattle-owners are laymen; and how can city members or goldfields members be expected to understand at all a measure of this kind? If those interested in such Bills or if the Government would provide some syllabus or epitome of the legislation of the Eastern States like Queensland or New South Wales, where similar measures have been on the statute book for perhaps 20 or 30 years, the points of difference and the points of similarity would be made clear. For instance, Western Australia is in this matter exactly like Queensland, thickly peopled in its more temperate zone; and I do not remember a waybill having to be provided by small farmers in Queensland. The proviso does apply in the interior, from Roma inland. That is a State on all-fours with Western Australia. The Droving Act of Queensland would be a great guide to us if it were explained by the mover, because what is good droving legislation there cannot be bad here. The legislation of the Eastern States is on this subject a magnificent guide for us. We ought to know of it now, and we can change it to suit our own purposes; otherwise we are ploughing along in the dark. This measure is very important. It may hamper all the little farmers in the country. If one wished to shift his dairy cows across his neighbour's rented farm, I question whether one could do so. True, there is a provision for shifting stock from a man's own farm to another of his farms: but suppose a man sold cattle to his neighbour a few miles away, as is done every day, I presume, in the country districts; what would be the position? It does not appear to me that the Bill should apply to the settled parts of the country. It may be advisable to make it applicable only north of Geraldton, for instance, or north of the Eastern Railway, if necessary. If I introduced a measure of this kind, I should like to tell the House the nature of the like legislation in the East. That ought to be done now, before we go into Committee. The member in charge of this Bill (Mr. Butcher) should read up the laws of the sister States and tell us how this measure differs from theirs. I have no objection to the second reading, but I throw out these hints in reference to similar legislation in the future.

MR. TAYLOR: I should like to know the object in passing the second reading so hurriedly. [THE PREMIER: There is no hurry.] It is 15 years since I was droving stock in Queensland; and when I speak of the Queensland Act I do not wish to speak of one 15 years old, but of one that is up to date. I should much prefer to speak on the second reading, with full information at my command; and therefore, without desiring to hamper the Bill, I move the adjournment of the debate.

Motion put and passed, and the debate adjourned.

INDECENT PUBLICATIONS BILL.

SECOND READING.

Resumed from the 12th August.

MR. J. L. NANSON (Murchison): When introducing this Bill, the Premier pointed out what I believe to be perfectly correct, that when a Bill of a somewhat similar nature was introduced to the Imperial Parliament, in the House of Lords, it passed almost without discussion. But the circumstances are in some respects dissimilar, although the measures are in a few respects similar. The Bill to which the Premier asks our assent goes very much farther than that passed by the Imperial Parliament. I may recall the circumstances which prevailed in England at the time the Imperial Bill was passed and which led the Imperial

Parliament to adopt such legislation. What the Imperial Parliament had in view was the fact that in certain streets of London it was the practice to thrust publications of an indecent character upon passers by, whether or not the passers by wished to have publications of that kind forced upon them; and there was also a very prevalent and deplorable practice of sending out indecent forms of announcement not only to adults but to the large public schools of the United Kingdom. Publications of the most objectionable character were sent broadcast, not only to the public schools in which boys were being educated, but to girls' schools also; and it was very evident that some legislation was required to cope with the evil. And so far as the Bill introduced by the Premier deals with that phase of the evil, I think the House will gladly support it, though I am pleased to know that not quite the same necessity to touch on the matter exists in Western Australia as did exist at that time in the mother country. Still, if there is an abuse of that kind, even to a limited degree, I suppose we are justified in legislating upon it. Even if legislation does not do a very great amount of good, at any rate it may do some, and it cannot very well do harm. But the objection to the Bill as introduced is that it is of so wide and sweeping and at the same time of so vague a character in so many particulars, as the member for West Perth (Mr. Moran) pointed out in his remarks prior to moving the adjournment of the debate. We find that under Sub-clause 1 of Clause 2 "any person who prints, makes, sells, publishes, distributes or exhibits any obscene or indecent book, paper, newspaper, writing, picture, photograph, lithograph, drawing or representation" may be hauled up before two justices of the peace, and upon conviction such person will be liable to a penalty not exceeding £20 or to imprisonment not to exceed six months with or without hard labour. I submit that wide and sweeping powers of that kind are not such as should be placed in the hands of what used to be called in the mother country "the great unpaid," that is the hon. justices; and also that they are not powers of a kind that should even be placed in the hands of a stipendiary magistrate in this State. In the Criminal Code Act passed last session provision is made for dealing with the publication of obscene works, and even under that Act hardship may be inflicted, yet it is recognised that the Government of the country must have some powers to call to book persons who outrage public decency or publish either books or pictures of a grossly indecent and improper character. The difference between the legislation provided for in the Criminal Code Act and the legislation in this Bill is that, under the Criminal Code Act, if a person is considered guilty of publishing indecent material, he must be proceeded against by indictment and he has to be committed for trial and to be tried by a jury of his peers. The other night the question of trial by jury came up, and several members expressed themselves as having little, if any, confidence in trial by jury, but I must confess that if unhappily it fell to my lot to be prosecuted on a charge of publishing something that somebody or other happened to think indecent, I would very much prefer to go before a jury of my countrymen, before 12 men, and let them decide whether I was guilty or not, to being summarily dealt with by two justices of the peace. I think that although it is necessary in the interests of public morality to make certain restrictions, yet we should not, while making those restrictions, forget there is the other side of the question, and that we must also—as far as we can do so without injuring the public interests—defend and protect the liberty of the subject. I think we are protecting that liberty to a reasonable extent when we say we are willing to give power to the Government or to a private individual to prosecute a person for publishing indecent matter, but that if anyone is so prosecuted, he must be proceeded against by indictment and tried by a jury of his fellow men. I do not think that a provision so sweeping as this Sub-clause 1 should be administered by, or be open to the judgment of, anyone so inexperienced in matters of this kind as two justices of the peace. The objections to a sub-clause like this are so manifest and obvious that it is hardly necessary for me to direct the attention of members to them, but I may point out that if you take the whole range of English literature, you will find many works that are of an indecent character; that is of a coarse

character; yet it would be a monstrous abuse of the powers of a magistrate if a person were liable to be fined or sent to gaol for publishing them. As one example let me take a work like "Tom Jones," a great English classic by the novelist Fielding. There are very many incidents described in that work which are not the kind of incident you would necessarily read in a board school of either sex, or even in a House of Parliament. I do not intend to read any excerpts from works of that description. The only book I have on my desk is an Act of Parliament, which is not a novel of last century, or even of this century. I think it is carrying it too far to give such power to two justices, who may be very excellent men, but who may have very curious ideas in regard to English literature. I remember one occasion at which a lecture was being given before some mutual improvement society on the characters in one of Shakespeare's plays, and an eminent member of another place, who I think presided on that occasion, addressed the assemblage and pointed out that Shakespeare, in his opinion, was a very much overrated individual, regarded as a dramatic author. I believe that the gentleman who expressed the opinion, which he was certainly entitled to, is a justice of the peace. It may happen that another justice may think there are many portions of Shakespeare which should be displaced, which, to use a vulgar phrase that has become familiar in many matters of this kind, should be "Bowdlerised"; that you may publish an edition not containing portions to which anyone could take objection. It would be impossible for anyone to prosecute a person who published such an edition, but the edition to a great extent would be deprived of its literary value. I take it we are going altogether outside the scope of legislation when we set up a censorship of literature and art in this country. And what a censorship, when you come to think of it! We know that in the Church of Rome you have the *Index Expurgatorius*, and there is I believe a body known as the Congregation of the Index which deals with works that, from the theological point of view, are considered of an improper character; and from a religious aspect that is no doubt a perfectly legitimate proceeding. If any church, no matter whether it be the Church of Rome or the Salvation Army, thinks its adherents should not read literature of a certain kind, it is quite within its rights in guiding them so far as it has the power to do so, as to what they should read and what they should not read; but it would be going very much farther if we gave to any church in this community the right of putting people in gaol for reading or publishing works of a certain description; and yet what you would never dream of giving an ecclesiastical authority power to do, this Bill proposes to give to a secular authority the power to do, and proposes to give the power not to a Judge of the Supreme Court, not to a gentleman of literary attainments like my hon. friend the Premier, but to two justices, gentlemen who, however estimable in many walks of life, are absolutely incapable in very many instances, not in all instances, of expressing an opinion upon the literary value of a work or as to the question of its indecency. There is no endeavour in this Bill to define the terms used. We simply have it laid down that the measure applies to anyone who publishes an indecent book. How are we to define what is indecent? We know it is a matter purely of fashion, purely of convention; that what is indecent to-day was regarded as absolutely proper 100 years ago. Or, even coming to the present day, without going back at all, we know that indecency is very much a matter of nationality or geography. What is regarded as indecent in London is regarded as perfectly decent in the more outspoken continental nations of Europe, and what is regarded in our social conventions as indecent and improper amongst European communities, is regarded as perfectly decent and proper in some Asiatic communities. I think that if this Bill had gone no farther than simply to prevent people from pestering the general public with these advertisements that is thrusting indecent matter upon the attention in the public thoroughfares, or throwing it into gardens, or fixing notices in places of public resort, or sending matter of that description through the public post, then following as it would have done the British legislation, it would have gone quite far enough. I need not point out in regard to works of art

how the decency or indecency really exists rather in the mind of the person who looks at them than in the object itself. One person will see indecency in a beautiful statue, whereas another person will only see something educational in it. And so we may go right through the range of literature and art. It is a maxim that to the pure all things are pure, and that the prurient mind can find something indecent in almost everything upon which it fixes its gaze. One portion of the Bill to which I am somewhat loth to refer is that dealing with the publication in a newspaper of an indecent advertisement or report. One of the most controversial matters is how far newspapers are justified in publishing reports of cases in which the relations between the sexes largely enter, such as divorce cases and the like; and any newspaper is placed in a position of very great difficulty in dealing with matters of that kind. Whatever it does, it is sure to be censured. On the one hand, if it attempts to limit reports of those cases to any great extent, or cut them out altogether, the cry is immediately raised that it is suppressing matter which should be published in the public interest. On the other hand, if it publishes these reports, the newspapers and the conductors of them are assailed by the cry that they are pandering to the tastes of the public for details of a nasty and disagreeable character. I think the rule with reputable papers in these matters is to follow what their own judgment dictates as being in the public interest; but it is impossible, while doing this, that they can hope to please everybody or to avoid displeasing a very considerable minority in the community. If there are evils involved in publishing reports of divorce proceedings and the like, I venture to think that, if newspapers were to refrain from publishing proceedings of that kind altogether, infinitely greater evils would arise. It is a matter that in the mother country has been left almost entirely within the discretion of the newspapers, and may safely be left here to their discretion. Of course, we are aware that occasionally the privilege which newspapers have in this matter is abused, but you cannot have any institution in the world that is not open to abuse. We have to weigh the relative evils and advantages of the courses pursued. We have to ask whether it is advisable to give to a court of petty sessions this great power of deciding whether a newspaper is justified in publishing matter of that description. On the other hand, you have to decide, if you give that power, whether it may not, by suppressing material facts, rather tend to inflict greater evils on the community. With regard to indecent advertisements, there is the difficulty of definition. Looking at the legislation proposed in the Bill and taken from New South Wales, where apparently indecent advertisements are still appearing in the newspapers, the legislation in that State does not seem to have been very effective for the purpose.

THE PREMIER: What is the difference between an indecent advertisement and an indecent pamphlet, which you say should not be fastened to a wall or put down an area?

MR. NANSON: I should not object to the provision with regard to indecent advertisements if I thought it would be effective; for, looking to the newspapers of New South Wales, although there is still this kind of law in force, advertisements go on the same. Effective legislation of this kind would tend to make these advertisements somewhat more ambiguous than they are at present in certain journals, but their ambiguity is perhaps the highest indication of what these advertisements are intended to convey. When you see ambiguous advertisements relating to complaints unspecified, or offering to give advice in a very broad and general way, it will be clearly understood what they are intended to do. Still I anticipate what the Premier is going to say, that the feelings of other people will not in that case be offended, and to that extent I am fully with him. It is not a point on which I feel strongly; and if it is wished by members generally that Clause 7 should remain in the Bill, then so far as advertisements are concerned I should not object, though I do not expect any good results from it. What we are doing is to endeavour to hide the symptoms of a serious social disease, and it is a mistake to suppose you are thereby doing anything to kill the disease. Where you adopt a policy of suppression, you rather intensify the real evil. I hold rather with the opinion prevalent on the continent of Europe, that it is an advan-

tage these social questions should be discussed with considerably more freedom than is usual in discussing them in British countries. Many years ago in England, when the publisher of the works of a well-known French novelist was subjected to a prosecution in London, and the publisher, Mr. Vizitelli, was sent to gaol, that prosecution had the best effect, though in precisely the opposite way, for it created a public opinion in England against this interference with the liberty of the subject as to printing what he thought would be for the public advantage; and from that time there has been no attempt in England to intefere with publications of that kind. Take France: we find the very evil of which the advertisements referred to in this Bill are an indication is being combatted more successfully there because it is being openly discussed. The novelist who more than any other has called attention to a grave social cancer that lies at the root of every high civilisation nowadays has published a work that appeals more strongly, I suppose, than any work of fiction in recent years, by appealing to the sentiment of the public against this evil, and helping to create a sentiment in the opposite direction. When we see that is the case in France, and that a healthy sentiment in favour of the family life is being created, while at the same time in the mother country there is an alarming decrease in the birth rate, I do not agree with the policy of the Government in referring to matters that are bound to give offence to some people and are not suitable for discussion among young persons, though I hope that policy may be attended with good results. Where you have a work that is openly and flagrantly indecent, there is this advantage, that it is easily detected; whereas in another kind of work with which unfortunately our circulating libraries are somewhat freely supplied, you see allusions of a coloured nature in books that are supposed to be available for any age or sex; and these are the books of a dangerous character. There is no danger of any father of a family allowing the works of Rabelais or of Boccaccio, in English translations, to lie about his house; but there is a danger that some of the apparently respectable novels of the day, which are mischievous in their suggestiveness, will be read and made easily obtainable, yet by looking at them more closely you will find them unsuitable to young readers. This Bill is incapable of dealing with evils of that description; and if you do make these matters very prominent, you thereby advertise those works to thousands who would not have heard of them before, and means are thus made available to provide for these young persons getting those particular works. I did intend to move that the Bill be read a second time this day six months; but recognising that it does contain a germ of good in it, and that this portion of the Bill may be of good service in this State, I hesitate to take that drastic course; but I hope that in Committee the Premier will consent to expunge the more extreme portions of the Bill, and give us a measure that may be of some use to the community.

MR. R. HASTIE (Kanowna): I hope this Bill will go into Committee, and I hope the Premier will consider that the powers created under this Bill can be put into force by any person. There is no public prosecutor required and no particular authority is required to bring forward a case, so that any person who may publish what he considers to be good literature will be at the mercy of anyone who may bring a charge against him under the Bill of indecent publication. I hope the power of prosecution may be put into other hands.

THE PREMIER: If the House desires, it can be made "with the consent of the Attorney General."

MR. MORAN: That would make him a complete censor.

THE PREMIER: They have a similar provision in Victoria.

Question put and passed.

Bill read a second time.

CITY OF PERTH BUILDING FEES VALIDATION BILL.

Introduced by Mr. PURKISS, and read a first time.

ADJOURNMENT.

The House adjourned at 10·30 o'clock, until the next day.

Legislative Council,

Wednesday, 20th August, 1902.

Petition: Esperance to Goldfields Railway—Papers Presented—Question: Coolgardie Water Scheme, Mr. Hodgson—Question: Public Works Department—Question: Circuit Courts—Papers: Burges v. the Crown—Third Readings: Friendly Societies Act Amendment Bill, Pharmacy and Poisons Act Amendment Bill—Transfer of Land Act Amendment Bill, in Committee, reported—First Readings: Administration (Probate) Bill, Public Notaries Bill—Explosives Act Amendment Bill, second reading—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

PETITION—ESPERANCE-TO-GOLDFIELDS RAILWAY.

HON. C. SOMMERS (North-East) presented a petition from residents of the Eastern goldfields, signed by the representatives of 35 public bodies, including municipal councils, road boards, chambers of mines, chambers of commerce, and trades and labour councils, praying for the construction of a railway between Esperance and the Eastern goldfields.

Petition received, read, and ordered to be printed.

HON. C. SOMMERS moved that the consideration of the petition be made an order of the day for this day fortnight.

THE PRESIDENT: There was a difficulty in the way of the petition being considered by this House, because the prayer was practically for a vote of money for the construction of a railway. Discussion would, therefore, rather clash with our Standing Orders. The hon. member would be well advised in waiting. In all probability a similar petition would be presented to the Legislative Assembly, which body's Notice Paper contained a reference to the subject; and when that Chamber had considered the petition, a resolution would, perhaps, be transmitted to us. Under the Constitution Act, all proposals for the expenditure of public money must originate in the Legislative Assembly.

HON. C. SOMMERS said he would not press the motion.

Motion by leave withdrawn.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Annual report, Woods and Forests Department. 2, Regulations for Ticket-of-leave Holders. 3, Annual report, Industrial and Reformatory Schools. 4, Report, Rottnest Prison. 5, Annual report, Charities Department. 6, By-laws of Municipalities of Perth, Bunbury, Coolgardie, Collie, Fremantle, East Fremantle, Leonora, Guildford, Leederville, Mount Morgans, North Perth, Norseman. 7, Railways, Alteration to Classification and Rate Book.

Order: To lie on the table.

QUESTION—COOLGARDIE WATER SCHEME, MR. HODGSON.

HON. W. MALEY (for Hon. G. Bellingham) asked the Minister for Lands: What action has been taken by the Government in connection with the resignation of Mr. Hodgson?

THE MINISTER FOR LANDS replied: The resignation of Mr. Hodgson has now been accepted.

QUESTION—PUBLIC WORKS DEPARTMENT.

HON. W. MALEY (for Hon. G. Bellingham) asked the Minister for Lands: If, in view of the motion passed by both Houses last session, "That a Royal Commission be appointed to inquire into the system adopted in connection with the carrying out of public works in Western Australia; also as to the control, cost, and supervision of such works, and generally to inquire fully into the Public Works Department, with a view to the more economical and efficient working of same," the present Government intends dealing with the matter.

THE MINISTER FOR LANDS replied: In view of the alteration and reorganisation which have been and are being effected in this department, and the fact that a Civil Service Commission is now sitting, it is not deemed necessary or advisable to appoint a Royal Commission at present.

QUESTION—CIRCUIT COURTS.

HON. B. C. O'BRIEN asked the Minister for Lands: What action the Government intends to take with regard to the establishment of Circuit Courts in the principal outlying centres such as Geraldton, Cue, Albany, Bunbury, etc.

THE MINISTER FOR LANDS replied: The work done at each of these