private business. The fitness of the chairman was a far more important consideration than the calibre of the ordinary members of the board. The clause should be so amended as to provide that the chairman would receive a salary not exceeding £1,000 per annum, on the understanding that the whole of his time and talents would be devoted to the work of the board. That work was such as to demand all the talents and all the time of a highly capable man.

HON. F. H. PIESSE: If the board was to be a success, we should seriously consider the question of appointing a chairman who should have no other engagement than his chairmanship of the board. Although not much work in the nature of initiation had to be done, still the proper administration of the harbour works would be sufficiently onerous. The services of a good man should be obtainable for £700 or £800 a year. The matter was worthy of the fullest consideration of the Government, and therefore progress might be reported at this stage.

THE COLONIAL SECRETARY: In view of the importance of the question raised and the necessity for consideration, he moved that progress be reported.

Progress reported, and leave given to sit again.

ADJOURNMENT.

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

Legislative Council,

Tuesday, 23rd September, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR LANDS: 1, Report of Governors of the High School for year ended June, 1902. 2, Report of Department of Public Works for 1901. 3, Report of Board of Management of Perth Public Hospital for year ended June, 1902. 4, Geological Sketch Map of Lennonville, Murchison Goldfields.

Ordered: To lie on the table.

AGRICULTURAL BANK ACT AMENDMENT BILL.

Introduced by the MINISTER FOR LANDS, and read a first time.

QUESTION—RAILWAY REFRESHMENT ROOMS, SUNDAY DRINKING.

HON. G. RANDELL asked the Minister for Lands: 1, If the attention of the Government had been directed to a statement made at a meeting of the Licensed Victuallers' Association, reported in the *West Australian* of the 1st instant, as follows:—"That any person purchasing a 'platform' ticket at the Perth Railway station on Sunday can obtain what liquor he requires." 2, If the Minister will cause inquiry to be made, and if the statement is found to be correct, represent to the Government the importance of at once taking such steps as shall prevent

the continuance of this violation of the spirit of the Wines, Beer, and Spirit Sales Act, 1880.

THE MINISTER FOR LANDS replied: The Commissioner of Railways made inquiry into this matter on the 3rd inst., and the return annexed shows the number of barrier tickets sold on Sundays for the past three months. In consequence of this, the Commissioner has directed the lessee to close his bar on Sundays.

Barrier Tickets issued at the Perth Central Station during June, July, and August, 1902.

Date.	No. of Tickets issued.
1st June	191
8th "	205
15th "	192
22nd "	162
29th "	268
Total	1,018

Date.	No. of Tickets issued.
6th July	135
13th "	157
20th "	173
27th "	123
Total	588

Date.	No. of Tickets issued.
3rd August	130
10th "	200
17th "	163
24th "	148
31st "	105
Total	746

GRAND TOTAL ... 2,352

QUESTIONS (2)—RABBITS INCURSION, FENCING.

HON. R. G. BURGES asked the Minister for Lands: 1, How many miles of rabbit-proof fencing have been erected up to date. 2, How many miles have tenders been accepted for. 3, When the 400 miles decided to be erected is expected to be completed. 4, If any survey or examination of the country to the North of the 400 miles already decided upon has been made.

THE MINISTER FOR LANDS replied: 1, Twelve miles fully completed; a further 38 miles partly so, and another 60 miles commenced. 2, One hundred and ten miles, including fencing and clearing contracts. (A further 70 miles called for, but not accepted.) 3, Probably towards the end of next year, but all will depend on what conditions arise, state of season, labour available, etc. 4, Yes; a permanent survey is now being made northward to the Kimberley Ranges. This will complete the survey of close upon 600 miles of fence line.

HON. C. A. PIESSE also asked: If the Government are providing for the supply of rabbit-proof netting to the settlers, and if so, upon what terms?

THE MINISTER FOR LANDS replied: The Government are making provision for supplying rabbit-proof netting, etcetera; and a Bill is about to be introduced to the House which deals with the terms on which the netting is to be supplied.

QUESTION—METROPOLITAN WATER-WORKS, GOVERNMENT OFFICIALS.

HON. J. W. WRIGHT asked the Minister for Lands: 1, If the Metropolitan Waterworks Board has ever paid to any Government official or officials any fee, or remuneration of any kind, for any plans or information in connection with any reservoir or catchment area, such official or officials not being directly in the employ of the board. 2, If so, who received the remuneration or fee. 3, What was the amount of same, and on whose recommendation or authority was the payment made. 4, The name or names of any of these officials who are still in the Government employ, and the amount of salary received by them respectively.

THE MINISTER FOR LANDS replied: 1, Yes. 2, Messrs. T. C. Hodgson and R. M. Gale. 3, (*a.*) £300, of which £180 was paid to Mr. Hodgson and £120 to Mr. Gale on 25th March, 1898; (*b.*) The then members of the Metropolitan Waterworks Board. 4, No longer in the employment of the Government.

QUESTION—COOLGARDIE WATER SCHEME, RESIDENT ENGINEER.

HON. J. W. WRIGHT asked the Minister for Lands: If the Engineer-in-Chief has been asked to make any recommendation as to the continuance of the

Resident Engineer of the Coolgardie Water Scheme in his present position after the Royal Commission's report.

THE MINISTER FOR LANDS replied: Yes. The Engineer-in-Chief does not recommend any alteration other than the appointment of an inspecting engineer; and that appointment has been made.

MOTION—TELEPHONES, COUNTRY DISTRICTS.

HON. C. A. PIESSE (South-East) moved:

That, in the opinion of this House, the construction of telephone lines throughout the country districts of this State should be encouraged.

THE PRESIDENT: As the construction of telephone lines was a function of the Federal Government, this motion, if passed, could have no effect.

HON. C. A. PIESSE: The desire was to have it passed by both Houses, and transmitted to the Federal Government. Everyone admitted the advantages of telephonic communication in cities; and the use of the instruments in country districts also deserved encouragement. In Sweden the telephone system entered into the daily life of the people to an extent unknown here, the service being so cheap that a person might use an instrument a quarter of an hour for a fee of fourpence. Here, owing to ridiculous restrictions, the telephone was seldom used in rural districts. No private person could construct a line without the permission of the Postmaster General, to whom an application fee of £1 must be paid; and if after inquiry permission were granted, £1 per year must be paid for the privilege, though the expense of construction was borne wholly by the applicant; therefore there was little wonder country residents were apathetic in the matter. Permission should be granted to construct lines from settlers' private houses, connecting with the nearest post office. This would entail no additional expense on the department; for the youngest official could work the instrument, and the lines would become feeders of the telegraph system. To encourage this, the State might supply the wire at cost price.

HON. G. RANDELL: Did the hon. member mean private lines?

HON. C. A. PIESSE: If the State were not willing to erect a line, the public should be allowed to do so.

HON. G. RANDELL: The motion was too vague.

HON. C. A. PIESSE: Let us urge the Federal Parliament to liberalise existing conditions.

HON. W. T. LOTON: Add the words "by the Federal Government."

HON. C. A. PIESSE said he would ask that the consent of the other House be requested to have the motion sent in that form.

HON. C. SOMMERS seconded the motion.

THE MINISTER FOR LANDS (Hon. A. Jameson): With regard to the motion he had a great deal of sympathy. Being much interested in the agricultural districts of the State, he had taken much interest and some action in the direction of providing telephones in certain districts. Telephonic communication had been very difficult, and if we could get suggestions from members representing agricultural districts, perhaps not quite so vague as this motion, as to what was absolutely required, something might be done. Certainly it would be advisable to transmit such a motion to the Federal authorities, for at the present time the conditions and regulations were very vexing. For instance, it was necessary to have telephone wires at the height of 16ft. above the ground, and in agricultural districts that added very greatly to the expense in sparsely populated parts. He did not know how it was now, but previously in the Eastern States they used to have lines running along the tops of fences and walls, which made them very inexpensive, whereas the cost of providing some twenty spikes, or iron pillars, at the height stipulated increased the cost, and put telephonic communication altogether beyond the reach of some agricultural districts. No doubt it would give an immense impulse to our agricultural interests if telephonic communication with our large centres could be obtained. One had only to consider the objection on the part of a man with a wife and family to being 30 or 40 miles from where there was a doctor. That had been a very serious drawback in many instances,

and of course a telephone would overcome it. In the case of some farms telephonic communication would save an immense amount of labour, and it would be the means of enabling a farmer to get machinery supplied at once.

HON. J. M. DREW (Central): While in sympathy with the motion, it did not express what was intended. The Federal Government placed no obstacles in the way of private individuals erecting telephones, so long as they did not clash with existing telegraph or telephone lines. The difficulty was that private individuals and people in agricultural districts, not connected by wire, had not the means to build such lines; but they would, in many instances, be prepared to purchase from the State the wire and instruments at cost price. If the State Government could arrange to supply the wire and instruments at cost price, it would be easy to get the Federal Government to make the connection.

HON. E. McLARTY (South-West): Telephonic communication would be of great benefit to many parts of the State. For instance, in the Kimberley district the stations from Derby for, he supposed, upwards of 200 miles were without communication except by mail, and that was found to be most inconvenient. There was no means of making arrangements for the shipping of stock and for carrying on the business of stations generally. If the Government could see their way to assist settlers, even by providing wires at cost price as had been suggested, colonists would gladly avail themselves of the opportunity of erecting wires, which would certainly be a source of revenue to the Government.

HON. C. A. PIESSE suggested that the debate be adjourned, so that he might alter the wording of the motion to express more clearly what was desired.

On motion by HON. J. W. HACKETT, debate adjourned.

PAPERS—GOVERNMENT CLOTHING INSPECTOR.

On motion by HON. A. G. JENKINS, ordered: That all papers in connection with the appointment and qualifications of the Government Clothing Inspector be laid on the table of the House.

RETURN—WHARFAGE PAYMENTS AT FREMANTLE.

HON. W. T. LOTON (East) moved:

That a return be laid on the table of the House showing,—1. The amount of wharfage paid in respect of inward and outward cargoes at the port of Fremantle on—(*a.*), Mail steamers; (*b.*), Cargo steamers; (*c.*), Sailers; (*d.*), Interstate steamers. 2. The amount of Port dues paid by—(*a.*), Mail steamers; (*b.*), Cargo steamers; (*c.*), Sailers; (*d.*), Interstate steamers. Above information to be inclusive from 1st July, 1901, to 30th June, 1902.

The information asked for would doubtless be interesting and possibly useful. It had already been furnished in another place.

Question put and passed.

MOTION—METROPOLITAN WATERWORKS, TO INQUIRE.

HON. T. F. O. BRIMAGE (South) moved:

That a select committee be appointed to inquire into the working and general management of the Metropolitan Waterworks.

It was, he believed, generally admitted that the Metropolitan Waterworks Board were not thought at present to be doing their work in a right and proper manner. During this session questions had, he thought, been asked in this House by more than one member, and that showed there was dissatisfaction. His reason for moving for a select committee was with the object of disabusing the public mind regarding the matter, and a select committee would do some good in the way of either directing or suggesting to the Government alterations in things about which at presnet the public were complaining. Since he gave notice of his motion numerous applications had been made to him by citizens to give information about sufferers, and he had a few letters which had been handed to him for the purpose of showing that there were sufferers at the hands of this despotic directorate; he could call them nothing else. He had before him a letter from one citizen who was asked to call at the office of the board to sign a particular agreement, but he was not in a position to do so. He was a very busy man, and his hours would not quite coincide with the business hours of the Waterworks Board. Consequently he requested that the document should be sent down to

him. He believed that they had plenty of collectors, and the least they could have done would have been to send the document to him and allow him to peruse it, and then either sign it or object to sign it. Another point with regard to documents was that plenty of people who were required to sign agreements liked to hand them to their solicitors. A letter sent by Mr. Newman, the secretary of the board, said, "The board is very strongly averse to forms being sent out of the office for signature." In a former paragraph Mr. Newman said: "It is necessary that you should call at this office." A few days ago he (Hon. T. F. O. Brimage) asked a question in the House regarding the meters supplied by the Waterworks Board, and it was stated that they cost from £2 7s. 6d. to £48 3s. 4d. That was a very wide margin. He presumed that the £2 7s. 6d. one was for an ordinary householder, and they said that within the ratable area they charged no rent at all. However, he had his doubts about that. In fact, he had been told they charged. A select committee could easily find that out. Outside this area they charged a rental of 20s. a year for a meter, and that seemed to be an abnormally high amount. Then the Waterworks Board, if a man were in arrear for rates, sent a letter informing him that if the amount was not paid within a certain number of days, generally seven, the water would be cut off. One did not think it would be by any means a right thing to cut the water off. Why did they not apply to the Local Court for the amount due to them, the same as other business firms? He did not see why they could not apply to the court for these amounts. In a particular case which came under his observation the party had his seven days' notice. At its expiration the water was cut off, because the tenant could not pay. Whether the case was one of genuine distress should be decided by a magistrate.

HON. M. L. MOSS: That would put the consumer to more expense.

HON. T. F. O. BRIMAGE: The collector should, on inquiry, discriminate between people in dire want and those who would not pay. There was no desire to be harsh on the directorate, for perhaps the present method of working was sound; but this could best be ascertained by a select committee.

HON. J. W. WRIGHT (Metropolitan) seconded the motion. As a resident of Perth, he substantiated the mover's statements. In a city building which he (Mr. Wright) controlled under power of attorney, the meter had not been paid for owing to the books of the board having been badly kept. He, on coming into possession, disputed the account, paid over £30 under protest, and two hours afterwards received notice to put in a new meter at a cost of over £35, though the original meter had been supplied by the board. It was improper thus to penalise consumers for the board's errors. Every new board seemed to have a pet meter of its own. Possibly these vagaries were for the good of trade. In other instances, people were asked at the beginning of the month to pay in advance water rates for lifts, the board thus unreasonably holding deposits of from £50 to £70. Possibly some of these arbitrary acts were done by the secretary without the board's sanction; but a select committee was needed to investigate.

On motion by Hon. M. L. Moss, debate adjourned.

CITY OF PERTH BUILDING FEES VALIDATION BILL.

Received from the Legislative Assembly, and, on motion by HON. W. T. LOTON, read a first time.

PUBLIC WORKS BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

MARINE STORES BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

EXPLOSIVES ACT AMENDMENT BILL.

AMENDMENTS SUGGESTED.

Order read, for third reading of the Bill.

THE MINISTER FOR LANDS moved that the order be discharged, and that a message be forwarded to the Legislative Assembly, requesting it to make the amendments desired by this House.

Motion put and passed, and the Bill transmitted accordingly.

ADMINISTRATION (PROBATE) BILL.

RECOMMITTAL.

Resumed from the 9th September, on amendment moved by HON. C. SOMMERS to Clause 87: "That the words 'where' in line 1, and 'resides out of or is absent from Western Australia temporarily or otherwise he,' in lines 2 and 3, be struck out."

HON. M. L. MOSS (Minister): At the last sitting the amendment had been opposed by him on the grounds that the duties of an executor, *qua* executor, were fulfilled very shortly after the testator's death, and that such duties consisted merely in taking out probate and paying debts, subsequent duties being performed by the executor as trustee. It was therefore inexpedient that the executor should be entitled to delegate his authority because he was moving from one part of the State to another. With this the Attorney General agreed. If an executor could not take a grant of probate, he should renounce. Only in case of his temporarily leaving the State should there be power to appoint a substitute.

HON. C. SOMMERS: There were parts of this State as difficult of access as was South Australia. An executor going to the North-West for some months might wish not to renounce his trust, but to appoint an attorney. By the amendment he could not do this save with the leave of the court; and surely the court could be trusted.

Amendment put and negatived.

Bill reported with farther amendments, and the report adopted.

JUSTICES BILL.

IN COMMITTEE.

HON. M. L. Moss (Minister) in charge of the Bill.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—Interpretation:

HON. G. RANDELL: Police magistrates were spoken of very often throughout the Bill. He did not see any definition of "police magistrate." There was a definition of "resident magistrate."

HON. M. L. MOSS: It would be seen from Clause 11 that the Governor could appoint any person to be a police magistrate or a resident magistrate.

HON. G. RANDELL: What was the difference?

HON. M. L. MOSS: A police magistrate, he took it, might act as a magistrate in any part of the State. A resident magistrate would sit as a magistrate in a magisterial district. There was an Act in force known as the Magisterial Districts Act of 1886, and under that Act magisterial districts might be constituted in any part of the State. It was not intended to interfere with the Act of 1886 at all. He moved that "1902," in line 2 of page 4, be struck out, and "1888" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 5 to 12, inclusive—agreed to.

Clause 13—Justices beyond the State:

HON. R. G. BURGES: What was the object of this?

HON. M. L. MOSS: The object was to carry out the provisions contained in the next clause of the Bill. It was to enable justices to be appointed outside the State to witness documents under the Transfer of Land Act and so forth. It would save many persons the cost of having to go before a notary public or other functionary, to whom payment would have to be made.

Clause put and passed.

Clauses 14 to 16, inclusive—agreed to.

Clause 17—Need not be taken second time:

HON. M. L. MOSS moved that after the word "same," in line 6, "or any other" be inserted. The object was that if a person were appointed for another district there should be no need for him again to take such oaths.

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

Clauses 18 to 23, inclusive—agreed to.

Clause 24—Magisterial districts:

HON. M. L. MOSS moved that the words "and may appoint places for holding," in lines 2 and 3, be struck out, and "for the purposes of" inserted in lieu. This amendment had been suggested by the Parliamentary Draftsman.

Put and passed.

HON. M. L. MOSS farther moved that the words "within such districts respectively, and may alter such places," in lines 3 and 4, be struck out.

Put and passed, and the clause as amended agreed to.

Clause 25—Existing magisterial districts to continue under this Act until altered:

On motions by HON. M. L. MOSS, amendments made as follow: In line 3, the words "this Act and the places heretofore appointed or used for holding," struck out; also the words "which are within such districts respectively," in line 4, struck out, and the word "and" inserted after "sessions"; in line 5, all words after "Act" struck out. The Minister explained that some of these amendments had been suggested by Mr. A. S. Roe, Police Magistrate. The Bill would be reprinted prior to the third reading.

Clause as amended agreed to.

Clauses 26 to 30, inclusive—agreed to.

Clause 31—When two justices required, must be present throughout the case:

HON. G. RANDELL: By Clause 110, two justices might join in committing a person, though one only had been present at the hearing.

HON. M. L. MOSS: A commitment was not a trial, but simply the sending of a prisoner to another court.

Clause passed.

Clause 32—agreed to.

Clause 33—Special powers given to police and resident magistrates who may in all cases act alone in the absence of other justices:

HON. M. L. MOSS moved that the words "in the absence of other justices," in line 2, be struck out.

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

Clauses 34 to 39, inclusive—agreed to.

Clause 40—Power to order delivery of possession of goods charged to have been stolen or fraudulently obtained and in custody of police officer:

HON. J. A. THOMSON moved that after the word "found," in line 7, "within three months from the date of laying the information" be inserted. Nearly 12 months ago some property stolen from him had been discovered; yet because the police could not ascertain who was the thief, they refused to give him delivery. There ought to be a time specified after which the police must restore such property, even if the thief were not apprehended.

HON. J. M. DREW: A reasonable term should be fixed.

HON. M. L. MOSS: The amendment would leave sufferers in a worse position. There was nothing to prevent a magistrate making an order for the restoration of property immediately it came into possession of the police; whereas the amendment almost implied that the magistrate should not make such order until three months had elapsed, so as to enable the authorities to find the thief.

HON. J. A. THOMSON: Then the word "may" should be struck out and "shall" inserted in lieu.

HON. M. L. MOSS: It would never do to make it imperative that the magistrate should order property to be delivered up which, in the interests of justice, it might be desirable to retain pending trial of a prisoner by the higher court. The desire of the hon. member might be attained by an interview with the Commissioner of Police. If it was inconvenient that a person's property should be out of his custody for three months or any period, that person must put up with the inconvenience.

Amendment negatived, and the clause passed.

Clauses 41 to 49, inclusive—agreed to.

Clause 50 — Where summons to be issued:

HON. S. J. HAYNES: The clause said that when it was intended to issue a summons instead of a warrant in the first instance the complaint need not be in writing. The invariable practice, however, was for these complaints to be in writing. He suggested that the words "in writing" be struck out, and "signed" inserted in lieu.

HON. M. L. MOSS: This clause made no alteration in the law. It merely enabled a justice to whom a verbal complaint was made to issue a summons forthwith. The section was one not very much referred to, because we knew these complaints were always put in writing. Seeing that the provision appeared in the Justices Act he thought it as well to leave it alone.

Clause passed.

Clauses 51 to 54, inclusive—agreed to.

Clause 55—*Ex parte* proceedings:

HON. G. RANDELL asked for explanation of the clause.

HON. M. L. MOSS: Where there was an *ex parte* application, and the matter was one of urgency, it was not necessary for a justice to issue a summons. Every *ex parte* order was liable to be set aside by the party against whom it was made, on application to the Supreme Court.

Clause passed.

Clauses 56 to 64, inclusive—agreed to.

Clause 65—Open Court:

HON. G. RANDELL: Was any provision made in this Bill to enable a magistrate or Judge to inquire into certain cases privately? He was thinking more especially of a recent horrible case, and also of children who were brought before police magistrates, perhaps neglected by their parents and sent to an industrial school.

HON. M. L. MOSS: The proviso in this clause would do all the hon. member desired. This matter of exclusion would not apply to such a case as the hon. member alluded to in the Supreme Court, because the Bill did not profess to deal with that at all. It only dealt with the duties and functions of justices of the peace.

HON. G. RANDELL: Did that apply to children?

HON. M. L. MOSS: Yes. If in the interests of public morality justices thought the public should be excluded, they could exclude them.

Clause passed.

Clauses 66 to 79, inclusive—agreed to.

Clause 80—Remand of defendant:

HON. M. L. MOSS moved that the word "lockup," in line 7, be struck out.

Put and passed, and the clause as amended agreed to.

Clauses 81 to 87, inclusive—agreed to.

Clause 88—Place of committal or detention:

HON. M. L. MOSS moved that the words "or lockup," in line 3, be struck out.

HON. R. G. BURGES: What was the difference between a gaol and a lockup? His experience with regard to putting people into gaols and lockups was that there was a very arbitrary mode of dealing with them. People often were taken in for the most paltry things, and shoved into the most awful places and dens; that was all they could be called. People were taken in for drunkenness and treated like beasts. Publicans often sold stuff that was not fit to be sold, and the Government did not exercise proper supervision. The clause should be modified. What was the difference between a lockup and a gaol?

HON. M. L. MOSS: The former was attached to a police station, for the incarceration of prisoners before trial, whereas a jail was a place where convicts served their sentences. It was easy to blame the police for hasty arrests, but such charges should be accompanied by specific instances. Generally the police did their duty well. [HON. R. G. BURGES: Pretty roughly.] Some blackguards occasionally required rough handling. With the hon. member's reflections on the police he joined issue.

Amendment passed, and the clause as amended agreed to.

Clause 89—Place to which committal to be made:

HON. M. L. MOSS moved that the words "or lockup," in line 3, be struck out.

Amendment passed, and the clause as amended agreed to.

Clauses 90 to 101, inclusive—agreed to.

Clause 102—Disobedience of summons:

HON. M. L. MOSS moved that the words "upon oath being made before them, substantiating the matter of the complaint," in lines 6 and 7, be struck out. Where the summons was regularly issued and the defendant treated the summons with contempt, the presiding justice should have the right to issue a warrant without the matter of complaint being substantiated on oath.

Amendment passed, and the clause as amended agreed to.

Clause 103—Statement of defendant:

HON. M. L. MOSS moved that the words "upon being asked," in line 20, be struck out.

Amendment passed, and the clause as amended agreed to.

Clauses 104, 105—agreed to.

Clause 106—Evidence for defence:

HON. M. L. MOSS moved that the word "witness," in line 4, be struck out, and "witnesses" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clauses 107 to 109, inclusive—agreed to.

Clause 110—Justices need not be present during whole examination:

HON. M. L. MOSS moved that the following be added to the clause: "but in such case the depositions of such witnesses examined in the absence of any such justice shall be read either by him or to him."

HON. G. RANDELL: The amendment would improve but by no means perfect the clause. It was a wholesome principle that a justice who decided a case should personally hear all the evidence.

HON. J. M. DREW opposed the clause. He would move that it be struck out. No justice should interfere with the decision unless he heard the whole case.

Amendment passed.

HON. A. G. JENKINS supported the last speaker. No person could get a fair idea of a case by simply reading the evidence. Better make the clause read "No justice or justices may make or join in making an order of committal or dismissal unless he or they has or have been present during the whole time in which the examinations have been taken."

At 6·30, the CHAIRMAN left the Chair.
At 7·45, Chair resumed.

Clause as amended put and negatived.

Clauses 111, 112—agreed to.

Clause 113—How statements to be taken:

HON. M. L. MOSS moved that the words "in the opinion of some registered medical practitioner," in lines 2 and 3, be struck out. In many parts of this State where justices might be sitting in one of these cases, it might be impracticable to get a medical practitioner to certify. It must be left to the justices to say whether those depositions should be taken.

HON. G. RANDELL: The justice had to furnish a reason.

HON. M. L. MOSS: Yes.

Amendment passed, and the clause as amended agreed to.

Clase 114—Depositions, when admissible in evidence:

HON. M. L. MOSS moved that the word "eleven," in line 2, be struck out, and "twelve" inserted in lieu; and that "twelve," in the same line, be struck out, and "thirteen" inserted in lieu.

Amendments passed, and the clause as amended agreed to.

Clause 115—Prisoner to be present when statement taken:

HON. M. L. MOSS moved that after the word "prisoner," in line 9, "or cause him to be conveyed" be inserted.

Amendment passed, and the clause as amended agreed to.

Clause 116—agreed to.

Clause 117—Bail in capital crimes:

HON. J. D. CONNOLLY: The clause said: "No person charged with a capital crime shall be admitted to bail except by order of the Minister, or of the Supreme Court or a Judge thereof." Why by order of the Minister?

HON. M. L. MOSS: The Minister was defined under this Bill to be the Attorney General, who was charged with the supervision of justices of the peace. A person might be committed for trial and not get bail, and he might not have the means to go before the Supreme Court. He could make summary application to the Minister, who would be the Attorney General.

HON. J. D. CONNOLLY: A Judge was quite sufficient. A man who had political friends might get bail, whereas another who had not political friends had no chance to do so. He moved that the words "Minister, or of the," in line 2, be struck out.

HON. M. L. MOSS: The Committee would not, he hoped, agree to strike out those words. Was it likely that the Attorney General was going to be approached by any member of Parliament with the idea of prostituting his position as suggested by the hon. member? The Attorney General was the leader of the bar, and up to the present a gentleman of high repute in the State. He presumed that all along the Attorney General would be pretty well the leader of the bar for the time being. It was not very likely that political influence would be brought to bear upon the Attorney General at any time, and he thought one might with as much reason think that a Judge of the Supreme Court would be corruptly approached as think that an Attorney General would be so.

HON. G. RANDELL: Could the hon. gentleman state whether the provision prevailed anywhere else?

HON. M. L. MOSS replied that he was not in a position to say.

HON. A. G. JENKINS: This was an entirely new principle as far as this State

was concerned. He knew it was not the law in Victoria at the present time. That was the only State he could speak of with certainty, and it was not right to put this power, which was only given to Judges of the Supreme Court in British law, into the hands of any other persons. It was all very well to say people were not amenable to political influence, but we knew otherwise, and undue pressure might frequently be brought upon an Attorney General to effect such a purpose. After all, an Attorney General was only human, and was not in that position of trust which a Judge occupied. One did not mean in any way to cast reflection upon any gentleman who occupied that position, but he did not think the power should be given.

Amendment passed, and the clause as amended agreed to.

Clauses 118 to 125, inclusive—agreed to.

Clause 126—Recognizance of witness, etc.:

HON. M. L. MOSS moved that after the word "recognizance," in line 2, "in such sum as they may think fit" be inserted.

Amendment passed.

HON. S. J. HAYNES moved that the words "and shall so bind over all witnesses called for the prosecution if so required by the defendant" be added to the clause. Recently a miscarriage of justice might easily have occurred through the witnesses for the prosecution leaving the State, such witnesses being material to the defence. The defendant should have the right to have them bound over to appear at the trial.

Amendment passed, and the clause as amended agreed to.

Clauses 127 to 135, inclusive—agreed to.

Clause 136—Dismissal or adjournment in absence of complainant:

HON. S. J. HAYNES moved that the words "time and" be inserted between "the" and "place," in line 1, and that after "day," in line 6, "time" be inserted.

Amendments passed, and the clause as amended agreed to.

Clause 137 — *Ex parte* hearing in absence of defendant:

HON. M. L. MOSS moved that the words "upon oath being made before them substantiating the matter of the complaint," in Sub-clause 3, be struck out.

Amendment passed, and the clause as amended agreed to.

Clauses 138 to 168, inclusive—agreed to.

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

On motions by HON. M. L. MOSS, "£10" inserted before "four months," and the following added "is not less than £10, six months."

Clause as amended agreed to.

Clauses 170 to 184, inclusive—agreed to.

Clause 185—Appeal to Circuit Court, or Court of General or Quarter Sessions:

HON. S. J. HAYNES: Paragraph (*b*) contained the words, "a fine or penalty is imposed exceeding ten pounds." He moved that "ten" be struck out and "five" inserted in lieu. It was rarely that a person was fined to an extent of ten pounds, and in most cases five pounds was a severe penalty.

HON. M. L. MOSS: Two rights of appeal were given to every person charged before justices. There was the right of re-hearing and the right of appeal by way of case stated. That was to say, where the punishment was imprisonment, or only a fine of a shilling, or however trifling the offence might be—drunkenness, for instance—the accused had a right to go to the Supreme Court and have a re-hearing of the case. He also had the right, if he felt aggrieved with a decision that justices had given on a point of law, to go before the Full Court and have the point of law decided. One believed it had been considered by the Supreme Court Judges, and it certainly had been considered by the whole of the profession in this State, that this unlimited right of appeal and re-hearing in these trivial cases was not in the best interests of the State, and not in any way desirable. In no other part of Australia had this right existed, and certainly in the old country it did not exist. This measure took away all right of appeal by way of re-hearing unless the fine exceeded ten pounds. The right of re-hearing on appeal was given in this Bill if the imprisonment were only one hour. In Clause 199, in regard to the right of appeal by way of case stated, where a person was dissatis-

fied with the justices upon a point of law this right was still reserved, even although the fine might be the smallest amount. We were putting the law on exactly the same footing as it was in England, and as it existed in many of the other Australian States. A man charged with drunkenness, and perhaps fined five shillings, ought not to have a right to appeal and bring the witnesses before the Supreme Court.

Amendment put, and a division taken with the following result:—

Ayes	7
Noes	9
Majority against ...	2

Noes.	Ayes.
Hon. J. D. Connolly	Hon. T. F. O. Brimage
Hon. C. E. Dempster	Hon. E. M. Clarke
Hon. J. M. Drew	Hon. J. W. Hackett
Hon. S. J. Haynes	Hon. A. Jameson
Hon. A. G. Jenkins	Hon. E. McLarty
Hon. J. A. Thomson	Hon. M. L. Moss
Hon. R. G. Burges (*Teller*).	Hon. G. Randell
	Hon. J. E. Richardson
	Hon. B. C. Wood (*Teller*).

Amendment thus negatived, and the clause passed.

Clauses 186 to 194, inclusive—agreed to.

Clause 195—Effect of affirming decision:

HON. M. L. MOSS moved that the word "shall," in line 6, be struck out, and "may" inserted in lieu; and that the words "or any justice" be inserted after "court," in line 7.

Amendments passed, and the clause as amended agreed to.

Clause 196—Committal on default:

HON. M. L. MOSS moved that the word "any" be inserted after "or," in line 3.

Amendment passed, and the clause as amended agreed to.

Clauses 197 to 222, inclusive—agreed to.

Clause 223—All appeals to be subject to this Act:

HON. M. L. MOSS: The clause had been inserted to make it plain that the right of appeal from the decision of justices under any statute in force in the State, was in future to be regulated by clause 185 of the Bill. There was a multitude of statutes, each of which gave a different right of appeal with different procedure. To make the point clear, it was desirable to recast the clause; and he moved that it be struck out and the following inserted in lieu:—"Notwithstanding anything contained in any other Act to the contrary, there shall be no appeal from any summary conviction or order of justices except as provided by this Act."

Amendment passed, and the clause as recast agreed to.

Clause 224—agreed to.

Clause 225—No action against justices after order *nisi* to quash conviction has been granted:

HON. S. J. HAYNES: If this were passed, the appellant, though aggrieved by the action of the justices, could have no right of action against them even though he obtained his rule *nisi*. The intention was that no action should be taken against the justices until the application for a rule had been granted. He moved that the following words be added to the clause: "until after such order to show cause has been dealt with."

HON. R. G. BURGES moved that progress be reported.

HON. M. L. MOSS: The clause under discussion might be postponed.

Motion withdrawn, and the clause postponed.

Clauses 226 to 235, inclusive—agreed to.

New Clause:

HON. J. M. DREW moved that the following be added to the Bill:—

> No justice of the peace appointed after the 30th June, 1903, shall act in any judicial capacity unless he shall have previously obtained from the Attorney General a certificate that he has a sufficient knowledge of the laws of evidence to enable him to satisfactorily discharge his duties.

If this clause were added, it would be incumbent on the Attorney General to cause a person to be examined before that person was appointed a justice of the peace. The Attorney General might examine him himself, or have him examined by some duly qualified person. This amendment was very necessary. He had heard that in his own district there had been grave acts of injustice owing to the incompetency of the justices. In many instances evidence had been admitted which should not have been admitted. Within the last six weeks he had been instrumental in having a man on the Murchison goldfields discharged

who had been sentenced to nine months' imprisonment. That man to a large extent was convicted on irrelevant evidence—hearsay evidence. The justices were conscientious and honourable men, but they had no knowledge of the laws of evidence. It was most essential that every man appointed should have some knowledge of his duties. A dentist had to pass an examination, whilst men who had control over the liberties of the people were not called upon to pass one.

HON. R. G. BURGES: What about a jury?

HON. J. M. DREW: A jury was a judge of facts, and was not called upon to administer the law. He thought also the Government ought to provide guides for justices, and also the law of evidence in a brief form. He did not say a justice of the peace should have such a knowledge of the law of evidence as a Judge of the Supreme Court, but he should have sufficient knowledge of it to enable him to discharge his duties in a fairly satisfactory way.

HON. M. L. MOSS: It was, he regretted, impossible for him to agree to the new clause, although he thoroughly indorsed all the hon. member had said. He believed the hon. member had not made an extravagant statement when he said that justices of the peace often erred, and erred so frequently as to imperil the liberties of many people in this State. But he regretted to say that was applicable to not only Western Australia but throughout the whole of Australia, and everywhere where these honorary appointments were made the gravest mistakes and blunders occurred. Speaking for himself, he thought the whole system with reference to the appointment of honorary justices was thoroughly wrong. The question, however, was this: could anybody devise some scheme which would be an improvement upon the present one? He was not speaking now of the present Government at all, but of the acts of past Governments. Perhaps members would say it applied to the present Government just as much as to previous Governments.

HON. R. G. BURGES: Just as much.

HON. M. L. MOSS: The appointment of justices of the peace appeared to have been made as a kind of reward for political services. In fact his old friend, Sir John Forrest, had made a statement that it was so. It was a matter of great regret that in cases where the liberties of any man were at stake, we could not always get the services of a resident magistrate. He was not going to say that resident magistrates were sufficiently well versed in the laws to meet with the approval of critical persons, because we knew that the requirements of this State demanded that, in many instances, a person should be appointed a resident magistrate more on account of qualifications he possessed as a medical man than as an administrator of the law. To call upon a justice of the peace to pass an examination and obtain a certificate that he had a sufficient knowledge of the laws of evidence to enable him to try all these cases would be to put a bigger test upon his qualifications than was demanded in the case of a resident magistrate. These justices of the peace, when they acted apart from a resident magistrate, acted, he supposed, generally in very sparsely populated districts, and when there was an injustice someone was prepared to make an appeal to the authorities. He thought that where injustice was done it was speedily remedied. The case the hon. member quoted was sufficient to show that the authorities were prepared to listen to an appeal by some responsible person with the idea of rectifying what had been wrongly done. He was afraid that, although the hon. member was aiming at a very laudable object—the improvement of justices of the peace who exercised these judicial functions—the carrying of this clause would not have the desired effect, because there would still be until the 30th June, 1903, a vast army of justices in this State who would go on exercising these functions in the same way as they had done in the past. He could not support the new clause, which seemed to him to be thoroughly impracticable.

HON. J. A. THOMSON: The amendment of Mr. Drew was one with which he was thoroughly in accord, and he was only sorry to see that it would not take effect from the passing of this Bill, because in nine or seven months it would be as good a system as we could pass into law. He was not at all satisfied with the way in which Mr. Moss had put the case before the Committee. It was, no doubt, well known to most members of the Com-

mittee that the justices of the peace in Western Australia were a disgrace not only to this State—he did not say all of them, by any means, but a large proportion of them—but a disgrace to any British-speaking people. He spoke with certain knowledge.

MEMBER: Who were they?

HON. J. A. THOMSON: One did not think it necessary to specify any cases, though it was not difficult to name them. A member might generalise without giving names. If members would only be fair they would know he was speaking correctly when he said the way in which justices of the peace had been appointed, not only lately but during his ten years' experience in Western Australia, had certainly been a disgrace. He could name many of them. The appointment of such persons had been at all events sufficient to justify his saying that he would not like to be classified as one of them. If Mr. Wood did not know of anyone having refused such an appointment, he (Mr. Thomson) had refused it on two occasions. Men had been appointed without any consideration of their qualifications.

HON. R. G. BURGES: Were matters worse here than in other States?

HON. J. A. THOMSON: Yes; though perhaps not much worse. If a common policeman should understand the law of evidence, such knowledge was still more necessary in a magistrate.

HON. M. L. MOSS regretted Mr. Thomson's remarks. The present Government had re-gazetted the whole of the justices appointed by past Administrations, including those appointed since the present Government assumed office; and as the Government had power to leave out of the list the names of any who were deemed unfit to hold the commission, Ministers were responsible for every justice now in office. There might be ignorant justices, and no one expected all justices to understand technical law; but that fact did not justify the hon. member's statement that our justices were a disgrace generally. That they were, he (the Minister) denied. Speaking generally, it could be said our justices were reputable men; and if any hon. member knew men on the commission who were a disgrace to the State, he should at once forward their names to the Attorney General, with proof of the statement, so that such names should be omitted the next time the justices were gazetted. While in other parts of Australia packed benches of justices had been heard of, no such scandal had ever arisen in this country, though there had been numerous instances of ignorance and lack of qualification. The Government would consider any better method that could be suggested for making appointments. Since the late Mr. Leake had taken office as Premier, the Government, by confidential letters, had asked the members of Parliament for each district to give opinions as to the desirableness of proposed appointments. By such opinions Ministers were not bound; but generally it might be said that when the opinions were detrimental to the proposed appointee, the appointment was not made.

HON. J. A. THOMSON: It was only to the ignorance of certain justices that he had referred.

HON. M. L. MOSS: Then the hon. member should have spoken more plainly, and not in such a way as to mean that the justices were a disgrace generally.

HON. J. A. THOMSON: When saying that many of the justices were a disgrace, he had meant that this was by reason of their ignorance only.

HON. J. M. DREW: It was true that the appointments made by the present and the previous Governments had not been political appointments; still, the men selected had no knowledge of the law of evidence, and could not have any unless facilities were afforded them for obtaining it. By the clause, the Attorney General could refuse a certificate of fitness for adjudicating until a justice had become qualified.

HON. G. RANDELL: The last speaker was asking for the impossible. It could not be expected that justices, who exercised many useful functions besides sitting in courts, should acquire a technical knowledge of law. Before a man was appointed a justice, there was always careful inquiry; and if unsuitable appointments had been made, that was because the Government had been deceived on inquiry. So far as he (Mr. Randell) knew, our justices were respectable, intelligent, honest, common-sense men; and in the decision of a case these

qualities were almost as important as legal knowledge, while in most cases there were lawyers on either side whose exposition of the law would guide the bench. True, there were some appeals from justices' decisions; but there were appeals from Supreme Court Judges also. There were plenty of remedies for injustice done by magistrates. The assertions of Mr. Thomson were regrettable. It was not judicious thus to libel any class of public officials. Some said Sir John Forrest had not been particular in appointing justices; but he had been exceedingly particular, frequently holding over for months recommendations from responsible people, until he had been satisfied. If justices adjudicated on points of which they were ignorant, or displayed bias and prejudice, let them be exposed. If there were any justices of bad character, any hon. member who knew of them should state the facts to the Attorney General, so that their names might be removed from the commission. Even if the bench consisted wholly of lawyers, we could not always rely on sound decisions.

HON. S. J. HAYNES: The desire of Mr. Drew was one with which he sympathised, but he thought the suggestion impracticable. He had found the magistrates as a whole a most estimable body of men. He spoke as a lawyer and also as a citizen. In his opinion a deep knowledge of the law of evidence was not necessary for the functions which justices had to carry out. The chief attributes of justices were common sense and honesty, and though they were not thoroughly acquainted with the laws of evidence, they had done justice when they had had facts brought before them. At the same time, whilst paying his meed of praise to the majority of justices he had met, he was perfectly aware that there were some magistrates whom he would like to see improved. But he thought they were suffering from ignorance rather than anything else, and that it was somewhat difficult to appoint in portions of this State justices of the peace who were thoroughly satisfactory. He thought the Government of the day and the Governments of the past had done their best. He supposed that in common with other members he had been written to in confidential communications, and names had been submitted, some of which he had approved and some he had not. He recognised that in some of those sparsely-populated districts the Government had great difficulty in getting men of the very best type. They had to do the best they could. Those who had been appointed at any rate had been honest, and they had a certain amount of common sense, but would perhaps be better justices if they had greater intelligence than some of them possessed. However, in 90 per cent. of the cases, at all events, reasonable and proper justice was done between man and man in this State.

HON. J. D. CONNOLLY: The new clause proposed was a very good one indeed. Mr. Moss and others had said they would only be too glad to adopt some different system in appointing justices. This was a step in the right direction, and yet those gentlemen were not willing to adopt it. Clause 185 deprived a man, unless fined £10, of the power of appeal; and that being so it was all the more necessary that justices should have some knowledge of the laws of evidence.

HON. M. L. MOSS: If justices admitted wrong evidence, a man could appeal on a point of law, whatever the amount was.

HON. J. D. CONNOLLY: A justice of the peace might not state a case.

HON. M. L. MOSS: A justice of the peace was bound to do so. Clause 203 provided that where a justice of the peace refused to state a case the Supreme Court might order him to do so.

HON. J. D. CONNOLLY: It was a question of the knowledge of evidence. Certainly, as had been stated, the Government were put to difficulty in getting magistrates in sparsely-populated districts. The duty of these magistrates was not to sit in court, but more to witness signatures to transfers of land and that sort of thing. A justice was only asked to go through this examination because he sat on the bench, and one thought it very necessary that such justice should have some little knowledge of the law of evidence. He took it that the examination would not be very severe.

New clause put and negatived.

Schedule 1:

HON. M. L. MOSS moved that the following words be added: "1 & 2 Ed. VII., No. 15, The Criminal Code, Section 672."

Under Section 672 of the Criminal Code all appeals from these magistrates on cases stated had to go before the Full Court. Now it was provided that these cases stated should be heard before a single Judge, the same as in all other parts of Australia. It was therefore necessary to repeal Section 672 of the Criminal Code, which followed the old law, namely that these appeals should be heard before the Full Court.

Amendment passed, and the schedule as amended agreed to.

Schedules 2 and 3—agreed to.

Schedule 4:

HON. M. L. MOSS, in moving the addition of a lengthy amendment relating to "case stated," said it would be found to be a great convenience.

Amendment passed, and the schedule as amended agreed to.

Schedule 5:

HON. M. L. MOSS moved that in the item "mileage" the words "(except where complaint made by police) one shilling" be struck out, and the words "(including summons on complaint by police) one shilling per mile (one way only), excepting where a railway is available; if a railway is available, railway fare where summons served by police, and in other cases railway fare and ten shillings per day, or five shillings per half-day, for time occupied in travelling," be inserted in lieu.

Amendment passed, and the schedule as amended agreed to.

Schedules 6, 7—agreed to.

On motion by HON. M. L. MOSS, progress reported; leave given to sit again.

RAILWAY AND THEATRE REFRESHMENT ROOMS LICENSING AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. A. Jameson): In moving the second reading of this Bill I may say that I think it will appeal to every member of the House as a necessity arising from our great advance in civilisation; that is to say, we have reached a time in which we must have travelling restaurant cars on the State railways. The whole object of the Bill is to extend to these travelling cars the license which stands at the railway stations have at the present time. That is done very simply by this amending Bill, by introducing into the eleventh section of the principal Act the words "or of any railway restaurant car." And the consequential amendments are based upon that. In order to guard the matter there is a proviso at the end of Clause 2, reading as follows: "Provided also that no liquor shall be sold in any railway restaurant car except while such car is attached to a travelling train, and at no time to any person who is not travelling by such train." I think I can say nothing farther with regard to this small amending Bill. As I have pointed out, it simply arises from the necessity of our times, and therefore ought to be a subject for congratulation. I think no hon. member will find any difficulty in supporting such a desirable amendment.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1—agreed to.

Clause 2—Amendment of 59 Vict., No. 15, s. 11:

HON. G. RANDELL: The clause provided that no liquor should be sold in any restaurant car unless such car were attached to a travelling train. If this were intended to limit the sale of liquor to times when the train was in motion, the object would not be attained, for the car might be stationary for hours. Provide that liquor should not be sold save when the train was in motion, or when it stopped at a country station specially for refreshments. At stations like Perth and Fremantle, liquor should not be sold even to passengers. There should be proper inspection also, to insure pure liquor.

THE MINISTER FOR LANDS: Such cars were used on long journeys only; and here, as in other countries, the intention was that from the time one entered a train till one left it, food or drink should be obtainable. A train might stop at a station during a meal; and it was not desirable that passengers should be forced to discontinue eating, nor was it intended that anyone not a passenger should obtain liquor.

HON. SIR GEORGE SHENTON: Evidently the intention was to provide corridor refreshment cars similar to those on the principal continental railways.

For many years he had been accustomed to travel on such trains, and there was no restriction as to when a *bona fide* passenger should have refreshments. The express which left Calais for all parts of the Continent served meals to passengers who boarded the train direct from steamers, such meals being obtainable immediately the train was entered, even though it did not leave the station till half an hour afterwards.

HON. J. M. DREW: Better define a travelling train. Did it mean a train in motion?

THE MINISTER FOR LANDS: A travelling train meant one that travelled between two termini. At any point between these termini, whether the train were stationary or in motion, it was "travelling."

Clause passed.

Clauses 3, 4, 5—agreed to.

Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at 9·30 o'clock, until the next Tuesday.

Legislative Assembly,

Tuesday, 23rd September, 1902.

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

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1. Papers, Spark-arresters (Mr. Ewing). 2. Papers, Exchange of Railway Cars between Midland Railway Company and the Government (Mr. Wallace).

By the PREMIER: Papers, Appointment of James Foster Smith as Inspector of Midland Railway (Dr. O'Connor).

Ordered: To lie on the table.

QUESTION—RAILWAYS, EIGHT HOURS.

MR. HOLMAN asked the Minister for Railways: 1, What progress has been made in carrying into effect the desire of Parliament that the eight-hour system should apply to railway employees? 2, Whether the system will extend to all railway employees? 3, If not, who will be exempt, and for what reason? 4, Whether the porters and conductors are working more than eight hours at present? 5, When the eight-hour system will be in thorough working order.

THE MINISTER FOR RAILWAYS replied: 1 to 5, Good progress is being made. The matter is not an easy one to arrange, and will take some time to carry fully into effect. The whole question is receiving careful attention.

QUESTION—G.M. LEASE (KALGOORLIE), SURRENDER.

MR. RESIDE asked the Minister for Mines: Whether it is true that negotiations are proceeding between the Government and the Kalgoorlie Electric Light and Power Company for a conditional surrender of G.M. Lease No. 3863E.

THE MINISTER FOR MINES replied: A large portion of the surface of G.M. Lease 3863E was surrendered in June, 1901, as the outcome of negotiations commenced some time previously, and a special lease of the surrendered portion was granted under the Land Act. The lessees, while retaining all mining rights, now propose to surrender a farther portion of the surface of the G.M. Lease, to be included in the special lease, and to surrender a portion of the original lease under the Land Act, fronting Lane Street, which will be available for subdivision. No decision will be arrived at without parliamentary approval.