favoured position because he has a pocket borough in Forrest; everyone is not privileged to the same extent. I will not say anything further in that direction, I will treat the matter with the contempt it deserves. I have again to congratulate the Government on their great victory, I believe they are sincere and I hope they will keep a firm check on the finances of the State, and that they will not tax those who have anything out of existence. The Government will not have a great deal of revenue to handle and for that reason I would suggest that they should be very economical with what will be at their disposal, and, being sincere in their work, as I believe they are, I trust they will be able to carry this country through to a successful issue.

Question put and passed; the Address adopted.

House adjourned at 10.44 p.m.

Legislative Assembly,

Wednesday, 15th November, 1911.

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

QUESTION—TIMBER LANDS.

Mr. A. A. WILSON (for Mr. O'Loghlen) asked the Minister for Lands:—1, What is the approximate area of timber lands still in the possession of the Crown, apart from concessions and permits? 2, What is the approximate area of Crown lands now being operated on by different companies?

The MINISTER FOR LANDS replied:—1, The area of jarrah and karri country within the State was estimated by the late Ednie Brown at approximately 9,200,000 acres; the area held under concessions, timber leases, and sawmilling permits on the 30th June last was 1,304,282 acres, leaving an approximate area of 7,896,718 acres still in the possession of the Crown. 2, The information is not at present available, but will be obtained.

QUESTION — LIQUOR TRADE, HAWKING AMONGST CAMPS.

Mr. A. A. WILSON (for Mr. O'Loghlen) asked the Premier:—1, Is he aware that large quantities of liquor are being hawked amongst the timber camps of the South-West? 2, Will he take steps to get a better control of such trade?

The MINISTER FOR LANDS (for the Premier) replied:—1, No, except by publicans who send liquor to the mills under orders from the mill hands. 2, Under above conditions there is no law to prevent such action.

QUESTION—POLICE FORCE RETIREMENTS.

Mr. DWYER asked the Premier:—1, Is there any age fixed for the retirement of members and officers of the Police Force? 2. If not, is it the intention of the Government to fix same by regulation in accordance with the request of the recent deputation to the Colonial Secretary.

The MINISTER FOR LANDS (for the Premier) replied:—1, No. 2, The question is now receiving the consideration of the Government.

PAPERS PRESENTED.

By the Minister for Lands: 1, By-laws of the Leederville Municipality. 2, By-laws of the Victoria Park Local Board of Health.

PAPERS—LICENSING COURTS, CUE AND KALGOORLIE.

Mr. HEITMANN (Cue) moved—

That all papers dealing with the appointment of the licensing courts at Cue and Kalgoorlie be laid on the Table of the House.

To hon. members the subject matter of the motion might seem unimportant. He desired to see the files in order to arrive at the reasons why old members of these courts had been overlooked when it became necessary to form new courts. The procedure adopted by the late Attorney General was to write to the chairman of the local licensing bench, generally the warden and ask him for a recommendation as to the people best fitted for seats on the new licensing court. In the case of Cue it was understood the warden had recommended the old members of the court, but of these the Attorney General had put aside Mr. David Watson, a man who had been the holder of a commission of the peace for a considerable number of years, whose character was as high as that of any man in Western Australia, and against whom nothing whatever could be urged. Mr. Watson had served the public in many directions for a number of years, yet he had been displaced by a gentleman of but very few years' residence in Australia, a man who had been here scarcely long enough to know the characteristics of the Australians. Naturally the people of Cue had been very much surprised at the action of the Attorney General. He (Mr. Heitmann) had come to the conclusion that the only reason for this action on the part of the late Attorney General was to be found in the fact that Mr. Watson had played a very prominent part in union affairs and Labour politics, having been for years secretary of the leading trades union on the Murchison; yet nobody on the Murchison could be found to even suggest that Mr. Watson had not carried out his duties as a member of the licensing bench with ability and credit to himself. He (Mr. Heitmann) desired to know the reason why Mr. Watson had been thus displaced and another set up in his stead, another of whom it might be said that he was scarcely qualified for a position of the kind. In respect to Kalgoorlie the same procedure had been adopted. In response to a request for recommendations the resident magistrate had nominated the two gentlemen who for many years past had held seats on the licensing bench. However, those recommendations had been ignored, and the public of Kalgoorlie were very much surprised to find that Mr. Kirwan, who for years had been a member of the licensing bench, had been overlooked. It was due to the public of Kalgoorlie that the reason for this should be made known. By a coincidence Mr. Kirwan also was a strong political partisan and had taken an active part in politics, his efforts being directed, not towards the return of the late Government, but very strongly against it. Two things should be free to all people in Western Australia, namely, a man's religion and his opinion in politics.

Mr. Taylor: Unfortunately they are not.

Mr. HEITMANN: It was not easy to find any other reason for the removal of Mr. Kirwan from the licensing court than that he was a strong opponent of the late Government. This was playing the game very low down; for a Minister of the Crown to deliberately take advantage of his position as Attorney General to remove the name of an individual from the licensing court merely because that individual opposed him in politics, was to fully justify the edict of the country in banishing that Minister and his colleagues from office.

Mr. Mitchell: Had you better not wait for the file before making that assertion?

Mr. HEITMANN: That was his opinion. Kalgoorlie people had informed him of the fact as regards the appointments there, and he knew what the feeling was at Cue and was positive before the papers were placed before the House that not one single mark could be placed against the name of Mr. David Watson. Why ask the resident magistrate for a recommendation? That gentleman was in a position to judge the qualifications of the various individuals for the holding of those offices, and why ask him for recom-

mendations if the Government were not prepared to adopt them? There was reason to believe, also, that when the Attorney General decided not to accept the recommendations of resident magistrates he did not even have the courtesy to inform those gentlemen. In Kalgoorlie the first intimation that Mr. Kirwan was not included on the bench was the notification that another gentleman had been asked to accept the position, and to the credit of that gentleman, who had intended to accept the position, not knowing the conditions, he at once, knowing that Mr. Kirwan was a fit person for the position and that he had served faithfully on the bench for a number of years, refused to accept the office. In Cue it was not so. He was not taking any exception to the gentleman who now occupied the position previously held by Mr. Watson, but one could not help comparing the ability of the two men, and no matter how their qualifications were viewed, if there was one of the two to be picked Mr. Watson was the suitable person. These appointments were the due of men who had served the country faithfully, and, after all, there was not much monetary advantage attaching to the position. Mr. Watson had been a justice of the peace for a number of years and had always been prepared to do his duty, although often at the sacrifice of his own convenience, and when he was recommended for the seat on the licensing court he accepted it. It was due to him to know why his name had been removed and that of another gentleman substituted.

Mr. DWYER (Perth) seconded the motion.

Mr. GREEN (Kalgoorlie): The mover had given the facts very fully and very accurately. Mr. Kirwan had always been known throughout the State as an honourable and impartial man, and it did seem that when the late Government turned him down and appointed another man to this position, there could be no possible explanation for the act but bitter party rancour. The Government evidently thought that they were coming back to power, but fortunately this act and numerous other unfair acts of theirs, were brought up against them and they found their Nemesis in the recent election. It was a good thing that at last a party had come into power, who could search into these matters and have the papers laid on the Table, so that the people of the State generally could see what explanation could be given of this peculiar action. Support of the statement that Mr. Kirwan was neglected in this matter because of his politics was to be found in the fact that Mr. Davidson, who was asked to take up the position, refused it. The whole of the feeling in Kalgoorlie was hostile to the Government, and there was a unanimous opinion that the Government had been guilty of a partisan action. In the end the Government were forced to resort to the creation of a new justice of the peace in the person of Mr. McMullen before they could get a man to take the position which Mr. Kirwan had occupied.

Mr. E. B. Johnston: Every justice of the peace in Kalgoorlie refused it.

Mr. GREEN: That was sufficient evidence that the Government were determined to penalise Mr. Kirwan as they had doubtless tried to penalise him on other occasions for the particular brand of politics for which he stood. He had much pleasure in supporting the motion.

Question put and passed.

PAPERS—ROYAL COMMISSION, MINERS' LUNG DISEASES.

Mr. HEITMANN (Cue): I beg to move—

That all papers in connection with the appointment of a Commission to inquire into miners' diseases be laid on the Table of the House.

As in the last case, I desire to know the reasons for the action of the late Government in connection with the appointment of this Commission. It is well known that the first Commission that was appointed by the then Minister for Mines (Mr. Gregory), included Dr. Cumpston, Mr. Montgomery, and Mr. Mann. I was asked to accept a position on that Commission. I first of all telegraphed to the Minister saying that I would rather dis-

cuss the matter with him before accepting, but at the same time, as he had sent to me an urgent request, I accepted. Shortly after, on being informed that the Commission would sit at an early date, in fact I think the date was mentioned, I came to Perth and found that there had been trouble between the Minister for Mines, who was also acting Premier at the time, and the civil service members of the Commission, namely, Dr. Cumpston and Messrs. Montgomery and Mann. It appears that provision had been made in connection with this Commission for the civil service members to get a certain stated remuneration. To this they objected, saying that they considered this special work and that they should receive the ordinary commissioner's fees. Mr. Gregory refused to pay them the fees asked, saying that as they received a civil service salary he considered a smaller sum was sufficient. It would appear that the dispute with these members was on account of the expense; that is the only reason which is apparent. It seems that he considered that the Commission was going to cost too much, and later on he decided that he would not have these civil service members on the Commission, and appointed others. In regard to the gentlemen who have been discarded, I believe we had in Dr. Cumpston a man who was not only fit and worthy to be a member of that Commission, but that if a Commission of 10 men were appointed throughout the world, he is qualified to be one of the first of those 10. Dr. Cumpston had shown on the previous Commission that he had a knowledge of the subject, he had industry, he was prepared to work day and night, and last but not least he had a good deal of sympathy with the unfortunate miners who were suffering from this trouble. I am inclined to think that Dr. Cumpston having on his first Commission proved a certain condition of affairs to exist, was looked upon with some degree of antagonism by Mr. Gregory.

Mr. SPEAKER: Did the hon. member say that he had reason to believe?

Mr. HEITMANN: I have reason to believe. This report was looked upon as a splendid document, revealing a great amount of work on the part of the Commissioner, and the reason I have for believing that they were antagonistic towards him was that they never even acknowledged his report, and after some considerable time, gave him a bonus, a very paltry bonus, for the work he had done. I say that Dr. Cumpston was the first man in Western Australia, in fact the first man in Australia, who should be on a Commission of this kind. Again, in Mr. Mann, the Government Analyst, we have one who is eminently qualified to fill a position of this kind. He had spent some considerable time in experimenting on the goldfields as to the effects of gases produced by explosions in mines. He had studied miners' diseases to a considerable extent, and was quite qualified to take a position on the Commission. The other gentleman, the State Mining Engineer (Mr. Montgomery) was one with whom I had often crossed swords, and taken exception to on more than one occasion because I believed that he was not doing his duty; but, at the same time, I recognised that if only for the criticism passed in this Chamber on his work, and the discussion in this House and the Press of the State on miners' diseases, Mr. Montgomery, as the technical head of the Mines Department, would be, to a great extent, acquainted with this matter. I was very willing, indeed, to accept a position on this Commission, for I believed that in the three gentlemen mentioned—the other gentleman I do not know—we had men who would have done something. Strange to say, in the place of the men who had been put o the Commission we have, firstly Dr. Jack as chairman. Now, to show that they could not have been financial reasons which induced Mr. Gregory to strike these men off the Commission, I may state that I am sure it will cost this country more by having Dr. Jack here than it would have cost with the old Commission. I am not aware of what sum they are paying Dr. Jack, but I am positive that he was not coming to Western Australia for two guineas a sitting; besides, there are the fares to and from Sydney, and expenses, which must amount to a very great sum.

Therefore I am of opinion that it was not financial reasons which actuated Mr. Gregory in removing these gentlemen from the Commission. I half suspect Mr. Gregory had found out that these three gentlemen had minds of their own and would have brought in a report irrespective of the Chamber of Mines or the influence of the Minister for Mines himself.

Mr. Mitchell: That is hardly fair.

Mr. HEITMANN: Have the late Government been fair to the miners of this State? They say, "It is hardly fair." Hardly fair towards a man who has persistently refused to do anything to improve the conditions of the miners, who has known for years that bad conditions prevail in the mines of Western Australia, has known for years that there are scores, hundreds of miners in Western Australia dying from this complaint. Yet I am told it is unfair to criticise them.

Mr. Mitchell: I did not say that. I said your remarks were unfair.

Mr. HEITMANN: I can find no other reason. I look back over the history of this agitation to come to the conclusion that this was the reason why he removed these gentlemen. Every time anyone spoke in this Chamber or expressed opinions in the Press in regard to this matter, the late Minister for Mines set out at once not to find whether bad conditions existed or otherwise, but to belittle or disprove if possible the statements made; and in view of this, I feel sure that great influence has been brought to bear upon the late Minister by a certain strong association in Western Australia. I believe that this association also disagreed with the personnel of the first Commission, because, as I have said, we had on that Commission men who would bring in a report without fear or favour towards any man. I want to know and I want the public to know why these men were not included on this Commission. It was the duty of the Government not to study finances so much, but to get the best possible men that could be procured to go into this matter. I do not wish to criticise the work of the present Commission, I hope they will do something; I hope as a result of their labours conditions in the mines will be improved; and if recommendations are brought in for fresh legislation, we have at all events for the first time in the history of Western Australian mining a sympathetic Minister at the head of the Mines Department. I do not wish to go any further. At some future date I will have more to say on this question.

Mr. MITCHELL (Northam): I have no wish to follow the hon. member into the argument he has used, though he has been distinctly unfair to the late Minister for Mines. The papers will enlighten us, and perhaps it would have been just as well had the hon. member waited for them before making a speech upon the subject. Mr. Gregory showed confidence in the gentlemen to whom the hon. member has referred by asking them to accept positions on the Commission. Mr. Gregory had a desire to do good. I believe, in all the work he did as Minister he was actuated by no other desire than to advance the interests of the men working in this industry. The gentlemen who were civil servants refused, so far as I can remember the facts, to serve on the Commission unless they were paid special fees. The Government, as well as the Minister for Mines, considered that the services of these high officials should be available. Of course they were entitled to something to cover out-of-pocket expenses, and perhaps a little more would have been given, but we were entitled to their services, and when we asked for their services we were entitled to get them. There was a principle involved in the refusal of these gentlemen to serve the country that employed them. We determined, therefore, when we received their refusal to serve except on the terms named by themselves, to appoint other gentlemen to do the work. I am not going to discuss the merits of those gentlemen who now sit or the merits of those who refused to sit, but I say the Commission will be just as effective, composed as it is, as it would have been had Dr. Cumpston, Mr. Montgomery, and Mr. Mann accepted positions. I have every desire that the country should know exactly what took place. I shall be pleased to see the papers laid on the Table. I hope members will peruse them, and I hope that

when the member for Cue, who is noted for his fairness, finds his remarks are not justified, he will withdraw them. I am sorry he has seen fit to attack the late Minister for Mines, who is not here to defend himself. During the discussions of the last fortnight that gentleman has been most ungenerously treated. However, I hope the papers will be laid on the Table. I am certain the member for Cue will be satisfied that the action of the late Government was perfectly right and proper.

Question put and passed.

PAPERS—MINING FORFEITURE, MIKADO.

Mr. TAYLOR (Mount Margaret) moved—

That all papers and correspondence in connection with the application for forfeiture of the Mikado lease, heard at the warden's court, at Laverton, on the 19th of August last, be laid upon the Table.

It was understood there would be no objection to the motion.

Question put and passed.

PAPERS—RAILWAY CONSTRUCTION, TAMBELLUP-ONGERUP.

Mr. PRICE (Albany) moved—

That the file in connection with the Tambellup-Ongerup railway construction contract be laid on the Table.

This motion also would not be opposed he understood. He moved it because during the recent elections there were serious allegations made in regard to the method adopted in connection with this railway contract. In justice to the State generally, in justice to the late Government, and in justice to the contractor, every opportunity should be given to ascertain whether there was any truth or not in those allegations.

The MINISTER FOR WORKS (Hon. W. D. Johnson): There was no desire to oppose the production of the papers; but as the railway was now in course of construction, and as it was necessary during the currency of the contract that the papers should be available to the Minister and to the Engineer-in-Chief, the hon. member might deal with them as soon as possible after they were produced so that they could be made available to the department. Mr. Speaker could release the papers at any time, but if the hon. member did not deal with them at once they would be tied up.

Question put and passed.

RETURN—SALARIES TO STATE SERVANTS.

On motion by Mr. S. STUBBS (Wagin) ordered: "That a return be laid on the Table—1, Showing the amount of money expended on salaries and wages from Loan Fund and Consolidated Revenue Fund for the month of October, 1911. 2, The number of persons who participated in this expenditure."

PAPERS — ARBITRATION ACT BREACHES.

On motion by Mr. A. A. WILSON (Collie) ordered: "That all papers (including telegrams from Messrs. Splatt, Wall, and Company to and from the department) in connection with the two cases for breaches of the Arbitration Act against the Collie-Burn miners on August 29 and September 27 be laid on the Table."

PAPERS—WOOD LINE, NALLAN.

Mr. TURVEY (Swan) moved—

That all papers dealing with the Government wood line at Nallan be laid on the Table.

There was not likely to be opposition to this motion. The Minister under whose control the matter came had no objection to placing the papers on the Table.

The MINISTER FOR MINES (Hon. P. Collier): Certain correspondence was proceeding between the Government and the company and it might not be convenient to produce the papers for two or three weeks. It was highly undesirable to put

the papers on the Table when negotiations were going on. With the understanding that the papers need not be produced for the next two or three weeks, he had no objection to the motion.

Mr. Turvey: That would be satisfactory.

Question put and passed.

RETURN — RAILWAY CONSTRUCTION, CONTRACT AND DAY LABOUR.

Mr. HEITMANN (Cue) moved—

That there be laid on the Table a return in connection with—(a) all railways constructed by contract during the last six years; (b) all railways constructed by the department during the last six years; showing—1, The amount of successful tenders and the names of the tenderers. 2, The amount of Public Works Department estimate. 3, Any increases during construction. 4, The amount of extras. 5, The actual cost of construction of each work. 6, Any general remarks as to the merits or otherwise of each work, as shown by subsequent traffic on the lines.

He said: I move this motion in order that we may once and for all decide which is the most beneficial to the State, the construction of our public works by contract or by departmental labour.

Mr. Taylor: The people have decided that.

Mr. HEITMANN: I want to confirm the view expressed by the people; I think they were very wise. I have contended all along that past Governments in this country have been the means of giving away many thousands of pounds of the taxpayers' money. It was argued by the then Premier during a debate last year in this House on the same question that the work should be given to contractors because they did better and cheaper work. During the elections letters appeared in the Press which endeavoured to show that at least in connection with the construction of the Mount Magnet-Sandstone railway, the departmental construction had proved very expensive, and later on the then Premier, Mr. Wilson, in Queen's Hall quoted cases of railway construction by contractors in order to prove to the country, not only that they were doing good for the State, but that they were—and it was the only conclusion that it was possible to arrive at—nothing more nor less than philanthropists, and that they were losing money. Mr. Wilson quoted as an instance the Marble Bar railway and said that the tender of Messrs. Smith & Timms was below the estimate of the Public Works Department. He, however, forgot to tell the people that Smith & Timms were well aware that they were dealing with a sympathetic Minister, and with one who had been a contractor all his life. Mr. Wilson also forgot to say that shortly after the commencement of the work the price of the tender was increased by over £20,000. Many cases can be quoted to show that the department can construct a railway line, and do better work in a shorter time and at a cheaper rate than contractors. I believe there is already in the department a statement which was prepared some 12 months ago, showing the actual results of the work carried out by the department, and for purposes of comparison the work performed by contractors over a period of five years. I am led to believe that this document proves that the department not only constructed these works successfully but that they saved thousands of pounds, that is to say they were completed at a cost which was considerably below their own estimate. It is said that the contractor does better work. How is it possible for that to be so, when it is the contractor's only ambition to complete his work. If I were a contractor, my idea, at all events, would be to get the final certificate signed. Is it reasonable to suppose that the contractor under these circumstances will do better work than the department? As a matter of fact it has been proved in the State that after railways have been handed over it has been necessary to expend large sums of money on them in order to put them into fair running condition.

Mr. Mitchell: That refers to departmentally constructed lines as well.

Mr. HEITMANN: Not to the same extent. It stands to reason, on the one hand, that there is an incentive to slum the work.

Mr. Mitchell: But what about supervision?

Mr. HEITMANN: They get through that somehow with a sympathetic Minister.

Mr. Mitchell: The Minister does not supervise.

Mr. HEITMANN: Let me tell the hon. member how they get over these things. In the case of the Meekatharra railway the engineers said that the tender of the contractor was much too high, and the very next sheet on the file contains a memo. from Mr. Wilson to the effect that Messrs. Smith & Timms had on that day waited on him and he had given them the contract under a certain reduced price. It was a good many thousands of pounds at that time over the estimate of the Public Works Department. That is how they overcome the difficulties. Departmental construction is a failure when it is the desire of a Government to show that the contractor can do the best and cheapest work. At any rate we cannot get away from the fact that hundreds of thousands of pounds of taxpayers' money has gone not only in the amounts given for the works themselves, but in extra charges, and in freight and fares, during the time the contractors had occupation of the completed line. This large sum of money has gone into the pockets of the contractors as a result of the system adopted, or at all events the system continued by the late Government. It has been stated that we have not the engineers in Western Australia capable of carrying out the construction of our railways. That is a most ridiculous statement; as a matter of fact the State has trained some of the engineers who are now constructing railways for the contractors. I am not surprised at our capable engineers leaving the service of the Government because they have never had any sympathy extended to them. Mr. Wilson declared that it was not possible to get engineers, but, as I have already stated, the gentleman who constructed the Black Range railway, and who also built the Bullfinch railway in record time, and under the estimate to the extent of 18 per cent., and who carried out the last section of the Dowerin-Merredin line, and also the Dumbleyung extension—three railways going at the one time, had completed 14 or 15 years' service when he undertook the Black Range line. At that time the Government were paying him less than £200 a year. We have in Western Australia some of the ablest railway engineers it is possible to find in any part of Australia, but we do not give them any encouragement. I hope the Minister in charge of the Works Department will at the earliest moment give recognition to the demands of these men. Up to the present time they have never received fair play. Men who were in receipt of £200 a year from the department left the service and were immediately given £500 and £600 a year by railway contractors, the very people to whom we are paying big prices to construct our railways. I am convinced that the department with proper supervision can construct railways with advantage to the State. I desire to assist the Minister for Works to give effect to this principle which we have been advocating for so long. I want to save the taxpayers' money as much as possible. We have played havoc with it in regard to railway construction too long. It might be said that it is loan money, but it is nevertheless the money of the taxpayers. When the return is presented I believe it will show that the system which is most beneficial to the State, is the construction of our public works, particularly the railways, by the State.

Mr. TURVEY (Swan): I second the motion.

THE MINISTER FOR WORKS (Hon. W. D. Johnson): I would have preferred to have heard a little discussion on the matter which has been brought forward by the member for Cue, because time permits and, judging by utterances during the election, there is a big difference of opinion as to which is the soundest policy from the point of view of the State. Personally I hold very strong views on the question, and I believe that when a Minister admits that a contractor can do better

work than the department's engineers, he is admitting incompetency on his own part as an administrator and casting a reflection on his engineers. With the hon. member for Cue I hold the highest opinion of the Public Works engineers, particularly those who are entrusted with the work of railway construction, and it is true what the hon. member has stated, that we are fortunate in possessing some of the best engineers, and the best authorities on railway construction. That is largely due to the fact that they have had a great deal more experience than the average engineer because we have constructed so many miles of railways in the State. But, dealing more particularly with the subject under discussion, that is departmental construction, the reason that the department can do work better and more cheaply is simply because they can keep their plant and not be compelled, as the contractors are, to constantly sell and purchase plant. The difficulty in the old days with regard to departmental railway construction was the fact that each proposition carried with it the purchase of the necessary plant, and immediately the line was completed, then the Government sold at a sacrifice the plant that they had purchased. Then another line came along and another purchase of plant was made, and then again it was sold. A few years ago when I was Minister for Works I decided to get together a railway construction plant, and to have it purchased from a suspense account, and have the use of it and charge it up against each railway. The result was, and in this House I have challenged contradiction, that the railways constructed during that term were the cheapest and best built lines in the State.

Mr. Mitchell : Where were they ?

The MINISTER FOR WORKS : We constructed the Narrogin to Collie, and the Jandakot to Armadale lines—those are two anyhow.

Mr. Mitchell : Not the Armadale line.

The MINISTER FOR WORKS : There was practically no break between the completion of the Fremantle to Jandakot and the Jandakot-Armadale line ; the Bill for the extension had been passed and I think the same organisation carried it through. The point I want to make is that it is the plant, combined with practical men in control, that makes it possible for the department to do the work cheaply but well. That applies to a big work, and more particularly to railways and water conservation, because, after all, it is necessary to have a special plant for dam sinking and such like. It applies in a different manner as far as smaller contracts are concerned. For instance it would never pay the department to construct, say, a building at Day Dawn. There you have a local contractor with special plant on the spot, and to send your organisation all the way from here, and cart your plant, would make the work too expensive as compared with the price at which the local contractor would do it. That is why I have often said that in running a department, while for several reasons the guiding principle should be to do the work departmentally, still it would be a mistake to lay down a hard and fast rule that all work had to be done by the department ; because in many small jobs you cannot compete with a contractor who has a plant on the spot, and can do the work immediately. But there are occasions on which you cannot get any competition in respect to certain work. It is generally considered that work is not very brisk at the present time, yet only to-day I had a file before me for a contract running into a fair amount, but for which there were only two tenders, and I am sure that the lower was altogether too high in comparison with the departmental estimates. In such cases if the contractors will not compete, and you cannot get a fair tender, then you have to do it departmentally. That has been done on previous occasions, and I venture to say will be done again in the future. But I desire to take this opportunity of explaining that when we talk of departmental construction it applies more particularly to big concerns, and that when we get to small petty work this is essentially work for contract. That is the policy being carried out at the present

time, and which is calculated to bring the best possible results.

On motion by Mr. Mitchell debate adjourned.

PAPERS — DOODLAKINE LAND SALE.

On motion by Mr. PRICE (Albany), ordered: "That all papers in connection with the sale of Lot 10, Doodlakine townsite be laid on the Table of the House."

BILL—DIVORCE AMENDMENT.

Second Reading.

Mr. HUDSON (Yilgarn) in moving the second reading said: Permit me, Sir, to seize this, my first opportunity, of congratulating you on your elevation to the Speakership. The amount of energy you have displayed in connection with the party now dominant in the House fully merited such a reward. In moving the second reading of the Bill I would like to point out that inasmuch as the measure has only just now been placed before hon. members I intend to confine myself to an explanation of its effect, and not to put forward any particular ground for its acceptance. I hope the Bill will receive discussion in the Chamber, in which case I shall have an opportunity at a later date of replying to any objection which may have been raised. As you will see, the object of the Bill is to bring up to date the divorce laws of the State. No doubt it was anticipated in many quarters that a comprehensive measure in connection with divorce would have been brought down ere this in the Federal Parliament. However, I have it on authority that there is no possibility of that being done during the present session of that Legislature, and I see no reason why we in Western Australia should delay any further the bringing of our legislation up to date. The first clause of the Bill is one only of title. The second gives really the whole principle of the measure. Under the ordinance which it is sought to have amended it is provided that it shall be lawful for any husband to present a petition praying for a dissolution of his marriage on the grounds of adultery, and it is also provided that it shall be lawful for any wife to present a similar petition on the ground that since the celebration of her marriage the husband has been guilty of—and then follows a number of offences, which restrict the right of the wife to obtain divorce. Under the amending Clause 2 of the Bill the Act will then read:—that the wife may present a petition on the grounds that her husband has been guilty of adultery, sodomy, or bestiality; and it shall be lawful for any married person to present a petition to the Court praying that his or her marriage may be dissolved on the ground that since the celebration thereof his wife or her husband, as the case may be, has without just cause or excuse wilfully deserted him or her, and without any such cause or excuse left him or her continuously deserted for three years and upwards. Clause 3 provides for the repeal of a portion of the Section 23 under review, because there will no longer be any necessity of those words after the amendment. It is practically consequential. So, too, in regard to Clause 4. Clause 5 is a safeguard to be placed in the hands of the judge of the divorce court, with a view to preventing collusion between the parties, and generally to give His Honour the right to refuse divorce on the grounds of desertion if he thinks that the application should not succeed. To summarise, the object of the Bill is to afford grounds of adultery to the wife equally with the husband, and to add to our present law the right of both parties to apply for divorce on the grounds of wilful desertion for a period three years and upwards. I do not think that either of those grounds can meet with any reasonable objection, and I purpose, therefore, leaving it entirely to the Chamber in order to see what objection members may have. It is true that in regard to the first point we may be going a little beyond that which obtains in other places, but with regard to desertion our existing legislation is far behind the times. In most of the Australian States desertion for the term stated in the Bill has been already accepted as a rea-

sonable ground for the granting of divorce. There may be sentimental objections to the measure, but I am inclined to think that no strong reason will be raised against the passage of the Bill. I move—

That the Bill be now read a second time.

Mr. PRICE (Albany): I rise to second and support the second reading of the Bill. I do so because I think the day has long since passed when in an allegedly progressive State such as this the divorce laws should be brought more into line with those which obtain in other parts of the world. For my part I fail to see why one party to the marriage contract should have a freedom which is denied to the other party. This Bill, to a large degree, tends to place the two parties to the contract on equal terms. As a matter of fact our present divorce law is a relic of ancient times, when the feminine party to the contract was looked upon as being very little better than a chattel of the male contracting party; and whilst I think every member is desirous of respecting in every possible way and holding inviolate the marriage tie, I certainly can see no sentimental grounds why this Bill should not be acceptable to all. As a matter of fact, the day has long since passed when we looked upon women as inferior to man. Physically she may be, but when it comes to a matter of dealing with the contract of marriage there can be no sentimental, and certainly no practical, reason why the two parties should not be placed on exactly similar ground. To-day there are cases in this State, many of them probably known to every member in this Chamber, where our ridiculous divorce law compels people to be bound together under conditions which certainly do not tend to the welfare of the community as a whole; and whilst I do not intend to make a long speech on this subject, I feel sure that every member can call to mind cases which certainly warrant unanimous support of this amending Bill. To-day the one contracting party to a marriage, the male, is a liberty to do certain things which are absolutely denied to the other, and may I point out that whilst it may cause hilarity and amusement to some hon. members, it is a serious matter to the unfortunate woman, in exactly the same way as it is a serious matter to some men who find themselves in a position where they cannot break that tie which, after all, is largely sentimental. The time is past when we should allow these old relics of barbarism to dominate our social system. I do not suggest that we should weaken the tie which binds men and women together, and operates in keeping inviolate the home life of men and women, but we should realise that what is right for the man is right for the woman. This Bill aims to place the two parties on an equal footing, and to extend to the other the right we at present allow to the one. For these reasons I have pleasure in seconding and supporting the second reading of this Bill.

Mr. LANDER (East Perth): It gives me very great pleasure to congratulate the member for Yilgarn on bringing this Bill forward, for I think the time has arrived in Western Australia when in this mater justice should be meted out to the woman in the same way it is at present meted out to the man. Under our present divorce laws, as was pointed out by the preceding speaker a man can do as he likes, and as that member stated, some of us have in mind men who are doing as they like. I am sorry to say that I could enumerate a few who are doing as they like, and who are holding high positions in this place. I hope for the time to come when we can brand these men as they should be branded. We have to thank women for the position we are in to-day, and when Bills like this come forward it is our duty to support them in a practical way, both by our utterances and by our votes. Therefore, it gives me great pleasure to support this Bill, and I hope that it will be carried.

Mr. MITCHELL (Northam): I move—

That the debate be adjourned.

The Minister for Justice: No; let us get something done.

Mr. Hudson: Pass the second reading and we can postpone the Committee stage.

Mr. Mitchell : The Bill has just been brought down and we cannot be expected to deal with it.

Motion (adjournment) negatived.

Question put and passed.

Bill read a second time.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

The MINISTER FOR JUSTICE (Hon. T. Walker), in moving the second reading, said : The measure that I have the privilege to introduce this afternoon is one that does not in its fullness satisfy me, but which I introduce as a very necessary piece of legislation, and one which will be the groundwork of further advance in our humane treatment of criminals. There is no branch of the law that has remained more backward, amid all the progress of events in the development of our modern type of civilisation, than the criminal laws. Our forefathers evidently deemed it necessary to think of the criminal much as we think of animals, as something distinct and apart, and separated irreparably from the rest of society. It is only quite recently that we have learned to look upon the criminal as a member of the human family, but even to this hour it is our habit to look upon the criminal as undeserving of sympathy, and there are members of the population who take a pride, a positive pride, in the exhibition of aversion to criminals. Now, this Bill aims at showing a little bit of feeling, at least, for the criminal. It does not condone crime, or diminish the hatred of crime which should exist in all rightly constituted communities, but it does start upon this postulate that even the criminal is a part of the human family, and if the session permitted and the opportunity were ripe I should wish to go further ; I should wish to treat that portion of the community, that portion which is especially of the character called habitually criminal, not only as part of the human family but a diseased section of the human family. My views of the criminal starts from my conception of the human family as one human organisation. Though individuals are separated, and each of us here has his own individuality, his separate focus, if I may use the expression, of egoism, yet there is a spirit of altruism that binds us all together and links human hearts, even though they beat asunder, in sympathy and unison. The human family is one. Microscopically if we examine a drop of blood of any one of us, we should find it consisting of millions of minute corpuscles, each of them having its separate identify, and each of them performing something in the nature of the functions of life in the economy of physiology. So it is with the human family. Each individual is a corpuscle of the human race, circulating and vitalising the whole of the community ; and just as our blood may become poisoned, perverted, or diseased, so in the human society certain sections of it become poisoned, perverted, or diseased, and the diseased portion is the criminal, or, if members prefer it, the insane portion of the community, however small or however large. And just as we try to cure the individual by antidotes to the diseases so I believe criminals of society are to be cured by special treatment and antidotes to their diseases. In other words, criminals, in my view, are not so much creatures to be hated as they are creatures to be pitied and specially treated. More especially do I take this view when I become conscious of the fact that many of the unfortunates who drift into the avenues of crime do so because of the inequitable conditions that pervade society, because of the uneven opportunities that are given to some, and because of the privations that are heaped upon the many. The very question of our food supply touches this matter of crime, for if we for generations starve parents, if we do not give them that natural nutrition that builds up health—and health implies happiness, and happiness leads to morality—if we do not give them proper nutrition, we are bound ultimately to have from those par-

ents offspring diseased in nerve, diseased in moral force, and absolutely incapable of the exercise of that will power and self restraint which keep one from that degradation called crime. Now, this Bill, therefore gives the first start by showing some compassion for those who are called habitual criminals. It seeks to give them a chance, and it seeks to give them more than a chance; it seeks to put them, if I may use the expression, under observation and more kindly treatment. It is one of the glories of what we may call the Victorian era, the reign of Her Majesty, Queen Victoria, that we have made immense strides in criminal law, in the treatment of the criminals upon trial and in our sympathies for them. I do not wish at great length to weary hon. members, but I think it would be interesting just to briefly state, in the very condensed form given in Edward Wavell Ridge's *Constitutional Law of England,* the advancement made in criminal law since the Revolution. Before the Revolution of 1688 a person accused of any crime stood in this position—

> No notice was given him of the evidence to be produced against him.

He was kept more or less in secret confinement and could not prepare his defence.

> There were no rules of evidence, nor was he confronted with the witnesses; he had no counsel before or at trial; he was not allowed to call witnesses on his own behalf; if he did they were not examined on oath.

A man accused of a crime was virtually convicted before he entered the dock; his word went for nothing; he never knew, unless he hard of it surreptitiously or in a roundabout manner or could guess at it, exactly what crime he was charged with; he could get no advice as to how he should defend himself; he did not know what witnesses he would be confronted with; he could not call witnesses on his own defence; he was absolutely helpless; that was the position prior to 1688. It is since then we have commenced to look upon the criminal even as a section of the human family, and since 1688 we have made these steps of importance—

> In 1695 (7 & 8 Will. III., c. 3) persons indicted for high treason or misprision of treason were to have a copy of the indictment five days before trial.

That was a great step in advance. If they were accused of that awful crime of treason—it was an awful crime in those days—five days before the trial they could have copies of the indictment.

> They could summon witnesses on oath and counsel were allowed to defend them.

That was a reform at that time which was considered by some to be a positive revolution. Some people prophesied the very dissolution of society. In 1708, so recently as the beginning of the eighteenth century a prisoner—what a privilege this was to him—"could have a list of the witnesses and jury ten days before trial." Then "in 1702 in treason and felony"—here is another advance; because felony was not treated as treason was treated in the first step; a man accused of felony could not have these privileges; but in this year those accused of treason and felony could call witnesses and those witnesses could be sworn. If they gave false evidence they could be accused of perjury. Ridges continues—

> By 6 & 7 Will. IV., c. 114, all persons accused of felony may be fully defended by counsel.

One would have thought they could have had that privilege from the first advance.

> And a person committed for trial or held to bail may have a copy of the depositions of the witnesses taken against him. Now by the Criminal Evidence Act of 1898 every person charged with an offence, or the wife or husband of the person charged, is rendered a competent witness in all cases, but only upon the application of the person charged and subject to the provisions of the Act.

These are indeed great reforms; but observe how recent they are. Whilst law in all other respects was making prodigious advances and becoming humanised, logical and reasonable, whilst methods of trial and procedure were losing all their primitive archaic types, this form of law ling-

ered behind and we still treated the criminal as a sort of anomaly that was to be fenced off and no human sympathy shown to him unless it could not be helped. That was the position and is to this day more or less the position in spite of all these advances. Here in this State we have had no court of appeal for the criminal up to now, and this measure is the first step towards it. I am proud to say that in England, that country that has always set the lesson of humanity to the world, they have had an appeal court, but only of recent years. This Bill now, so far as it makes provision for an appeal for criminals, is a copy, with some slight alterations, which I shall indicate, of the Act that was passed in the mother country only a few years ago. The Bill introduced now has practically two purposes. First of all it establishes this appeal court so necessary to a prisoner, and, I can say more, so necessary to justice; because, although we have had a Court of Crown Cases Reserved whereat points of law could be argued, if the point of law went in favour of the prisoner the prisoner was released, and that was not always justice. A prisoner may on a technicality escape the just penalty of the offence; and though there is less harm in letting off a guilty man than in punishing the innocent, it is not satisfactory to our sense of the fitness of things that a man known to be guilty of a charge should be allowed to escape a penalty simply on a technical point. Hitherto we have had no chance of having a complete review of a case upon its merits, upon the facts presented, of dissenting from or questioning the sentence of the judge and the verdict of the jury. Now this Bill provides it. But there is another provision of this measure that runs *pari passu* to the other section. It is the provision for the treatment of habitual criminals. I do not like the name myself altogether, but I can think of no better one in the phraseology of the law. It means a prisoner who, having been convicted of a crime many times, is again brought up for trial on a charge of a like character or the same class. After he has been convicted of the crime with which he is charged, he can be charged on the strength of the previous convictions with being an habitual criminal and so can make himself liable to be taken from the world at large and separately treated, so to speak treated as though he needed the watchful eye of the sympathetic authority. There are certain crimes of a special character which would make a prisoner liable to be treated as a habitual criminal. In Clause 9 members will see the definition of an habitual criminal. The caluse says—

> Every person shall be deemed to be an habitual criminal who (a), commits any crime comprised in Class I., II., or III. (of the Criminal Code) mentioned in the table at the foot of this subsection, after having been twice previously convicted of a crime of the same class.

Mr. SPEAKER : The hon. member must not discuss clauses on the second reading.

The MINISTER FOR JUSTICE : I am not discussing the clauses. I am obliged to explain what these classes of crimes mean as they are put here without reference.

Mr. SPEAKER : Reference may be made to the page of the Bill.

The MINISTER FOR JUSTICE : I want members to be able to fix their eyes upon the points in the page. I want members to know to what classes of crimes these matters refer. Class I. refers to murder, attempted murder, manslaughter, conspiracy to murder, inflicting grevious bodily harm, unlawful wounding and such like crimes. Class II. refers to offences against morality, unnatural offences, defilement of girls, incest, rape, abduction, etcetera. Class III. relates to injuries to property, such as arson, obstructing and injuring railways, injuring animals, malicious injuries in general, sending letters threatening to burn or destroy, etcetera. If an individual commits these crimes twice and he is afterwards charged on a third occasion with the same or like offence, if he is found guilty—and not before—there can be a second count charging him with being an habitual criminal. There are other offences referred to at the foot of page

3 of the Bill which deal with other classes of crime, and these refer to such things as stealing, burglary, coining, etcetera. I think hon. members will agree with me when I say that a man who has been twice convicted of an offence against morality and is brought up a third time for the like offence, exhibits a type of character or mind or disposition which shows, if I may use the expression without being too light in my utterances, that he cannot help it, that it is in his nature, that he is diseased morally to that extent that, if let loose on society, these offences will be committed at every opportunity he can find, or are likely to be committed at such opportunities. It is therefore for his own good as well as for the protection of society, seeing he has this habit of crime, that a man should be isolated from the rest of the community and specially treated with a view to his cure, with a view to his betterment, as well as, I say again, the protection of society. The Bill provides for that. It provides that a man twice convicted of this offence may be charged when he is brought up on the third occasion with being an habitual criminal, and for the lighter offence if he has been thrice convicted, on the fourth occasion he may be charged with being an habitual criminal also, and when so charged and found guilty he is to be kept in confinement. It is true the confinement is to be of a special character. The Bill provides that he shall be allowed, or rather made to work at some trade, work or calling, and whilst he is at that work, he shall be paid some remuneration, or granted some allowance at the discretion of the Governor. This remuneration or allowance may be disposed of at the discretion of the Governor for the support of the man's wife or his children, or his relatives or any dependants upon him, or if he has none of these, then that money shall be at his disposal after he has served his term as an habitual criminal, to enable him to get on in some other calling afterwards. The object of that is to try and look after the criminal so that he may be fed and kept employed. Idleness is a great source of crime. The merely putting of a person in a cell, and keeping him a useless object in gaol, neither benefits that person nor society. I take it that a civilised community wants to bring back even its most degraded to respectability, and to honourable positions again, if that is possible. Under the treatment proposed in this Bill we shall be able, if we so wish, to take our prisoners outside the four walls of the gaol into the country, and put them to work, possibly on far off lands which we are clearing. We tried that experiment at Hamel some years ago, but it was not altogether a success. That, however, was because there was not a proper spirit, nor was there proper management. We might be able to utilise these people to clear our lands and to teach them some degree of farming, or engage them in assisting to open up the country. All this, however, is not to be done for nothing. The prisoners shall be paid, and if they show whilst they are there, a return to moral sanity, then by this Bill they can be granted a license from the Governor and they can be allowed to go out under supervision for a time, provided they keep out of harm's way. If they are not convicted of any offence within three years under this license, they can mingle once more with the world, and have their chances as other mortals have, and before that time if the Governor sees by their character, even from reports, that these people show they have had the moral tissue built up as well as physical strength, they may be granted their freedom, and they may start life afresh. The Bill takes a real interest in the prisoner because it says, in addition to your gaoler though you be a prisoner and shall be looked after as a prisoner for the purpose of coming under the Prisons Act, in every place proclaimed by the Governor as the place of confinement—this merely meaning the name of the locality where they are placed—committees of citizens shall be formed and once at least in every six months these committees shall interview the prisoner and see whether he is receiving proper treatment and proper care, and that his health is looked after,

and whether he has any complaint, and whether his mind and moral sentiments are growing in a more rightful way. By these reports the Governor is kept more or less in touch with what is progressing in these open air reformatories, and, if it be wise to allow a person to go out and be a servant or take employment, and if it be wise that he shall be granted absolute liberty at any stage because of the good character he displays, and good conduct, there will be no difficulty in allowing that prisoner to go at large and again mingle with the community. I think these are steps in the right direction, and I am in hopes that when the system has been experimented with we shall be able to do what they have done in America in the Elmira institute, through medical treatment, and through moral agencies for the prisoners under confinement. We shall aim only at the absolute cure of a criminal by better conditions, and by better treatment of those who fall into the ruts and dire meshes of crime. I want to mention one departure that this Bill makes from the English Act in the way of a court of criminal appeal. We give the Attorney General power to refer petitions to the Appeal Court. We know how difficult it is for Attorneys General to advise the Governor upon any particular case, the sentence in connection with which may have been for a political offence, or in connection with the case of a prisoner who might have been prominent in some political party. I am quite convinced that there have been some prisoners kept longer in gaol than they would have been simply because the Attorney General of the day was afraid to recommend mercy, or a remission of the sentence, because that particular prisoner at one time was a prominent member of the political party to which the Attorney General belonged. I feel convinced of that. That puts the Attorney General in a difficulty. The matter is simplified under this Bill. If a petition is signed for the purpose of any remission of the sentence of a particular prisoner, and there be any points in doubt in the mind of the Attorney General, in the matter which should be decided by the Court, the Attorney General can submit the petition to the court for its decision, and in this way justice may be done on stricter lines. The Bill also provides that if a prisoner appeals from a sentence in a criminal court the judges may order a new trial. In the old times it was that you should either approve the sentence or dismiss it, but under this Bill a prisoner can apply to the court and the court can consider all the matters of detail, and, if necessary, order a new trial. The prisoner can appeal, say, on the nature of the sentence, that the sentence is too long, and the court can alter that sentence. In other words great power is given to the Appeal Court to do justice in accordance with the facts presented at the appeal. There is this distinction between our Act and the English Act that we allow also the Crown to appeal. In England the criminal can appeal if there are just grounds, but the Crown has no right to appeal. The benefit is given entirely to the criminal. It has been thought wise, however, and judges in England have expressed the view that where there is the point of law involved, on that point of law only the Crown may appeal. This Bill does not propose in any sense to interfere with the verdict of the jury on the facts, but where there has been a clear misdirection by the judge, then the Crown can appeal, and on that point only the court may decide. These are the salient features of the Bill. I may have omitted some details of an interesting character, all of which will be met with as we go through the Bill in Committee clause by clause. I do not want to claim credit for originating this measure in any sense; my predecessor in office had proposed something very similar. Much of this law is already in force in New South Wales, and, as I have already said, the Appeal Court is already law in England. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Mitchell debate adjourned.

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

The MINISTER FOR JUSTICE (Hon. T. Walker) in moving the second reading said: This is a measure to simplify the procedure of the local courts. As a matter of fact it is more difficult at the present time to launch an action in the local court than in the Supreme Court. It is a completely baffling process to a layman to start an action there, say for the recovery of £1 or £2, and to even those who have some legal training there are very often difficulties and more expense than is necessary. Now an idea of the difficulties laymen have to contend with is well expressed by a solicitor who writes on the county law practised in England, which is pretty well what we have copied in our local court, as follows:—

> To the ordinary tradesman and the tradesman's ordinary clerk who proceed in the county court the practice appears to be the most annoying and unfathomable technicality and chaos, which he hesitates with pardonable timidity to embark upon, but when once launched shuffles through the intricate procedure with far more worry over the necessary formalities than is justified by the claim which he is seeking to press, and often regrets that he embarked upon a series of petty worries and annoyances in order to collect the few pounds due to him.

Mr. Mitchell: Are we not to have a copy of the Bill?

The MINISTER FOR JUSTICE: I thought the Bill had been distributed. It seems that it has not, and therefore it is hardly fair to proceed.

Mr. SPEAKER: The Minister had better move for a postponement. We cannot proceed without the copies of the Bill.

The MINISTER FOR JUSTICE: I have no alternative. I move—

That the Order of the Day be postponed.

Mr. UNDERWOOD (Pilbara): I think the difficulty has been fixed up, and therefore I wish to oppose the motion.

Motion put and negatived.

Mr. Mitchell: Are we not to have copies of the Bill?

Mr. SPEAKER: They are being distributed now.

The MINISTER FOR JUSTICE: In the circumstances I shall proceed. As the matter stands let us suppose that a man in business in Perth has a small account, say of one pound, owing to him, and the debtor will not pay. What has the business man to do? He has to prepare a præcipe for a summons. He has to prepare two particulars of demand, and affidavit for leave to issue summons, and a copy thereof, and also a plaint note and a summons in duplicate, or eight documents in all. He then applies for leave to issue summons and then, and only after all these formalities have been complied with, can he issue it and proceed. After the summons has been served, unless he has taken the precaution of issuing a default summons, he must attend personally, or by his solicitor or agent in open court to move for judgment, and that even though the defendant has not any intention of defending the action. In the Supreme Court such a roundabout process would not be tolerated. If I choose to bring any action against a defendant in the Supreme Court, and the defendant puts in no appearance, has no defence, I can get my judgment. Judgment goes by default, but not so in the little local court. Here, although my debtor has no defence, does not intend to defend, puts in no appearance, takes no step at all, I am obliged to go down to that court in person or by solicitor and move for judgment before judgment can be entered up. This is not only a waste of time, but it is also a waste of money. The object of the Bill is to simplify this procedure. Under the Bill there will be no necessity for giving leave to issue the summons, and we thus abolish the affidavit and the copy thereof. In other words, we lessen the expense of the process to that extent; and we do more than this, for in the Bill as we have amended it we have allowed for the

changing of the court. At the present time the Act provides that a man may bring a defendant either to the court where he resides, or to the court where he resided during the last six months, or to the court nearest the place where the action wholly or in part arose. But the plaintiff has no choice of court other than those mentioned. The Bill provides that the plaintiff may take his court anywhere. Suppose a man has a creditor at Northam; he may bring his case in the Northam local court, and serve upon the defendant wherever he may live. Unless the defendant objects, the plaintiff can obtain his judgment in the court of Northam. The advantage is this: In 90 out of every 100 cases no defence is entered, and so far as justice is concerned it does not matter in what court the judgment is obtained, so that suing in the court at Northam would facilitate and cheapen matters, and in the event of no defence the judgment obtained there would be just as good as if obtained anywhere else. But we do not forget the defendant. If he objects to the court he can file an affidavit and say, "I want this case tried nearest to where I reside, or nearest to where the action arose." Automatically, as it were, the clerk of the court transmits the papers to that other court, and the court selected by the defendant is the court of trial, giving leave, of course, under circumstances where special matter is concerned, to either party to appeal to a judge in chambers for an alteration in the court. For instance, if a creditor living in Northam desires to sue in the court at Northam, but the defendant does not desire to go there, urging an objection to having it tried where the plaintiff lives, on the score of prejudice or other difficulties, then the matter can be taken to a judge in chambers, just as can be done now. Those are the main features of the Bill, the cheapening of process all the way through and the allowing of judgment to be taken by default in the same way as in the Supreme Court. There are no complications about the measure, and I think I need not explain it any farther at this stage. Whatever matters require further explanation I will deal with them as we come to them clause by clause. I move—

That the Bill be now read a second time.

On motion by Mr. Mitchell, debate adjourned.

House adjourned at 4.42 p.m.

Legislative Assembly,

Thursday, 16th November, 1911.

The SPEAKER took the Chair at 2.30 p.m., and read prayers.

SWEARING-IN.

Mr. F. Gill (Leederville) took the oath and subscribed to the roll.

QUESTION—DOG POISONING, PINGELLY.

Mr. TAYLOR (for Mr. Lander) asked the Premier: 1, Has his attention been drawn to the wholesale poisoning of dogs at Pingelly? 2, Will he take action to have those guilty of such actions brought to justice, if possible?

The PREMIER replied: 1, No; but several complaints have been received respecting individual cases of dog poisoning. 2, The utmost vigilance will continue to be exercised by the police in the Pingelly district in regard to the complaint.