

brought in to aid societies, and I now move that it be read a second time.

Question—put and passed.

ADJOURNMENT.

The Council, at 5.20 p.m., adjourned until Wednesday, 14th December, at 8 o'clock p.m.

Legislative Assembly,

Tuesday, 13th December, 1892.

Scab Act, 1891, Amendment Bill: first reading—Federal Council Referring Bill: first reading—Manufacture of Wines Bill: first reading—Jury Exemption Bill: first reading—Industrial and Reformatory Schools Bill: third reading—West Australian Trustee, Executor, and Agency Company, Limited (Private) Bill: report of select committee—Public Health Act Further Amendment Bill: recommitted—Police Act, 1892, Amendment Bill: further considered in committee—Companies Bill: received from the Legislative Council: first reading—Message from the Legislative Council assenting to Bills—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

SCAB ACT, 1891, AMENDMENT BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

FEDERAL COUNCIL REFERRING BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

MANUFACTURE OF WINES BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

JURY EXEMPTION BILL.

Introduced by the ATTORNEY GENERAL, and read a first time.

INDUSTRIAL AND REFORMATORY SCHOOLS BILL.

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

WEST AUSTRALIAN TRUSTEE, EXECUTOR, AND AGENCY COMPANY, LIMITED (PRIVATE) BILL.

On the motion of MR. LOTON, the report of the select committee on this Bill was adopted.

PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

On the Order of the Day for the third reading of this Bill,

MR. TRAYLEN moved that the Bill be recommitted, with a view to making certain amendments.

Agreed to.

IN COMMITTEE.

Clause 3.—Power of Local Boards of Health to make by-laws for certain purposes :

MR. TRAYLEN said that, in sub-section 1 of this clause, requiring all cess-pools to be cleaned to the satisfaction of the Inspector within a calendar month of notice to that effect being given, he had omitted to state to whom this notice is to be given. He now proposed to add the words "to the owner or occupier"—which was the phraseology used in the principal Act—at the end of the sub-section.

Amendment—put and passed.

MR. TRAYLEN moved to strike out the words "by a licensee," in sub-section 4 of the same clause, which read as follows: "Fixing the charge which may be made (by a licensee) for removing each receptacle and replacing it by a clean one, and for any other sanitary service." The necessity for striking out the words "by a licensee" had been occasioned by what had been done at a meeting of the Perth Local Board of Health the other evening.

MR. R. F. SHOLL asked the hon. member to state what had been done at the meeting referred to.

MR. TRAYLEN said that nothing had been definitely arranged, but for some months past the Board had been working on the assumption that a contract would be arranged for the removal of night-soil, under the double-pan system; but mem-

bers of the Board who were present at their last meeting seemed disposed to view with favor a proposal that this work should be undertaken by the Board itself. In that case it would be rather awkward to allow the sub-section to remain as at present worded.

Amendment—put and passed.

Clause 4.—Local Board may make orders applying to premises outside a defined area:

MR. TRAYLEN moved that in line 6 and in line 10 the words "owner or" be inserted between the words "the" and "occupiers." The object of the amendment was to bring the language of this clause into conformity with the language used in the principal Act.

Amendment—put and passed.

Bill reported, with amendments.

POLICE ACT, 1892, AMENDMENT BILL.

The House went into committee for the further consideration of this Bill.

IN COMMITTEE.

MR. MONGER moved that the following new clause be added to the Bill, to stand as Clause 15: "Upon the trial of any offence under this Act which is punishable on summary conviction, the defendant, and the husband or wife of the defendant, shall be competent, and compellable to give evidence." He believed that under the Act, at present, no defendant in cases punishable on summary conviction was entitled to give evidence, nor was the husband or the wife of a defendant; and in some recent cases that had come before the Police Court he believed it was found that had a clause like this been in existence some rather important evidence, which had to be kept back, could have been given. He understood that the Attorney General had no particular objection to offer against the clause.

THE ATTORNEY GENERAL (Hon. S. Burt): I am not sure that I will vote for it.

MR. MONGER: I understood the hon. gentleman to say last night, when I gave notice of it, that he had no particular objection to it.

THE ATTORNEY GENERAL (Hon. S. Burt): I said I would think it over. Under the present law, wives and husbands who are parties in criminal pro-

ceedings, such as offences prosecuted under the Police Act, are not compellable nor competent to give evidence. This clause alters a principle of the law of evidence completely. Looking at the various offences that come within the scope of the Police Act, it is a question whether, without more consideration than I have been able to give it since the hon. member spoke to me last evening, we should be prepared to overthrow the law of evidence entirely, and make this new departure. I told him I would think it over. I do not know that I have any very great objection to the clause; but it is such a novel proceeding and introduces an altogether new principle under the law of evidence, that I do not think I should be justified in voting for it, upon such short consideration. It is almost impossible to say how a provision of this sort will work. Of course, in many cases, wives will go into court to swear their husbands out of it, and in the same way husbands will go into court to swear their wives out of it. Almost universally, with very few exceptions, it is the law that in criminal cases a husband or a wife cannot give evidence for or against each other; but this seems to alter all that, and I do not think we have had quite time enough to consider it. As I have said, it is overthrowing a principle that has been a principle of our law from the earliest times to the present day.

MR. MONGER: I understand it is in force in New South Wales, and I understood the Attorney General to say that the bulk of this Police Act was framed upon the legislation of New South Wales.

THE ATTORNEY GENERAL (Hon. S. Burt): Victoria, I said.

MR. MONGER: If the hon. gentleman wishes to postpone it, I have no objection.

THE ATTORNEY GENERAL (Hon. S. Burt): I have no wish to sway members one way or the other. I will leave it to the House to consider. I really do not feel able to advise the House, suddenly like this, to set aside a principle of law that has been in existence for so many years.

MR. R. F. SHOLL said he presumed there must be some good reason why husbands and wives should not be allowed to give evidence for each other. So far as the case alluded to by the hon. member for York was concerned, he

thought it afforded very good argument against assenting to this amendment. They knew perfectly well what the evidence of the wife would be if the husband were brought up for infringing—the Publicans' Act, say. They knew perfectly well that if the husband wished his wife to give evidence in certain terms, in order to enable him to evade a conviction, the wife would do so, and in this way many a man would get off who really deserved to be convicted. He did not think the House, without further consideration, should agree to an important amendment like this, sprung upon it, he might say, at so short a notice. The Attorney General told them it was a complete reversal of the law of evidence. As to New South Wales, we did not know how this Act had worked there, if it existed there. If members came to that House to spring amendments like this upon the House, simply because something had happened in the Police Court, the House should be very careful before it assented to such amendments.

Clause—put, and negatived on the voices.

MR. MONGER moved that the following new clause be added to the Bill, to stand as Clause 15:—"Whosoever takes and works or otherwise uses or takes for the purpose of working or using any cattle, the property of another person, without the consent of the owner or person in lawful possession thereof, or who takes any such cattle for the purpose of secreting the same or obtaining a reward for the restoration or pretended finding thereof or for any other fraudulent purpose, and whosoever fraudulently brands or earmarks or defaces or alters the brands or earmarks of any cattle the property of another person, shall be guilty of a misdemeanor, and on conviction before two justices shall be liable to imprisonment for a term not exceeding six months, or to pay a fine not exceeding Fifty pounds. The term 'cattle' mentioned in this section shall include any camel, horse, mare, gelding, colt, foal, filly, ass, mule, bull, cow, ox, steer, heifer, calf, wether, ram, ewesheep, lamb, pig, goat, deer, alpaca, llama or vicuna, and every hybrid or cross thereof." The hon. member said that, owing to the discovery of all the gold-

fields which were springing up in the colony, cases of "sweating" horses—he believed that was the term applied to it in the other colonies—were becoming pretty general in many parts of Western Australia, and more particularly about the district which he represented. According to the existing law, he understood that a man could go into another man's paddock, or even into his stable, and help himself to a horse, and use it as long as he wished, so long as he brought it back; and the only remedy which the owner would have against him was to bring an action for damages, for the use of the horse, during the time he had it. He did not think that was good enough. He considered that acts of that kind required more stringent legislation to prevent them, and that was his object in moving this clause. He trusted that those who were interested in stations or farms would give the clause their support.

MR. SIMPSON had much pleasure in supporting the clause. Having recently visited some of the goldfields, he was aware of the alarming extent to which this practice of "sweating" horses was carried on. He believed that legislation of this kind in the other colonies, where the same practice formerly prevailed, very quickly suppressed it; and he thought that legislation of this stringent character would be received with gratitude by many people engaged in mining in this colony.

MR. TRAYLEN said that in expressing his intention to support this clause, he should take this opportunity of saying that in his opinion it was infinitely better than almost anything else connected with the Bill.

THE ATTORNEY GENERAL (Hon. S. Burt) thought it was a very useful clause, and he was glad that it had been brought under their notice, but he might point out to the hon. member that he would find that portion of the clause relating to altering and defacing brands already included in the Brands Act, so it would be unnecessary to do so here. The hon. member would find all this provided for in Sections 31, 32, and 33 of the Branding Act. He would therefore move, as an amendment, that the words "and whosoever brands or earmarks or defaces or alters the brands or ear marks

of any cattle, the property of another person," be struck out.

Amendment—put and passed.

MR. R. F. SHOLL thought the clause was a very proper one, but the penalty appeared to him rather low. They must bear in mind that it was very difficult to obtain a conviction in these cases, and he thought the penalty should be more severe.

MR. DARLOT said he quite agreed with the hon. member that the penalty was too low, and he would make it three years' imprisonment, instead of six months.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) thought the hon. member might be satisfied with twelve months.

MR. DARLOT said he would be happy to meet the hon. gentleman's wishes in that respect. He moved that the word "six," before the word "months," be struck out, and the word "twelve" inserted in lieu thereof.

Amendment—put and passed.

Clause, as amended, agreed to.

THE ATTORNEY GENERAL (Hon. S. Burt) moved that the following new clause be added to the Bill, to stand as Clause 16: "This Act and the Police Act, 1892, shall be read and construed together as one Act."

Clause—put and passed.

Bill reported, with amendments.

COMPANIES BILL.

The following Message was received from the Legislative Council:—

"Mr. Speaker,

"The Legislative Council having this day passed a Bill intituled 'An Act to consolidate and amend the law relating to Companies,' presents the same to the Legislative Assembly for its concurrence.

"GEO. SHENTON,

"President.

"Legislative Council Chamber, Perth,
"9th December, 1892."

THE PREMIER (Hon. Sir J. Forrest) moved that the Bill, transmitted by the foregoing Message, be now read a first time.

Question—put and passed.

Bill read a first time.

MESSAGE FROM THE LEGISLATIVE COUNCIL AGREEING TO BILLS.

THE SPEAKER announced that he had received the following Message:—

"Mr. Speaker,

"The Legislative Council acquaints the Legislative Assembly that it has this day agreed to the undermentioned Bills, without amendment:—

1. A Bill intituled "An Act to amend 'The Perth Gas Company's Act, 1886,' and to extend the Powers and Privileges of the Company."
2. A Bill intituled "An Act to confirm certain Expenditure for the year One thousand eight hundred and ninety-one."

"Legislative Council Chamber, Perth,
"13th December, 1892."

ADJOURNMENT.

The House adjourned at seventeen minutes past 3 p.m.

Legislative Council,

Wednesday, 14th December, 1892.

Light for shipping at Carnarvon—Public Institutions and Friendly Societies Lands Improvement Bill: committee—Industrial and Reformatory Schools Bill: second reading—Adjournment.

THE PRESIDENT (Hon. G. Shenton) took the chair at 7.45 o'clock p.m.

PRAYERS.

LIGHT FOR SHIPPING AT CARNARVON.

THE HON. R. E. BUSH asked the Colonial Secretary if any arrangements have been made with regard to placing a light at Carnarvon, for the convenience of ships visiting that port.

THE COLONIAL SECRETARY (Hon. S. H. Parker) replied: The Government propose to place a sum on the Estimates of 1893 for the purpose, and