HON. W. KINGSMILL: Does it apply to all mines? If so, it will be a great hardship.

THE COLONIAL SECRETARY: I know it may inflict hardship in some cases.

HON. W. KINGSMILL: And you will get some funny plans, too.

THE COLONIAL SECRETARY: Yes: either that, or we force the small mine-owners to incur heavy expense.

HON. J. T. GLOWREY: It is a very necessary provision, however.

THE COLONIAL SECRETARY: There is a provision by which workmen as well as owners are made responsible for any carelessness, making it the duty of any employee to report any dangerous portion of a mine. Members who have had anything to do with mining will know that the greatest trouble is very often caused by the miners themselves. They are careless and take such risks. I venture to say that half the accidents are attributable to the miners themselves. No doubt a miner is so familiar with the dangerous surroundings in which he works, and gets so used to handling explosives, that he becomes careless and is even a danger to himself. Therefore it is necessary to make it compulsory on workmen to report any dangerous place, because a miner cannot possibly be familiar with or know every dangerous part in a mine. This is a very necessary provision. The Bill is a consolidating and somewhat an amending measure, and it has received very careful consideration in another place by men who have had considerable experience in mining. I would like members to take into consideration now the second reading, and we will go into Committee to-morrow. If there are any amendments which suggest themselves, and members will place them on the Notice Paper, we will be able to discuss them fully in Committee, and I will give all the information necessary.

On motion by Hon. W. KINGSMILL, debate adjourned.

THE COLONIAL SECRETARY moved that the House do now adjourn.

CONTRACTORS AND WORKMEN'S LIEN BILL.

HON. J. M. DREW asked for some assurance that the Contractors and Workmen's Lien Bill would receive consideration to-morrow.

THE COLONIAL SECRETARY did not know this was a private member's Bill. He was prepared as far as he personally was concerned to sit and discuss it now. To-morrow there would be a good deal of business from the Assembly. He would withdraw the motion for the adjournment of the House.

Motion by leave withdrawn.

On motion by the Hon. G. RANDELL, the second reading of the Contractors and Workmen's Lien Bill was adjourned till the next sitting, a number of amendments having been suggested to-night by Mr. Moss.

ADJOURNMENT.

The House adjourned at 9.35 o'clock, until the next day.

Legislative Assembly,

Tuesday, 11th December, 1906.

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THE SPEAKER took the Chair at 3 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the ATTORNEY GENERAL: Papers in connection with the case of *Rex v.* Taylor.

By the TREASURER: Annual Report of Aborigines Department.

By the HONORARY MINISTER: Papers in connection with the Importation of Camels and Drivers, moved for by Mr. Holman.

By the MINISTER FOR MINES: Papers in connection with Inspection of Boilers at Collie.

PAPERS—BOILERS INSPECTION, COLLIE.

THE MINISTER FOR MINES, in presenting the papers in connection with the inspection of boilers at Collie, said: The member for Ivanhoe in a recent debate stated that on a certain mine in the Collie district a certificate was issued for a boiler after an examination under Section 26 of the Inspection of Machinery Act, and that no other examination was made other than a casual glance under working conditions for a term of three or fours years. I then promised that the file would be laid on the table; and I may say now that the papers do not bear out in any sense the criticism offered by the hon. member.

QUESTION—POLICE FORCE, SUNDAY OFF.

MR. TROY (without notice) asked the Premier: Is it the intention of the Premier to carry out his promise that he would allow the House to discuss the motion moved by the member for Cue, that the police be allowed one Sunday off each month?

THE PREMIER replied: In all probability an opportunity will be given to enable this motion to be discussed.

MR. JOHNSON: I voted in favour of the adjournment on the distinct promise of the Premier that he would give an early opportunity of discussing this question. I shall be placed in a very false position if the Premier does not carry out his promise.

URGENCY—MINING ACCIDENTS IN STOPES.

MR. J. SCADDAN: By the indulgence of the House and with the permission of Mr. Speaker, I desire to bring under the notice of members, and the Minister for Mines particularly, a matter of considerable moment. It takes the form of a letter I have received from the secretary of the Miners' Association at Boulder; and so that I may not occupy much time I will read the letter, which explains itself:—

Dear Comrade,—I am instructed to place before you certain facts in connection with some recent accidents on the Belt. In fact a motion was carried at the last meeting of the union to the effect that you be asked to move the adjournment of the House to draw attention to the height and width to which stopes are being worked on the Boulder mines. During the last 18 months three fatal accidents have occurred at the Oroya North mine at the No. 5 level by falls of ground. I do not know whether the accidents have all been in the same stope, but they have been in the same run of ground. The height of the stopes has been estimated at the inquests from 10 to 16 feet, whilst a very large space has always been open besides, that is in the length and breadth. At the last inquest held on the body of the late Albert Bath, certain conversation between the underground manager and the timbermen was detailed by the shift boss, the substance of which was that the timbermen were told not to take any risks, as the stope had not been worked for some three months. We desire to point out that it should not lie with the timbermen to say whether or not a stope which has been idle for three months should be timbered. That duty should lie with the management, not with the men. There is a clause in the Act which states that every man should see that everything is safe before commencing work; but it is stretching it very far when a man has to decide how much timber to put in a stope which has not been worked for some months. There is another clause in the Act which provides that the management shall see that every drive excavation, etc., is safe. Very often, too, a man is told not to take any risks; but did he waste any time in protecting himself he would very soon be told that he was not wanted. Every day a certain statement has to be handed in showing the amount of work done and the time taken to do it. Another fatal accident also happened under the same management at the Oroya South, when Jas. Lagan was killed, and in this instance the jury brought in a verdict that the stope was unsafe. The victims of the other two accidents to which I have referred were Albert Allcorn and Benjamin Nicholson. Hoping you may take such action as will draw attention to the alarming frequency of loss of life

by the height of stopes,—I am yours faithfully, J. E. Dodd, Secretary.

I have brought the matter under the notice of the Minister, and I believe he is in a position to make some statement.

The MINISTER FOR MINES: The hon. member showed me the letter this afternoon, but I have not had time to obtain the whole of the papers in connection with the four cases mentioned in the letter. I have seen papers dealing with one matter. It was simply a report by the Inspector of Mines stating that no blame was attributable to any person in connection with the matter. However, as apparently there is a possibility of there being something serious in the complaint, I promise that I will have an exhaustive report prepared in connection with the various accidents that have occurred in stopes during the period mentioned in that letter, and I will give that report to the Press for publication. Of course if there is anything dangerous carried on and anything that can be averted, I will be only too pleased to do anything I possibly can to prevent anything of the sort.

QUESTION—RAILWAY GOODS, PERISHABLE.

Mr. TROY asked the Minister for Railways: 1, Is the Minister aware that grave dissatisfaction exists at Mount Magnet, because of the fact that perishable goods consigned to that locality are mislaid in some instances, and overcarried in others, by the neglect of the Railway Department? 2, Will he endeavour to arrange prompt delivery of goods of a perishable nature, and prevent the loss resulting from this neglect being continued?

The MINISTER replied: 1, Complaint has been made by a trader at Mt. Magnet of the delay in transit to perishable traffic from Perth. The delay in the instance quoted arose through the truck which contained the perishable goods being found defective when *en route*, and having to be detached. 2, Every endeavour has been and will continue to be made to give quick transit to and prompt delivery of goods of a perishable nature.

QUESTION—RAILWAY FLYING GANGS.

Mr. TROY asked the Minister for Railways: 1, Is the Minister aware of the fact that owing to the introduction of the system of flying gangs on the Northern Railway, married men employed on the permanent way are compelled for the greater portion of the week to reside away from their homes, thus depriving their families of their company and protection? 2, Farther, is he aware that numbers of married men are leaving this employment owing to their wages being insufficient to provide for the upkeep of two homes, rendered necessary by the introduction of this system? 3, Will he make an alteration in this employment in order to secure the retention of this desirable class of employee in the service?

The MINISTER replied: 1, As a matter of expediency the men have, on occasions, to be away from home station for several consecutive days, at which times temporary camping places are provided by the department, with all the necessary equipment, and where required also a cook. The department has established the home stations at places where there are departmental cottages or where outside accommodation is available, so that the married men are subject to the least possible inconvenience. In isolated places the gangs are made up of single men. It is the intention to provide the flying gangs with motor cars, and as soon as these are available the necessity for camping away from home station will be considerably minimised. 2, The Commissioner is not aware that numbers of married men are leaving this employment for the reasons stated. 3, The Commissioner does not intend to make any alteration in the present system. The married men are treated with all possible consideration, and as opportunity offers are transferred to permanent locations, single men being sent out in their stead.

QUESTION—COOL STORAGE AT GERALDTON.

Mr. HARDWICK (for Mr. Stone) asked the Honorary Minister: In the event of the Government deciding to deal with the question of cool storage during recess, will they take into consideration

the claims of the Victoria and Murchison Districts, and make provision for the receiving and storage of lambs from those districts at the port of Geraldton, those being the largest sheep-producing portions of the State, and consequently affording opportunities for the development of a great export trade in lambs?

THE HONORARY MINISTER replied: Yes.

RAILWAYS CONSTRUCTION INQUIRY.

SELECT COMMITTEE'S REPORT.

MR. H. BROWN brought up the report of the select committee appointed to inquire into the Katanning-Kojonup and Wagin-Dumbleyung Railways.

Report received and read.

MR. H. BROWN: Would the Premier appoint the Royal Commission asked for?

THE PREMIER: An answer would be given to-morrow.

BILL—HEALTH ACT AMENDMENT.

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

SECOND READING.

THE ATTORNEY GENERAL (Hon. N. Keenan) in moving the second reading said: The Bill of which I now move the second reading consists of two clauses (copies are now being circulated in the Chamber); and its sole object is to enable municipal councils at their ordinary meetings to deal with health business. That being its whole purport, the measure is not one requiring discussion. The second clause provides that—

> (1.) Every municipal district shall be a health district within the meaning of the principal Act, and the municipal council shall be the local board of health for such district, and as such municipal council may exercise all the powers and authorities and shall be subject to all the duties and obligations conferred or imposed upon local boards of health by and under the principal Act.
>
> (2.) The principal Act shall, as from the commencement thereof, be deemed to have had effect as amended by this Act.

It is inconvenient for a municipal council to be obliged to call a second meeting for health purposes, to issue separate notices for that meeting, and conduct dual arrangements. The inconvenience has been brought under my notice by various municipal councils, especially by the Kalgoorlie Municipal Council, and therefore this short Bill is introduced. The passage of the measure will enable municipal councils to bring health matters on the agenda paper with municipal matters.

MR. T. H. BATH (Brown Hill): I understand that the passing of this measure will mean that every municipal council in the State will be constituted a health board.

THE ATTORNEY GENERAL: Yes; it is so at present under the principal Health Act.

MR BATH: And the sole object of the measure is to enable councils to transact health business during municipal meetings.

THE ATTORNEY GENERAL: To make health business part of the municipal agenda paper; that is all.

MR. W. C. ANGWIN (East Fremantle): I fail to see the necessity for this Bill, the passing of which will still involve the keeping of distinct accounts by councils for municipal and health matters, as at present. The only thing it will avoid is the necessity for closing the sitting of the municipal council for the purpose of reopening the sitting as a health board.

THE ATTORNEY GENERAL: The Bill will prevent the necessity for the issue of separate notices.

MR. ANGWIN: If the Bill would enable the health work to be done as part of the municipal work, then I could understand the advantage of it; but a mere alteration of the law so as to avoid the necessity for declaring the municipal meeting closed and the health board's meeting opened is no great gain. A good deal of difficulty exists at the present time in keeping health-board accounts and municipal accounts separately.

THE ATTORNEY GENERAL: There is no necessity for that under this Bill.

MR. ANGWIN: The keeping of separate accounts is of course largely approximate. This measure deals merely with the carrying on of work, and gives the councils no additional power. I do not see that it will do much harm, but

still I cannot recognise its necessity at present.

Question *put* and passed.

Bill read a second time.

IN COMMITTEE, ETC.

Clause 1—agreed to.

Clause 2—Municipal councils to administer Act as the local authority:

MR. HOLMAN: Subclause 2 provided retrospective operation. Had the practice of municipal councils been to carry on business in this manner?

THE ATTORNEY GENERAL: Only in the case of some small municipalities.

MR. ANGWIN: Did the Government intend to consider the new Health Bill during the recess?

THE ATTORNEY GENERAL: Yes.

Question passed.

Preamble, Title—agreed to.

Bill reported without amendment; the report adopted.

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

BILL—DIVIDEND DUTY ACT AMENDMENT.

Introduced by the TREASURER, and read a first time.

BILL—MINES REGULATION.

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

BILL—ROADS AND STREETS CLOSURE.

IN COMMITTEE, ETC.

Bill passed through Committee without debate, reported without amendment, the report adopted.

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

BILL—LAND ACT AMENDMENT.

COUNCIL'S AMENDMENTS.

The Legislative Council having returned the Bill with 32 amendments, the same were now considered in Committee.

MR. ILLINGWORTH in the Chair, the PREMIER in charge of the Bill.

No. 1—Clause 1, insert at the end the following words: "But nothing herein contained shall affect any right, interest or liability already created, existing, or incurred, or anything lawfully done or suffered under any enactment, land regulation, or other regulation hereby repealed":

THE PREMIER: The object of another place in making the greater part of these amendments was to strike out those provisions which would be retrospective in operation. He was prepared to consider some of the amendments, but there were other of the amendments which should not be accepted, more especially relating to clauses dealing with the compulsory stocking of land. When the Bill was under consideration in this House, it was pointed out that the stocking conditions were not so strictly carried out as was desirable in the interest of the State; and at the instigation of a member representing a squatting constituency, a clause was introduced which made the stocking conditions retrospective. The first amendment made by the Council would leave nothing to be retrospective in regard to this clause; therefore he moved that the amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 2—Providing that the Act should come into operation on a day to be fixed by proclamation—agreed to.

No. 3—Clause 3, after "person" add the words "with his consent":

THE PREMIER: When this clause was previously before the Assembly, some members regarded it as providing for compulsory purchase; but he then pointed out that the Government intended simply to take power for acquiring land in some cases, either by purchase or exchange, or partly by purchase and partly by exchange. The Council appeared to be apprehensive that land might be taken without the owner's consent, and so they inserted the words "with his consent." He moved that the amendment be agreed to.

MR. BATH: The amendment might have the effect at some future time of tieing the hands of the Government inconveniently. Seeing that other States had found it necessary to have a provision of this kind, and that there should be no

doubt as to the power of the Government to take land when required, the clause should stand as it left this House. It did not mean confiscation.

MR. JOHNSON: The Council's amendment was dangerous, for there were occasions when it was necessary for the Government to acquire land, and it did not follow that this would be done by confiscation. By adopting the amendment, the owner of a piece of land required by the Government might practically prevent them from obtaining it.

HON. F. H. PIESSE: The Railways Act gave power to the Government in such cases to take land when necessary.

MR. JOHNSON: But the owner might object to the Government acquiring the land.

MR. FOULKES: The Council's amendment was necessary, because land should not be taken without the owner's consent. The method of acquiring it under this clause would be that the Land Purchase Board would fix the value, and as that board consisted of officers employed by the Government it would practically be the Government fixing the value of the land desired. The clause did not provide for arbitration to fix the value, therefore the owner's consent should be necessary.

MR. HOLMAN was not satisfied with the explanations given, and hoped that the Premier or the Attorney General would make the position clear.

THE PREMIER: Clause 4 of a Bill recently passed provided that within 12 months after the publication of notice of a railway being opened for traffic, the Government might compulsorily purchase any land which was reported to be suitable for settlement; so power was given in the clause to resume in such cases. In the case of repurchase of estates for settlement, it was necessary that the owner should place the property under offer, and the Land Purchase Board had to advise whether it was desirable that the particular land should be purchased for closer settlement. The clause in this Bill provided more for cases of exchange of land than for actual purchase, and when the Bill was previously before this House he stated definitely that there was no intention on the part of the Government to seek power for compulsory purchase under his clause. The Council's amendment would doubtless be approved by a majority of the members in this House.

THE ATTORNEY GENERAL: The clause as it left this House did not give power for compulsory purchase, but merely gave power to acquire land by purchase or exchange if deemed necessary. The amendment showed there had been a scare in another place, without any ground for it.

Question passed, the Council's amendment agreed to.

No. 4—Clause 4, strike out the last paragraph:

THE PREMIER moved "That the amendment be agreed to."

MR. T. L. BROWN: The amendment nullified the whole clause. In the first place power was given to resume pastoral leases, and in another place the provision was struck out. The amendment should be modified if agreed to at all.

MR. BATH was surprised that the Premier should agree to the amendment, for he had pointed out the necessities of land settlement, and that it was necessary in some cases that the Bill should be retrospective. There was nothing in the tenure, even of freeholds, that prevented the Crown, in the interests of the people, from interfering in order that the people might be protected against encroachment or should have their wants supplied. This amendment should be agreed to if we wished to utilise the pastoral leases which would be of greater benefit to the State when the demand for settlement warranted it.

MR. HOLMAN: Would this amendment prevent the acquiring of pastoral leases for mining and other purposes? To strike out the last paragraph nullified the whole clause.

THE ATTORNEY GENERAL: Whatever the object of the Council was, it would not be attained by the amendment, because power was given to enter on and resume portions of leases. The amendment related to the right, interest, and liability incurred under the principal Act, or any regulations under the principal Act. This would not be a right, interest, or liability incurred under the principal Act. It was always wise to make legislation clear so that there might be no question of doubt. If he (the Attorney General) were asked to inter-

pret the clause he would say it related to all pastoral leases and had no protective action; that it related to all pastoral leases under the principal Act, and the intent was to make the clause relate to leases after the passing of the Bill. If the Committee wished to make it very clear it would be wise to retain the words. Under the principal Act the Governor had power to resume for certain purposes.

MR. T. L. BROWN: Was the Attorney General clear in his mind that this provision applied to leases existing? Would it apply to leases granted after the Bill passed?

THE ATTORNEY GENERAL: Certainly there was no question as to the leases when this Bill became law. The only question was as to its retrospective action. He advised the Committee to make the meaning very clear, so that "he who runs may read."

MR. JOHNSON: If we tampered with the last paragraph it was dangerous. If we struck it out as suggested by the Council, it made clear that the provision did not apply to all pastoral leases. We should take the safer course by striking out the paragraph.

Question passed, the Council's amendment agreed to.

No. 5—Clause 6, strike out the clause and insert the following:—

Sections 17 and 18 of the principal Act are repealed, and the following inserted in lieu thereof: All applications for land under this Act shall be made in the prescribed forms, and shall take priority according to the order of their being lodged or received through the post with the prescribed deposit, at the Lands and Surveys Office, Perth, or at such other places and offices as the Governor shall notify in the *Government Gazette*: Provided that if two or more applications for the same land are lodged or received through the post as aforesaid on the same day, such applications shall be deemed to be lodged or received at the same time.

THE PREMIER: The clause to some extent was remodelled, but the sense did not appear to be altered in any way. The procedure dealing with simultaneous applications was to be found in Clause 14.

MR. BATH: This provision was in substitution of Sections 17 and 18 of the principal Act. Some alteration was made, but there was no provision in the amendment as to how the decision was to be given in regard to applications.

THE PREMIER: The principal Act had already been amended, and probably it was thought best to strike the whole provision out, and re-enact it in the form now suggested. Clause 14 dealt with the procedure as to simultaneous applications, and he did not see any objection to the amendment.

MR. BATH: The Council's amendment embodied the course adopted in the Lands Office for some time past, but not yet embodied in the statute.

Question passed, the Council's amendment agreed to.

No. 6—Clause 13, after "and," in line 3, insert "shall forthwith report the same to the Minister," and strike out the rest of the clause:

THE PREMIER: This clause referred to the proposed decentralisation of the work of the Lands Department. The object was to minimise delay in dealing with applications, and to reduce cost. Under Clause 13, land boards had power with the consent of the Minister to forfeit for non-compliance with improvement conditions. The suggested amendment involved certain delays. Moreover, the board was not likely to inflict hardship. Another place evidently desired that the Minister should receive a report before any action was taken.

MR. JOHNSON: The question raised really was whether Parliament should trust the land board in preference to the Minister, or the Minister in preference to the land board. Under the amendment, the board could not forfeit, but could only report to the Minister. He was inclined to agree with another place.

THE PREMIER offered no objection to the adoption of the amendment. It might be advisable, in some instances, to refer to the Minister. Therefore he moved that the Council's amendment be agreed to.

Question passed, the Council's amendment agreed to.

No. 7—Clause 14, strike out "person whose" in line 2; strike out "shall" in line 3; and insert "to" and strike out "this" in line 6, and insert "the principal:"

THE PREMIER: This amendment referred to the case of two or more applications for the same land being lodged on the same day. The desire was simply to deal with the application, and not with the person. The object of inquiry by the land board was to determine whether applicants were fit and proper to hold land; whether, for example, an applicant held land already, or was likely to commence operations immediately on the land which was the subject of application. He moved that the Council's amendment be agreed to.

Question passed, the Council's amendment agreed to.

No. 8—Clause 15, strike out "any part of this Act" in line 7 and insert "the Act:"

THE PREMIER: According to the Crown Solicitor, Mr. Sayer, the reading of the clause as it left this Chamber was right. He therefore moved that the Council's amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 9—Clause 16, after the word "amended" insert by adding after the word "duplicate" the words "or office copy and:"

THE PREMIER: The wording of this clause might have been improved. However, in the case of duplicate copies, it might be difficult to obtain the Minister's signature, and he therefore moved that the Council's amendment be agreed to.

Question passed, the Council's amendment agreed to.

No. 10—Clause 18, strike out this clause:

THE PREMIER: At present the practice was for the Minister to send his recommendation as to approval or rejection of an application to Cabinet, for the *pro formâ* approval of His Excellency the Governor. Our insistence on the clause would save unnecessary delay. Besides, the Minister for Lands of course took entire responsibility. Therefore he moved that the Council's amendment be not agreed to.

MR. BATH: From experience during his term of office, he could confirm that a great deal of time would be saved by not referring these matters to the Executive Council. The idea of another place seemed to be that the Minister could not be trusted with the powers.

Question passed, the Council's amendment not agreed to.

No. 11—Clause 21, strike out "Minister" and insert "Governor":

THE PREMIER: The same remarks applied as in the case of the previous amendment, and he moved that the Council's amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 12—Clause 24, insert at the beginning of Subclause (1) "except as provided by Section 62 of the principal Act," and insert at the beginning of Subclause (2) "except as aforesaid:"

THE PREMIER: This amendment really amounted to only the correction of a typographical error. He moved that the Council's amendment be agreed to.

Question passed, the Council's amendment agreed to.

No. 13—Clause 26, strike out "twelve months" in line 51 and insert "two years":

THE PREMIER: In case of the decease of a holder of land under the provisions here in question, it might be well to allow more time than that originally proposed, namely 12 months, for the reduction by executors of holdings to the maximum area which the law allowed to be so held. He moved that the Council's amendment be agreed to.

Question passed, the Council's amendment agreed to.

No. 14—Clause 29, after "fence in" in line 11, insert "at least one-half of the land within the first five years of the lease and":

THE PREMIER: The effect of this amendment was that at least one-half of the land held must be fenced within five years. There was no objection, so long as the value of improvements prescribed was carried out, whether the value was in fencing or in other improvements. Since the Minister had power to accept other improvements in lieu of fencing, the amendment was not likely to operate harshly. He moved that the Council's amendment be agreed to.

Question passed, the Council's amendment agreed to.

No. 15—Clause 30, strike out all the words after "required" and insert "on improvements shall be a sum equal to the purchase money with fifty per centum thereof added thereto":

On motion by the PREMIER, the Council's amendment agreed to.

No. 16—Clause 32, strike out "granted prior to the commencement of this Act," in line seven, also strike out the words "as amended by this Act":

THE PREMIER: This would reduce the period from 12 to 6 months in which notice should be given for resuming leaseholds outside of the South-West District. The desire of another place apparently was to leave the notice as at present, namely 12 months, and he was prepared to agree to that.

Question passed, the Council's amendment agreed to.

No. 17—the same in effect—agreed to.

No. 18—Clause 35, strike out "two" and insert "three":

THE PREMIER: The idea was to give to the pastoral lessee a right to take up 3,000 acres as freehold within his pastoral lease, as against the right of any other person to take up only 2,000 acres. It was not apparent why this discrimination should be made in favour of the pastoral lessee. He moved that the amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 19—Clause 36, strike out "repealed" and insert "amended by striking out the words 'Kimberley, North-West, Western, Eastern, and Eucla Divisions,' and inserting in place thereof 'Kimberley or North-West Divisions comprised in any pastoral lease granted before the commencement of this Act,'" and strike out all the words after "Act" in line eight to the end of the section:

THE PREMIER: The effect of this amendment would be to take away power which the Government had at present. He moved that the amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 20—Clause 40, after "Minister" insert "with the approval of the Governor"—agreed to.

No. 21—Clause 42, verbally amended:

THE PREMIER: The amendment was based on an error in the print. He moved that the amendment be not agreed to.

Question passed, the Council' amendment not agreed to.

No. 22—Clause 45, Subclause (z) amended as to progressive improvements, at least one-half the land to be fenced during the first five years, and the whole during seven years—agreed to.

No. 23—Clause 53, strike out the clause:

THE PREMIER: This clause was discussed a good deal in this House. This clause and Clause 55 provided that rent for future pastoral leases in Kimberley district should be increased from 10s. to £1 per thousand acres. It was pointed out during the discussion here that the rents in the Kimberley district were very low, and the Bill proposed to increase the future leases to £1 per thousand acres. The Council desired to keep the rental at the present price of 10s. He was not prepared to accept the amendment, as it would sacrifice about £6,000 at a time when the Government were spending considerable sums in putting down several bores and opening up a stock route for that district; therefore some increased revenue should be obtained from new Kimberley leases. He moved that the amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 24—Clause 55, strike out the clause (as in the previous case)—not agreed to.

No. 25—Clause 57, strike out the words "granted before or after the commencement of this Act":

THE PREMIER: Members would recollect that this clause was inserted in the Bill on the motion of the member for Gascoyne (Mr. Butcher), who stated that

e knew a considerable area of land in ıe North was not stocked up to its ıpacity. The clause provided for comulsory stocking, and it would not be a reat hardship to the *bona fide* settler to omply with the clause, as the stocking onditions were light; therefore this proision should be insisted on. He moved hat the amendment be not agreed to.

Question passed, the Council's amendıent not agreed to.

No. 26—Clause 60, amended slightly—greed to.

No. 27—Clause 61, strike out the lause—agreed to.

No. 28—Clause 63, amendment proiding that there should be first a failure o sell by auction before a private sale ould be held—agreed to.

No. 29—Clause 71, add at the end of he first paragraph the following: Proided that at any time after two years rom the commencement of the lease, if ll the conditions of residence, fencing, nd improvements have been complied vith, and if the same have been mainained, and the full purchase money and prescribed fee have been paid, the Governor may issue a Crown grant in respect of the land comprised in such lease:

THE PREMIER: This clause was discussed a good deal when before this House, and he thought the conditions were fairly liberal; but it was the desire of another place to add a paragraph enabling the leaseholder to convert his residential area into a working-man's block. In the case of the genuine resident, it should not be necessary to give him permission to obtain the freehold within two years, because the clause would enable him to obtain it after five years. and the first two years' residence was to count as part of the five years. He moved that the amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 30—Clause 71, add the following new subclause:—

2, The Governor may, in the case of any land the subject of a special lease under Subsection 3 of Section 152 of the principal Act, provided all the conditions to be observed by the lessee have been duly complied with, and also provided the full purchase money and prescribed fee have been paid, issue a Crown grant in respect of such land.

THE PREMIER: Clause 152 was inserted to provide that a special lease of 25 acres could be given for 21 years, at a yearly rental of not less than £3. The Council now suggested that in certain cases a Crown grant could issue in respect of such land, providing the full purchase money was paid. The Bill, however, had no provision for any purchase money in connection with these leases. He moved that the amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 31—Clause 77, strike out:

THE PREMIER: This was one of the suggestions of the select committee, to strike out the provision which would allow persons to select land adjoining one another with the object of working their holdings on the communistic plan, providing that the Minister might reserve the land for a certain time and then throw it open to the persons for whom it was originally reserved. He moved that the Council's amendment be not agreed to.

Question passed, the Council's amendment not agreed to.

No. 32—agreed to.

Resolutions reported; the report adopted.

Reasons for disagreeing to certain amendments were drawn up by a committee of three, and adopted; a message accordingly returned to the Council.

While the committee was deliberating, the next orders of the day were proceeded with.

STANDING ORDERS AMENDMENT.

COMMITTEES TO CONFER.

The Legislative Council having passed resolutions granting leave to its Standing Orders Committee to sit during the recess, with power to confer with the Standing Orders Committee of the Legislative Assembly, with a view to preparing a report on the Standing Orders for submission to Parliament, and with power to add two members to their number, also requesting the Assembly to make a similar pro-

vision, the Council's message was now considered.

THE ATTORNEY GENERAL moved:—

1, That in accordance with the request of the Legislative Council, the hon. members for West Perth and Kanowna be appointed to serve on the Standing Orders Committee in addition to the members already appointed.

2, That a message be transmitted to the Legislative Council acquainting them that in accordance with the request of the Legislative Council, the Legislative Assembly has appointed two additional members to serve upon the Standing Orders Committee, and that it has already given leave to that Committee to sit during the recess, with power to confer with the Standing Orders Committee of the Legislative Council.

Question passed.

BILL—MUNICIPAL CORPORATIONS.

COUNCIL'S AMENDMENTS.

Consideration of the Legislative Council's amendments resumed from the 7th December, in Committee; MR. ILLINGWORTH in the Chair.

No. 59—Clause 286, line 32 of page 91, strike out all the words after "feet":

THE ATTORNEY GENERAL moved that the Council's amendment be agreed to, with a further amendment to add a proviso:

Providing this provision shall not apply to any land subdivided, and in respect of which such subdivision has been inscribed in title deeds before the passing of this Act.

POINT OF ORDER.

THE CHAIRMAN: The hon. member could not proceed, because it was not competent for the Committee of the whole House to sit while another Committee was sitting elsewhere.

The CHAIRMAN left the Chair for an interval.

HOUSE RESUMED.

MR. SPEAKER resumed the Chair.

STANDING ORDERS COMMITTEE, ADDITION.

MR. SPEAKER: There seemed to be some doubt as to the procedure regarding this Order of the Day. He therefore put the motion again *pro formâ*.

Question put and passed.

BILL—MUNICIPAL CORPORATIONS.

COUNCIL'S AMENDMENTS.

Resumed (after a short interval).

No. 59—Clause 286, line 32 of page 91, strike out all the rest of the clause after the word "feet":

THE ATTORNEY GENERAL: The words struck out by the Council prohibited the erection or the use of any human habitation fronting or abutting on any street less than 25 feet wide. He wished to amend the amendment so as to agree with it in so far as it related to existing streets, thus permitting the use of such buildings already in existence but to disagree with its preventing the prohibition of the erection of similar buildings.

THE CHAIRMAN: It was a rule in *May* that neither House could leave out or otherwise amend at this stage any words which they had passed themselves unless such amendments were consequential.

THE ATTORNEY GENERAL: The amendment of the Council related to past and to future events. Was he not entitled to agree to its retrospective and to disagree to its prospective operation?

THE CHAIRMAN: The Council's proposal was to strike out certain words to which the Committee had already agreed. The Committee could not amend any words to which they had agreed. If the Council had sent down new words we could have amended those words.

THE ATTORNEY GENERAL: Could not the amendment be accepted in part and disagreed with in part?

THE CHAIRMAN: New words added by the Council could be struck out.

THE ATTORNEY GENERAL: By Standing Order 310, amendments made by the Legislative Council should be agreed to either with or without amendments. He proposed to agree to this with an amendment.

THE CHAIRMAN: The Council proposed to strike out certain words which we had passed in Committee. The Minister wished to amend those words. That would be out of order.

MR. FOULKES: Would the Attorney General be in order if he moved a new clause as an amendment on the Council's amendment?

THE CHAIRMAN: If the Council ent us an amendment containing any ords which they had passed and we had ot passed, those words could be amended; ut we could not amend what we our- elves had passed. The Attorney General ould move to strike out certain words.

THE ATTORNEY GENERAL: But the Council had struck out all the words in uestion. He wished to allow the words o be struck out in so far as they related o existing streets, but not as they related o future streets.

MR. BATH: Could not the Attorney eneral strike out the clause and insert ther words?

MR. WALKER: It was clear we could ot amend an omission. If all the words ere struck out, we must either disagree o the amendment and restore the lause as passed here, or we could not uch it at all. If we retained the clause e passed, we disagreed with the Council. f we did anything else, we should alter hat we had already agreed to. Even the mission of certain words which we had lready passed was an amendment which ur Standing Orders would not permit. Vhether we added or took from, it was mending what the Committee had lready decided. All we could decide now as whether we agreed to the Council's mendment. If the Council had sent us a et form of words we could have amended heir set form of words; but they had sent s no words.

MR. BOLTON: It would not be com- etent for the Attorney General to move hat the amendment of another place be isagreed to so as to reinstate part of clause previously inserted in this House nd then to add other words. If the ttorney General agreed with the amend- ent of another place, these words were truck out. An amendment was moved n this Chamber to add a clause, and the Government fought against the insertion f the words. Now all sorts of argu- ents were raissd to insert the words hich the Government fought against reviously. We had to accept or reject he amendment of another place as it tood.

THE CHAIRMAN: The Council pro- osed to strike out all the words up to feet." The Committee could agree to at or amend to the extent of suggesting words, but they must not use the same words that had been struck out. *May* was very definite about it. Paragraph 78 said, "It is also ruled that neither House may at this time [that is on the report of the Committee] leave out or otherwise amend anything that they have passed themselves." If the Attorney General framed fresh words entirely, he could move that the Council's amend- ment be agreed to with amendment.

THE ATTORNEY GENERAL: If the sense remained the same and the words were altered, he would still be in order?

THE CHAIRMAN: Yes.

MR. WALKER: What was the object of making the amendment to alter the sense, to divide the sense and to make the provision apply to one section? We were safe and only safe in keeping to the advice and ruling of *May* that we could not alter our decision.

THE CHAIRMAN: There was nothing before the Committee.

THE ATTORNEY GENERAL moved—

> That the amendment of the Council be agreed to, subject to the addition of the following words:—"No person shall allow any building to be erected on any land front- ing or abutting on any street having a width of less than 25 feet unless such street has been shown on a title deed registered at the Titles Office before the passing of this Act."

MR. WALKER: That was not an amendment which the Committee could entertain, because the Committee had already decided on that.

MR. ANGWIN could not altogether agree with the action of the Attorney General. In the first place he wished to meet those persons who had land abut- ting on a street already in existence of 25 feet in width, and at the same time he wished the amendment of the Council to be disagreed to, thereby causing hard- ship to those persons who had land abutting on such a street. Why not accept the amendment now and bring in a small Bill next session dealing with this question? In North Fremantle there were various streets that would come under the Bill, and people who had land abutting on those streets would be used harshly because when they purchased the land they were allowed to build on it, but by the passage of this Bill their land would become valueless. This clause

was inserted previously without due consideration.

MR. WALKER: This was not an amendment of the Council's amendment, but an amendment of what we had already agreed to, and therefore, according to *May* could not be done. Was it not an amendment?

THE CHAIRMAN: It was not the same thing at all. He ruled that there was sufficient alteration in the wording to make it an amendment of the Council's amendment.

MR. WALKER would have to disagree to the Chairman's ruling. He moved accordingly.

HOUSE RESUMED.

THE CHAIRMAN having reported to Mr. Speaker—

MR. WALKER said: The reason why he had moved the Chairman out of the Chair was because *May* said at page 478:

> It is also a rule that neither House may, at this time, leave out or otherwise amend anything which they have already passed themselves.

The amendment moved by the Attorney General was distinctly an amendment of what the House had itself passed, and any kind of amendment by omission, addition, or alteration, even if it went ever so closely to the original, was condemned by *May*. It could not be done. He submitted farther that this amendment absolutely altered the meaning of what this House had passed. The original matter passed by this House said "no person shall erect or cause to be erected for human habitation." The alteration which the Chairman of Committees thought made a variation there, was the substitution of the words "a dwelling" for "human habitation." The words "erect or cause to be erected for human habitation or use or" were left out. That was an omission. We rushed from "no person shall" to "allow" in the next line. The words in the clause "or use or allow, suffer, or permit to be used" dealt with buildings already erected on streets or thoroughfares of less than 25 feet in width. The intention of the Attorney General was that after the passing of this Bill, buildings should not be erected on such streets or thoroughfares, but that this should not affect buildings already in existen and fronting or abutting on a stre already registered and filed in the Titl Office. That made a huge distinctio What we were dealing with now w not what we had passed, but what t other House had sent down. T other House had not sent us dow words to alter, but had simply omitte that part of the clause. We we pretending to amend the other House amendment, not by amending what w sent down to us, but by amending wh we ourselves had done, placing the Hou in a ridiculous position. If that we permitted we should be able to alter a Bill that came back from the Upp House. Under the circumstances submitted that the ruling of the Chai man of Committees was not in order.

THE ATTORNEY GENERAL: T ruling of the Chairman of Committe was in order. The words proposed be inserted were not substantially t same as the original words which t Council struck out. They were so f from being the same that they had effect at all as regarded the existi rights in thoroughfares of less wid than the width mentioned in the wor struck out. Therefore it could not said that they were substantially t same. The Chairman had ruled that was competent to any member of t House to move that any amendment another place be amended by insertin words in lieu of those struck out, p vided those words were not substantial the same as the words struck out.

MR. SPEAKER: It was perfect competent to strike out all the rest of t clause after the word "feet" and insert in lieu thereof other words, being only necessary that the wor should be relevant to the amendment a not identical with the words struck ou He thought if the hon. member had re farther on he would have come to different conclusion from that at whi he had arrived. For instance, accordi to the contention raised by the ho member, there could be no amendme made at all. *May* said: —

> It is also a rule that neither House may, this time, leave out or otherwise amend an thing which they have already passed the selves; unless such amendment be immediate consequent upon the acceptance or the reje

tion of an amendment of the other House. In 1678, it was stated by the Commons at a conference "that it is contrary to the constant method and proceedings in Parliament to strike out anything in a Bill which hath been fully agreed and passed by both Houses."

That made it clear that no amendment could be made to part of a Bill which had been agreed to by both Houses. The words proposed to be inserted were altogether new words, and being relevant to the amendment were permissible. He thought if the hon. member would read farther he would agree that the contention of the Chairman of Committees was correct.

MR. WALKER could not hold that view.

MR. SPEAKER: The contention of the hon. member would appear strictly correct without reading farther than he had done, but if he read farther he would see that it was what was agreed to by both Houses which could not be amended.

MR. WALKER: It was also ruled that neither House might at this time leave out or otherwise amend anything which they themselves had passed. That point was clear, and it was that portion which governed what we were dealing with now. The reference in *May* to the conference and the statement that nothing should be struck out of a Bill which had been fully agreed to and passed by both Houses made it stronger that no alteration should be made.

MR. SPEAKER: The words were struck out in another place.

MR. WALKER, quoting farther from *May*, argued that this House having dealt with one matter, it was laid down that the same matter could not be touched again by this House in considering an amendment made on it by another place; and it was farther laid down that where both Houses agreed upon a matter, such matter could not be touched again. This was shown by the instance that when by oversight it was found in 1850 that no provision had been made for the commencement of a certain Act of the Imperial Parliament, no attempt was made to correct the omission by amendment, but a separate Act was passed for the purpose. The quotation relied upon by Mr. Speaker did not modify the part we were dealing with now.

THE ATTORNEY GENERAL: The Speaker having disposed of the matter within the meaning of Standing Order 142, he submitted that the House should now proceed with the consideration of the message in Committee.

COMMITTEE RESUMED.

MR. BOLTON: It having been insisted on that amendments proposed from the Opposition side should appear on the Notice Paper, the Minister should agree to report progress and have this amendment included in the Notice Paper for to-morrow. It was unfair to expect members to grasp the full meaning of a new amendment when merely read out.

THE ATTORNEY GENERAL could not accept a suggestion to report progress before a practical start had been made with to-day's business. At a previous sitting he agreed to that course in order that a way out of a difficulty might be found. A way was now open by the adoption of this amendment, providing simply that no restriction should apply except to streets of less than a stated width, unless declared after the passing of this Bill.

MR. WALKER: The Attorney-General should accede to the reasonable request to report progress. The amendment was not so simple as the Minister appeared to think; it provided that everybody must have a definite title to land; but that was not practicable always, as when delays occurred in the Lands Department. It was unfair that members should have to depend upon memory to grasp the full meaning of the amendment. The Minister should supply a copy.

MR. BOLTON failed to see why the Government should be so anxious to have the amendment inserted in the clause. When a division was taken before on this clause, the Government voted against the inclusion of certain words, and arranged for their being struck out when dealt with in another place, which was done. It would now be absurd to send the Bill back and ask another place to agree to reinsert the words which had been struck out at the request of the Government. Apparently the object of the Council's amendment was that the operation of the clause should not be retrospective; and as he did not desire to deal harshly with

persons who had already built in narrow streets, we should not prohibit the use of houses built before the width was restricted by law. Were the amendment insisted on, it was likely to be defeated, and he did not wish that.

MR. ANGWIN: Formerly, before a subdivision of land within a municipality could be approved it was necessary that plans of the subdivision be presented for approval to the municipal council. But an owner desiring to sell portions of his land without a subdivision was under no such obligation; consequently many streets of narrow width had come into existence, and when it became necessary to macadamise these narrow streets, the various councils had to seek parliamentary authority by special Acts. The amendment would prevent a recurrence of this practice. The provision to protect persons who had land abutting on such street now was quite sufficient.

Question passed, the Council's amendment as farther amended agreed to.

No. 60—Clause 294, line 1, strike out "after the passing of this Act":

THE ATTORNEY GENERAL: The words were unnecessary, because it was necessary to distinctly state in any Bill if the legislation was to be retrospective.

Question passed, the Council's amendment agreed to.

Nos. 61 to 64—agreed to.

No. 65—Clause 297, line 3, strike out "fifteen" and insert "twelve," and strike out "boundaries" and insert "boundary":

THE ATTORNEY GENERAL: This clause related to the underpinning of buildings. An architect in another place had moved to amend the clause to reduce from 15 feet to 12 feet the depth to which an owner might put his basement and avoid the expense of underpinning. The amendment should be agreed to.

Question passed, the Council's amendment agreed to.

Nos. 66, 67—agreed to.

No. 68—Clause 299, line 1, strike out "to be hereafter erected" and insert "erected after the commencement of the Building Act 1884"; also verbally amended:

THE ATTORNEY GENERAL: This was to make the provision retrospective to the passing of the Building Act 1884. Since the Building Act was passed, in those portions of a municipality where it applied no buildings contrary to the Act had been erected; but this provision would make it apply to the whole of the municipalities. However, he did not think there would be any sacrifice of existing rights by the acceptance of the amendment.

MR. BATH: The Assembly did not intend to make this clause retrospective.

THE ATTORNEY GENERAL: No. If the hon. member was aware of any injustice that might arise he should oppose the amendment.

MR. BATH: Though not aware of any particular instance where an injustice would be inflicted, should there be a case where the provision might come into force the Council could compel the pulling down of the building if it happened to be built since 1884. He moved that the amendment be disagreed to.

Question passed, the Council's amendment not agreed to.

No. 69 (consequential)—not agreed to.

No. 70—Clause 313, strike out:

THE ATTORNEY GENERAL: When this Bill was drafted, there was an amending Health Bill before the House containing a provision taking away certain powers from the Central Board of Health and giving them to municipalities. This clause was drawn up in accordance with the authority to be afforded by that Bill. However, as the Bill had not been persevered with, the clause must be struck out. He moved that the amendment be agreed to.

Question passed, the Council's amendment agreed to.

No. 71—Clause 319, verbally amended—agreed to.

No. 72—Clause 321, line 1, strike out "Council" and insert "surveyor," and strike out "him or," and insert "either of":

THE ATTORNEY GENERAL moved that the amendment be agreed to. The amendment had been made because the city surveyor was a man whose duty it was to do this work, and it was better to provide him with the authority than place it on the Minister or the council.

Question passed, the Council's amendment agreed to.

No. 73—Clause 323, after "owner" nsert "or other person"—agreed to.

No. 74—Clause 323, after "Supreme Court" insert "or the Local Court held within or nearest to the district"—agreed o.

No. 75—Clause 334, strike out "Minister" and insert "Governor":

THE ATTORNEY GENERAL: The listinction was a new one. It meant a lelay, but inasmuch as every week there vas a meeting of the Executive Council, hat delay would be of a slight character. He moved that the amendment be agreed o.

Question passed, the Council's amendnent agreed to.

No. 76—Clause 365, paragraph (*k*), trike out "municipality" and insert 'municipal district":

THE ATTORNEY GENERAL had no objection to the amendment, but in his opinion the terms "municipal district" and "municipality" meant exactly the same.

MR. BATH: In regard to an amendment of this kind, as to which the Attorney General thought no alteration was made by the change of words, it would be only courteous to this House to stick to the Bill as sent from the Assembly, rather than accept the amendment by another place. It seemed rather a snub to this Committee to say that the amendment was no alteration, and yet that we should accept the amendment in preference.

THE ATTORNEY GENERAL: The hon. member must not imagine that it was anything in the nature of a snub. If a snub, it would be to the Minister in charge of the Bill. Where the matter was a question of nicety of language, he was not going to split straws.

Question passed, the Council's amendment agreed to.

No. 77—Clause 366, Subclause (3), strike out all the words after "mechanics' institute," and insert "or public gallery or":

THE ATTORNEY GENERAL: The and used for agricultural and horticultural show grounds was, he understood, invariably placed under the Parks and Reserves Act of 1895, and therefore this amendment was made. He moved that it be agreed to.

Question passed, the Council's amendment agreed to.

No. 78—Clause 366, Subclause (4), strike out "or," and after the word "occupied" insert "or held":

THE ATTORNEY GENERAL: The amendment was to cover land which had been held by charitable bodies for charitable purposes, but which at present was not put to any particular use. He had no objection to it.

Question passed, the Council's amendment agreed to.

No. 79—Clause 366, Subclause (5), strike out "exclusively" and insert "or held":

THE ATTORNEY GENERAL: It was customary sometimes to combine with the main use of land granted for cemetery purposes, other uses. For instance, churches were built in a portion, or a manse. It was thought that the fact of some portion not being used strictly and entirely for the purpose of a cemetery might be held to take the whole out of the intention of the clause. He had no objection to offer to the amendment.

Question passed, the Council's amendment agreed to.

No. 80—Clause 366, insert a new subclause as follows: Land vested in any board under the Parks and Reserves Act 1895, or in trustees for agricultural or horticultural show purposes, or zoological or acclimatisation gardens or purposes, or for public resort and recreation—agreed to.

No. 81—Clause 366, in paragraph (*a*) of the proviso, after the word "by" insert "Subsections two, three, and four of this section"—agreed to.

No. 82—Clause 367, strike out all the words after "the council" to the end of paragraph (*b*), and insert "may, in or before the month of December in each year, make a valuation of the annual value, and when necessary a separate valuation of the capital value, of all rateable land within the municipal district":

On motion by the ATTORNEY GENERAL, the Council's amendment disagreed to.

No. 83—Clause 368, paragraph (*c*), strike out "may exceed but":

THE ATTORNEY GENERAL moved that the amendment be agreed to.

MR. ANGWIN: Seeing that the subsidies and funds of municipal councils were likely to suffer this year, this question might be left entirely in the hands of councils.

THE ATTORNEY GENERAL: This was not unimproved land.

MR. ANGWIN: This was improved land. If any persons put up a post-and-wire fence, they called the land improved. A number of blocks of land opposite the town hall in Fremantle were called improved land because they had a few posts stuck in and a wire fence. Consequently they could only be rated at £4 per centum on the capital value, if this amendment were passed.

THE ATTORNEY GENERAL: Some had, he understood, found it convenient to rate at 4 per cent. on the capital value instead of rating on the annual value. He was informed of a site valued at £200 per foot frontage, but the annual value was very low, and the council instead of rating on the annual rental rated at 4 per cent. on the capital value.

Question passed, the Council's amendment agreed to.

No. 84—Clause 368, paragraph (*f*), strike out "and not more than fifteen pounds per centum":

THE ATTORNEY GENERAL: The clause had provided that the annual value of rateable land, unimproved and unoccupied, should be taken to be not less than £7 10s. per centum, and not more than £15 per centum on the capital value. Consideration was given to the requirements of the goldfields, where values sometimes fluctuated to a far greater degree than in other places. He moved that the amendment be disagreed to.

Question passed, the Council's amendment disagreed to.

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

No. 85—disagreed to.
Nos. 86, 87, 88—agreed to.
Nos. 89, 90—disagreed to.
No. 91—agreed to.
No. 92—disagreed to.
Nos. 93 to 102—agreed to.

No. 103—Clause 438, Subclause 2, line 3, strike out all the words after "Act":

THE ATTORNEY GENERAL move that the amendment be agreed to.

MR. ANGWIN: If we accepted th amendment, how could resident owne vote on a loan proposal? Why could w not come into line with other countrie and accept one-man-one-vote, the law i England, New South Wales, and Ne Zealand? The small property-owne was even more deeply interested tha the large, for the former felt losses mo severely than the latter, who wa frequently nonresident. The small me would probably be occupiers as well a owners. The clause as passed here wa fair and equitable, providing for repre sentation of brains rather than of brick and mortar. The Attorney Genera though he posed as a liberal, approve of the out-of-date plural vote. Witho a farther amendment there would be n provision for resident owners voting o loan proposals, the Council's provisio referring entirely to persons who voted i absence.

THE ATTORNEY GENERAL: I Clause 81 we had provided for votes i proportion to a fixed scale of property The popular demand was for an alteratio of the franchise with respect to th election of mayor and councillors, whil maintaining a plural vote on loan pro posals. That was the principle em bodied in the draft Bill introduced b Mr. Daglish's Government in 190 The proposal in this Bill gave the di ferent scale of voting capacity in respec to the election of councillors, providin only one vote should be enjoyed by on ratepayer on the question of voting i respect to a loan. Having adopted in th Bill a differential scale for the election c councillors and mayors, it would be ab surd to refuse to recognise that system o the question of loans, which was a matte of sole concern to property-owners.

MR. ANGWIN: While Mr. Daglish Bill provided one vote for the election c councillors, it also provided the sam provision as in this Bill in regard t voting for a loan. The Bill provided tha the names of persons entered on the ne roll should be of owners only, whethe they paid rates or not. The new roll wa to be prepared and the election was to b conducted under by-laws. If the word were struck out there would be no pro vision to say what voting power th

owners should have, consequently if the subclause was struck out the whole clause was abortive. When we came to the following clause there was a provision for absentee voters, giving the number of votes they should have, but this clause did not make such a provision.

Question passed, the Council's amendment agreed to.

No. 104—Clause 438, Subclause 4, add "that the number of votes to which the owner is entitled be indorsed thereon":

THE ATTORNEY GENERAL: There was apparently a clerical error here. The amendment referred to Subclause 3. He moved that the amendment be amended by striking out the figure "4" and inserting "3" in lieu.

MR. ANGWIN: This was a new provision inserted in the Bill by the Council.

Amendment put and passed.

Question (that the Council's amendment as amended be agreed to) put, and a division taken with the following result:—

Ayes	...	...	22
Noes	...	...	7
Majority for		...	15

AYES.	NOES.
Mr. Barnett	Mr. Angwin
Mr. Butcher	Mr. Bath
Mr. Davies	Mr. T. L. Brown
Mr. Eddy	Mr. Holman
Mr. Ewing	Mr. Underwood
Mr. Foulkes	Mr. A. J. Wilson
Mr. Gregory	Mr. Bolton (*Teller*).
Mr. Gull	
Mr. Hardwick	
Mr. Hayward	
Mr. Keenan	
Mr. McLarty	
Mr. Mitchell	
Mr. Monger	
Mr. N. J. Moore	
Mr. S. F. Moore	
Mr. Piesse	
Mr. Price	
Mr. Smith	
Mr. Veryard	
Mr. F. Wilson	
Mr. Layman (*Teller*).	

Question thus passed, the Council's amendment as amended agreed to.

MR. A. J. WILSON: How would the clause read now the amendment had been added? There was no clerical error from the reading of the subclause; these words were intended to be added to Subclause 4. It was ridiculous to add them to Subclause 3.

THE ATTORNEY GENERAL: The reason he suggested that there was a clerical error was that Subclause 3 related to the taking of the poll and the voting papers were put in a certain form. It would have been better to add the words after "used." Still they were intelligible at the end of the subclause.

MR. BATH: Read the subclause with the words added.

THE ATTORNEY GENERAL: Certainly the words should come after "used," but we should make the Bill intelligible and workable. We must make the words apply to the taking of a ballot. The amendment had been made to the wrong subclause, and when the matter was referred back to the Council they would correct it by putting it into the subclause to which it related.

MR. BATH: The Council could not do it.

THE ATTORNEY GENERAL: Certainly the Council could amend our amendment.

MR. BATH: But not on that point. Just to let members see what they had voted for, he would read the clause as now amended, as follows:—

> At the time of such poll, voting papers in the form of the 29th Schedule hereof shall be used, and all the provisions hereinbefore contained with reference to taking the poll at the election of mayor shall be taken as nearly as may be with the numbers of votes to which the owner is entitled indorsed thereupon.

THE ATTORNEY GENERAL had moved an amendment on the amendment that "3" be struck out and "4" inserted in lieu. This farther amendment would make it clear that the words were to be inserted in Subclause 3 after the words "voting papers" in line 1.

MR. BATH: To strike out Subclause 3 and substitute Subclause 4 in the amendment of the Legislative Council was contrary to the Standing Orders. He asked for the Chairman's ruling.

THE CHAIRMAN (Mr. Illingworth): The question was not so put. The question was whether, to correct a clerical error, Subclause 4 might be amended to stand as Subclause 3, and then there was a farther amendment to add the words to Subclause 3.

THE ATTORNEY GENERAL submitted he was perfectly in order in moving that "4" be struck out and "3" inserted in lieu. Was not the division on that amendment?

THE CHAIRMAN: No. The division was on the question of the Legislative Council's amendment as amended.

THE ATTORNEY GENERAL: The amendment now under discussion was of such a nature that it might be moved at almost any point.

MR. A. J. WILSON: Did not this clause already provide for the object now sought, by doing away with the necessity for any endorsement as to the number of votes on a ballot paper, so far as resident owners were concerned? Whatever might be the conditions appertaining to the election of mayor, a resident owner having four votes would, at the election of mayor, be entitled to receive four ballot papers. In regard to postal voting papers, however, an entirely different set of circumstances arose. Apparently the intention was that only one ballot paper should be issued, and that the number of votes to which the voter was entitled should be endorsed thereon by the returning officer. This, however, was unnecessary, since the election was to be conducted as nearly as possible on all-fours with the election of a mayor.

THE CHAIRMAN: The Council's amendment as amended had been agreed to.

No. 105--Clause 441, strike out all the words after "rateable land" to the end of paragraph (ii.)—agreed to.

No. 106—Clause 444, insert the word "when" at the beginning; strike out "having" and insert "has," and strike out in paragraph (*a*) "invested in the purchase of any such debentures or"—agreed to.

No. 107—Insert a new clause to stand as 445 (power to purchase debentures instead of contributing to sinking fund)—agreed to.

Nos. 108 to 111—consequential amendments—agreed to.

No. 112—Clause 450, line 3, strike out "debentures, consols, stock, mortgages," and insert "inscribed stock or other securities":

MR. ANGWIN: What was the purpose of the words "other securities" inserted in all these amendments?

THE ATTORNEY GENERAL: Other securities for judgment creditors, such as inscribed stock or Government securities.

MR. ANGWIN: There was a genera feeling that municipalities should inves sinking funds in Government stock; ther any municipality failing to keep up its sinking fund would have its attentio drawn to the matter. "Other securities' might mean any class of security approve by the municipality, such as building which might depreciate.

THE ATTORNEY GENERAL: Th repetition occurred only because thes clauses referred back to Clause 144 Under that clause the duty of the muni cipality was clearly fixed to invest it sinking fund in inscribed stock or othe Government securities. Clause 144 alon was mandatory.

Question passed, the Council's amend ment agreed to.

Nos. 113, 114—consequential amend ments—agreed to.

No. 115—Clause 468, strike out "Minis ter" and insert "Mayor":

THE ATTORNEY GENERAL move that the Council's amendment be agreed to. The Bill as printed and passed by this Committee provided that an audito discovering any irregularity in a muni cipality's books should report the matte to the Minister. The Council's amend ment provided that the auditor shoul report to the mayor; and inasmuch as th mayor was the chief officer of the muni cipality, it was more desirable that h first should be made acquainted with an default on the part of a subordinat officer.

MR. ANGWIN: A fine of £5 wa provided for in certain circumstances and it was better that such matter should go before the Minister. Council frequently retained a percentage o officers' salaries, and therefore it wa advisable that a disinterested perso should have the decision as to the neces sity or otherwise of a fine.

THE ATTORNEY GENERAL: N such protection for officers was necessary True the mayor was nominally th employer of an officer, but really he wa only trustee for the ratepayers, and i was not in his interests to be unduly hard on an officer for neglect of duty There was no reason why a mayor shoul not be as merciful as the Minister.

MR. UNDERWOOD: The mayo might be too merciful. Frequently i

happened that the mayor and town clerk worked together, and in such circumstances the mayor should not decide. "Minister" should be retained.

MR. T. L. BROWN: Provision should be made whereby the mayor should be compelled to report to the Minister.

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

Ayes	...	...	19
Noes	...	...	9
Majority for		...	10

AYES.	NOES.
Mr. Barnett	Mr. Augwin
Mr. H. Brown	Mr. Bath
Mr. Eddy	Mr. Bolton
Mr. Foulkes	Mr. T. L. Brown
Mr. Gregory	Mr. Davies
Mr. Gull	Mr. Holman
Mr. Hayward	Mr. Johnson
Mr. Keenan	Mr. Underwood
Mr. Layman	Mr. Hudson (*Teller*).
Mr. McLarty	
Mr. Mitchell	
Mr. Monger	
Mr. N. J. Moore	
Mr. S. F. Moore	
Mr. Price	
Mr. Smith	
Mr. Veryard	
Mr. F. Wilson	
Mr. Hardwick (*Teller*).	

Question thus passed, the Council's amendment agreed to.

No. 116—new clause—agreed to.

Nos. 117 to 122—agreed to.

No. 123—Clause 511, strike out "condition" and insert "correction":

MR. BATH: Neither word appeared to convey the true sense. He moved that the amendment be amended by striking out "correction" and inserting "conviction" in lieu.

Amendment passed; the Council's amendment as amended agreed to.

Nos. 124 to end—agreed to.

Bill reported with farther amendments; the report adopted.

A committee of three members drew up reasons for disagreeing to certain amendments and farther amending others.

Reasons adopted, and a message accordingly returned to the Council.

BILL—CRIMINAL CODE AMENDMENT.

SECOND READING.

THE ATTORNEY GENERAL (Hon. N. Keenan) in moving the second reading said: Members will see that this Bill, except for one clause which I shall point out, is purely formal. Clause 2 provides for an amendment of the Code so as to make the law conform to what is now the practice of the courts. By the first paragraph, when a person who is convicted of an offence is, when he appears to receive judgment, undergoing a sentence for some other offence, the punishment inflicted on him for the first-mentioned offence may be directed to take effect from the expiration of the deprivation of liberty for the other offence or offences. That is the practice of our criminal courts to-day, and it is better to have the practice of those courts embodied in the Criminal Code. It is clear that if a person who is undergoing imprisonment for some crime or misdemeanour commits some other crime or misdemeanour and is made amenable to the law for so doing, the right of the court to direct that the second penalty shall begin when the first penalty has expired should find a place in our statute-book, and should not be a mere matter of practice. The same clause provides that a judgment of this character may be made to take effect either concurrently with other judgments, or consecutively. Farther, when a question of law arising on the trial of an accused person has been reserved for the consideration of the Supreme Court, and the court before which such convicted person was tried has pronounced a judgment involving deprivation of liberty, and admitted the prisoner to bail pending the decision of the Supreme Court on the question of law, then if the Supreme Court confirms the judgment given at the trial, the period during which the convicted person shall have been at liberty shall be deemed not to have been served under the sentence. That again is the practice of the courts to-day. When, as frequently happens, a considerable time elapses between the date of the appeal and its actual hearing, if that interval were taken as part of the sentence, the period of imprisonment or a great part of it might have expired. The practice of the court is, when the conviction is upheld, to date the commencement of the imprisonment from the date of the confirmation, when the accused has been out on bail. The most important matter in the Bill is found in Clause 5, which is entirely new. It penalises false

statements by officers of companies, made with intent to affect the price of shares. This clause carries out the undertaking given by the Minister for Mines (Hon. H. Gregory) when the Mines Regulation Bill was before us, that he would make provision whereby those who improperly used their positions to make false statements regarding mines, thereby obtaining profits either for themselves or for those associated with them, should be made amenable to the law. The clause provides that any person who being a director, officer, or agent of any company having its share capital listed for dealings on any stock exchange in Western Australia or elsewhere, wilfully makes or is privy to making in any prospectus or other document any statement relating to the business of the company, false in any material particular, knowing it to be false, with the intent to produce or having a tendency to produce or give to the stock or shares of the company a greater market value than they possess, or to depress the shares, shall be guilty of an offence and shall be liable to imprisonment with hard labour for two years. This provision is necessary in the case of companies only, because companies are the only bodies whose shares are dealt with in the open market. To apply the clause to private syndicates would be impossible. If any person is injured by the false representations of a partner in a syndicate, that person can take action in our courts to-day, can recover damages from the person who made the false representation and induced the plaintiff to enter into a contract, or can obtain recission of the contract itself. When damage is done by dealings in the open market, those dealings are confined to the shares of incorporated companies; therefore this provision relates solely to such companies. The next clause amends that section in the Code penalising ministers of religion who irregularly celebrate marriages. The clause will insert the words "knowingly and wilfully." If members turn up the Code they will see that these words, which are in every other subsection, were by some extraordinary error left out of that subsection, with the result that any minister of religion who by celebrating a marriage commits a breach of the law, though he may have been induced by incorrect statements to do so, is still liable to a penalty under that subsection, and I submit a most unjust penalty, for the essence of all offences is a knowledge of the offence and a wilful design to commit the offence. The only other matter is a clause penalising persons making false statements relating to the registration of births, deaths, and marriages. This important provision ought to be included in the Code, and the penalty is imposed only when the declaration is false in any material particular, to the knowledge of the person making it. Clauses 10 and 11 are long, and merely embody the practice of the courts to-day.

MR. BATH: Still, you might explain them.

MR. HUDSON: So many subject-matters are involved that it will be impossible now to deal with the clauses as a whole. Better deal with them in Committee.

THE ATTORNEY GENERAL: In deference to that suggestion I shall refrain from any farther remarks, and move the second reading of the Bill.

MR. T. H. BATH (Brown Hill): I shall speak of only one matter referred to by the Attorney General. Clause 1 seeks to carry out the promise made by the Minister for Mines when speaking on the Mines Regulation Bill. The clause is provided to put down, or attempt to put down, false representation and misrepresentation in mining prospectuses. Anyone who has a knowledge of the history of gold-mining in Western Australia will know that investors in our mines were never more seriously discouraged than by the flotation of wildcats, the campaign of misrepresentation indulged in not only by mining engineers, speculators, and promoters in the old country, but by their kith and kin on this side of the water. I have a lively recollection of the number of gold-mining leases which were the subject of false representations in mining prospectuses issued when I first went to the Kalgoorlie field in January 1896. The long-extended exemption then in force enabled people to hold such properties without fulfilling the labour conditions. Such was the large area of ground taken up within seven miles of the Kalgoorlie post office that had the labour conditions been

ılfilled, between 19,000 and 20,000 men ould have been needed to man the leases ı that small area. Very few shows at ıat time were placarded as having ss than three-ounce dirt. They ere all "Golden Pigs," "Golden amels," "Golden Horses," and golden ıstitutions of every sort; and in the rospectuses issued I do not remember ne show that had less than three-ounce irt; and the shame of the whole thing as that many of those prospectuses bore ıe names of persons alleged to be reputble mining engineers. The result is)-day, I suppose 80 per cent. of these roperties have gone back to a state of ature or are used for residential purposes, for dams, for any purpose other han gold-mining.

MR. MONGER: What about the lidden Secret? It was looked on as alueless.

MR. BATH: I do not know that at ny time the Hidden Secret was regarded s valueless. Around that area men were lways working in small parties, and in hat part of the field were small reefs or eaders, and parties did surface work and ut through small crushings. It would e folly for me to say that no property oated as a wild-cat ever turned out ell, for it would be wonderful if in so ide a gold-bearing area some shows did ot prove rich. But anyone who knows he history of the field knows that many ere floated without the colour of gold in hem; and if some of them happened to ave a reef within the four pegs, that as not a proof of the honesty of the proioters, but rather of good fortune. I now of another instance where a well-nown mining engineer had an intimaion sent out to him that certain persons n England could float a company with a arge nominal capital to take up properies, if he could discover them. He got party together, and they decided to ook for properties. This gentleman said ıe thought they would go east, because ıe always had good luck in the east. They went out a few miles from Kalgoorie, struck a likely-looking hill of ironstone, with perhaps some appearance of gold, pegged out 500 acres, and loated a company with a capitalisation of £250,000 shares. They never got an ounce of gold there. And at he termination, after spending a considerable sum of money sinking shafts and driving along a network of drives, they had the dryblowers out trying to pick up a line of alluvial gold with the hope later on of picking up a reef. This is one of many instances, and the result was that many of the shows duffered out, and the investors in the old country, many of those led by glowing prospectuses in some cases to put the money that was their remaining subsistence into the shows, found they had been swindled. And very naturally they had a suspicious idea of gold-mining in Western Australia; and it takes a long while to recover from this thing, and very often, just as a district is recovering, just as sound propositions are bringing into prominence the district again, these gentry come along again and take advantage of the prosperity, repeating the same tricks and bringing about the same depression. I recognise that the Minister introducing this clause has sought to deal with one aspect of the swindling indulged in by mine promoters. It seems to me it requires more extensive treatment than in the one clause here. It is not only in connection with the publication of the prospectuses which are false and misleading, but also in the capitalisation of the shows that a great deal of harm is done. I know of one instance where the mine was bought from a prospector for £5,000, and floated into a company with 150,000 shares of £1 each, the promoters taking 100,000 fully paid up shares, and out of the £50,000 capital subscribed they took £20,000 in cash; so that in the capitalisation of £150,000 there was only £30,000 as real working capital on which to embark the mine. And very naturally the mine turned out a failure, as many others have done. It seems to me there is necessity, not only for dealing with the publication of false prospectuses; but a necessity for dealing with the over-capitalisation and the watering of stock.

THE MINISTER FOR MINES: Tell us how to deal with it.

MR. BATH: The English Companies Act is much more stringent in this respect than any of the Companies Acts we have in Australia. And the result is that in the old country we have directors of companies brought up more frequently

than at any time in the Australian States.

THE MINISTER FOR MINES: I thought you were dealing with the flotations in the old country.

MR. BATH: The Minister for Mines must recognise they have dealt with mine promoters in the old country.

THE MINISTER FOR MINES: For fraud?

MR. BATH: Whittaker Wright and men of that ilk.

THE MINISTER FOR MINES: My trouble when considering this was to find a means to prevent over-capitalisation.

MR. BATH: Look at it in this light: if we are solicitous for our good name we shall give a lift to the authorities in the old country. They are not likely to take action in the old country in regard to a company if we in Australia apparently acquiesce in it, and by our failure to take action imply it is a good proposition, and they will not take action in the old country. If we are solicitous for our good name and the honesty of our propositions, and if we seek to punish these people not only for fraudulent prospectuses but for stock-watering and that sort of thing, then in the old country they are likely to take action in more instances than they have. I want to say you should punish them, and you should punish them in cases like this. It is not a great crime; but at the same time a Companies Act should take this thing into its cognisance and strive to resist the tendency to over-capitalise; to have too small an amount of working capital; to prevent if possible watering stock. They are agitating for action of this kind in America, where they have over-capitalised railway companies and practically killed the commerce of the great bulk of the people outside the trusts and rings. And it is one of the burning questions of American politics to-day, how to deal with over-capitalisation and watering, not only of railway stock, but of other rings and combines dealing with the commerce of America. I do not think the Minister for Mines or the Attorney General could deal with such a measure this session. I am prepared to accept this Bill as an instalment of their intention to try as far as possible in the interest of Western Australia, and as an earnest of their good intention, to accept this, and to urge that other matters should be given consideration to, and in another session perhaps when there is more time available these matters should receive attention.

MR. A. C. GULL (Swan): I am fully in accord with the remarks which have fallen from the Leader of the Opposition; and I also congratulate the Attorney General for including this clause in the Code. To judge from the remarks of the Leader of the Opposition, I think he could have gone even farther. There is no doubt that Western Australian people have been victimised right from the very inception of the goldfields. It is within my memory that a previous House passed legislation dealing with the registration of companies here. It was held, and rightly too, that we in Western Australia, shareholders in our own mines, were justly entitled to receive information from Western Australia—I will not say prior to the London people, but at all events as soon as the London people. But what is the case to-day? Any resident in Western Australia holding shares in one of our own mines receives the report three months after it has been handed in to the London people. We absolutely know nothing whatever of the concerns of our mines, and know nothing as to whether we are getting a fair run for our money or not. We all recognise that in speculating in mining we take a big risk; but none of us mind taking that risk as long as we get a clean run for our money. But I am positive we, as a people, have never had a clean run for our money. It is a fact, which I regret as much as any member, that it is always thrown out to us that Western Australians have had no confidence in their own country; that they will not invest in their own mines. Can you blame us when we cannot get any information. Bearing in mind that any legislation that the Minister for Mines may bring in with a view of altering this wretched condition of affairs, I throw out a suggestion that these mines should be liable to inspection by Government agents, and if prospectuses are manifestly false, as they have proved scores and scores of times to have been, any damage would be largely mitigated by giving full publicity to the state of things existing in the mine. We have been for years victimised up to

the hilt. We have been induced to invest in mines here, and we know nothing of their conduct. We can hear nothing. We get no reports except those that have been to London and filtered back here. The consequence is that the lack of investment in our mines is held up to us as a taunt and a sneer that, with the richest mines in the world, the West Australian people hold practically not a share in them. I suggest to the Minister that in cases where exemptions are applied for, that he investigates and has an examination made of the mine, and the facts disclosed by the examination should be made public. Take for instance the question of Bayley's mine to-day. As far as a man dabling in a few hundred pounds worth of shares and losing, it is neither here nor there, for he is getting a run for his money. But a man may get information that apparently discloses the fact that an entirely new make of reef is found on a property, that it crushes well, and the prospects are good, yet we can get no reliable information at all about it. Solely at the hands of interested parties, these shares are boosted for a few shillings or drop to nothing, just as those controlling the shares determine. If the people in the country are to have any confidence in the mines here, there should be some possibility of examining the mines and letting the public know what responsible men think of them.

THE MINISTER FOR MINES (Hon. H. Gregory): Clause 5 has been inserted for a special purpose, with a desire to try and give more protection to the investor than he has had in the past. In other words, as I have often said, it is to try and make the work of the rogue a little bit more dangerous and difficult than has been the case in the past. This clause is copied from the Californian statute. Provision was made in the Californian law a short time ago, somewhat similar to what we have here, and I notice in the mining and scientific Press a special article dealing with the prevention of fraud, and in writing of the meeting of the American Congress it asks that special attention be given to the legislation passed in California. They, with others, wish to try and assist the mining industry, because, although the Legislature in California does not deal wholly with mining ventures, yet at the same time mining people seem to look on this as being more especially for their benefit than for the benefit of other industries. The Leader of the Opposition in dealing with this matter spoke of the necessity for imposing some restriction in regard to over-capitalisation of mines. Now I wish to know, although the discussion of a Bill of this character hardly offers a fair opportunity for treating the matter, which to my mind should be dealt with in the Companies Act and not in the Criminal Code, how it would be possible to put a value on a mining property? Who should take the responsibility? Who should say whether the mine is worth £50,000, £100,000, or £150,000? We might make in the Companies Act some provision to the effect that there should be always a certain proportion of working capital, and other provisions, to some extent restrictive, might possibly be made. But are we to do what the member for Swan (Mr. Gull) suggested? Should Government officers be appointed to inspect mining properties and make reports to the public on the value of these mining properties? Let me point out how dangerous that would be. For even a Government expert is not infallible, and we might have a most glowing report from a Government official as to the value of a mining property, whilst the official may have made a terrible mistake, with the result that the credit of the country is injured. Undoubtedly such a proceeding would be highly dangerous, and I hold that power of this nature ought not to be given to the Crown except when the authorities believe that fraud has been committed. In the Mining Bill which I had hoped to bring down this session, and which will be ready next session, I purpose to ask power for the Minister, when he believes that fraudulent reports are being issued, when his attention has been called to some scandal, to have a special investigation made. The officers making the inspection should be empowered to take away stone and ore for the purpose of assaying, with a view to a public report. Their action would not be with a view to helping either to raise or lower the price of shares, but merely to give effect to this provision of the Criminal Code. So that, if it is found that some person has been endeavouring to deceive

the public, action can be taken under this clause, which I hope will be passed. People will then be brought to book for making false reports. It is notorious that new rich mining camps are breeding grounds for fraudulent schemes, and our object should be to protect the widow and the orphan; and not only the simple, but also, if possible, the greedy, who are always too anxious to put a few pounds into mining scrip in the expectation of making 100, 200, or even 400 per cent. profit straight away. It is questionable, of course, whether we should look too much to the interests of those people, but we should certainly look to the interests of people who legitimately assist mining development. Many people talk about having assisted the mining industry, when all they have done has been to buy a few shares; and these losing their value, such people cry out that they have been robbed. In a few instances, however, we find people genuinely assisting with a little capital in the early stages of the development of a mine. There is a feeling that the clause might work oppressively, and I think it would be wise to limit its operation by providing that proceedings under it shall not be commenced unless authorised by the Attorney General in writing. Then the ordinary mining manager will understand that he will not be liable to prosecution for some small mistake or error of judgment. We do not wish to harass or to hinder in any way whatever the ordinary process of mining. We wish to let the mining manager and the mining speculator know that this provision does not make them guilty of felony for some slight mistake. What we do desire, however, is to prevent fraud; and it will make the public mind easier if mining people learn that there must necessarily be some slight inquiry before proceedings are taken in the courts. I do not know whether hon. members will approve of the suggestion I have made, but my idea, when I first suggested this provision, was that the clause should be subject to some such alteration. Indeed, I went farther and was inclined to provide that action be taken only after examination had been made by authority of the Minister for Mines and proceedings authorised by the Attorney General. I want mining people to feel that we are not bringing forward this legislation with a view to harassing honest, genuine people who may make trivial errors. We should, however, insist on action when scandals occur in our midst, when false reports are deliberately spread for the purpose of affording opportunity for fraud on the public. In such instances, I say, we should have full power under our statutes to take action. I almost regret that the Leader of the Opposition spoke at such length on what occurred in the old days. I think that in every case of sensational discoveries, such as occurred in this State during the years 1893, 1894, and 1895, there has been what I have called a breeding ground for fraud. Instances where action need be taken under this provision would, I think, be few. They have occurred, and even within the past few years one or two instances have arisen. For the last seven or eight years, however, mining here has been just as clean as it is in any other mining camp of the world. I could not assert for a single moment that this clause is being introduced on account of recent actions on the part of mining people. There is no doubt, however, that the things which we desire to prevent have occurred in the past. We do not know how soon sensationally rich discoveries may be made again, and we do not know when some person may lay himself out to give the public wrong information and false impressions as to a mining proposition for the purpose of either raising or lowering the value of shares, acting in a fraudulent manner; and we should have some legislation on our Statute book to impose a penalty on that person. By the Mining Bill to be introduced next session, hon. members will be asked to agree to legislation which will give the Minister power to examine mines, not as the member for Swan suggested, for the purpose of giving the values of mines to the public, but for the purpose of preventing fraud. I hope the clause will be approved by hon. members.

MR. J. B. HOLMAN (Murchison): We must of course all recognise that this is a big question. Anyone would find it a hard matter to decide whether a report is a false report or a true report. For example, reports on certain properties

iscovered in Western Australia might e believed to be true by those who made hem, and yet even a few hours' work ight prove them absolutely valueless. et hon. members consider what reports ight have been made on the Bayley's eward, when first discovered, on the Wealth of Nations, and the Londonderry. eports on those properties might have een wholly falsified in a week or two— ndeed the whole of the gold might dis- ppear in the course of a few hours. I hould like to know from the Attorney eneral where this clause will start and here it will end. Of course something ught to be done, but I hardly see how he present clause will go far to prevent rauds of the class which have been per- etrated on our mining fields in the past. he Minister for Mines has stated that rauds occurred a few years ago, seven r eight years ago; but we have only to ook back during recent years for some laring instances where the public f both the old country and of Western Australia has been, without loubt, defrauded of its money. Take or example the case of the Boulder Deep evels. To my mind it is beyond doubt hat misrepresentation was made in onnection with that property. Then we ave the Hannans Star case, in which hares were boomed until the Western ustralian public was induced to put noney into them, with the result that in very short time, after a large amount f local money had been put into the hares, the mine practically closed down nd is now closed down. The London peculator cleared his holdings, making arge amounts of money, and the people f Western Australia lost heavily. Again, e remember the great fall that took lace in certain mining companies two ears ago. Those were not very clean ransactions, because a lot of Western ustralian people were induced to buy t 30s. shares which promptly fell to ls. or 12s. Reports were circulated hat the ventures were first-class; but, mmediately the old companies got clear f their shares and a lot of people here ere landed with them, the properties ropped to very low prices. Up to the resent moment it is a moot point what as the nature of the reports made in onnection with the Golden Pole, in hich a lot of people were led to speculate.

THE ATTORNEY GENERAL: What reports?

MR. HOLMAN: Press reports stating that there was so much stone available going about three ounces to the ton. People were led to speculate in the Golden Pole mine, paying up to 32s. per share. Shortly after, the shares dropped to 13s. or 14s., and many people here were defrauded. Directors should be protected as well as the people, for I know a good many cases of mining speculation in which directors have been known to suffer more severely than the outside public. I should certainly give the director the same protection as I would give the outsider.

THE ATTORNEY GENERAL: But nobody ever suggested any improper conduct in connection with the Golden Pole.

MR. HOLMAN: But the reports were misleading.

THE ATTORNEY GENERAL: Mining reports are always misleading.

MR. HOLMAN: Although the clause will show that we intend to legislate in the direction of protecting people against being defrauded of their money if we possibly can, still I do not see how it will prove helpful to any great extent; because in mining it is a hard matter to say whether false reports are made by men knowing them to be false. The clause, it will be observed, provides that if any mining official make a "statement as to the business of the company, false in any material particular, and knowing it to be false," and so on. It is difficult in the extreme to prove that a man gave a false report knowing it to be false. In 99 cases out of 100, or even oftener, the man would be able to give good reasons for his report. I personally have never seen a mining report for which the person making the report could not give good, substantial reasons. I am satisfied, however, that something must be done to protect those who desire to invest in our mines. The speculator of course plays big; he plays a game of win or lose; but many people in England and the Eastern States are desirous of investing money in our gold mines and other mining properties, and they should be protected. It is well known that in the past millions of pounds have been raised in other countries, and a good many thousands have been raised in Western Australia,

for investment in the mines of this State; but a considerable proportion of that money has never reached Western Australia. That proportion went into the pockets of those who make a profession of drawing up prospectuses. From the very inception of gold mining here, this country has been infested by the people we term boodlers; and we should take a big, strong pull to prevent the continuance of the work they have carried on right through, and are now carrying on. Scores of flotations have been made in the old country, many of them on the Murchison, at Peak Hill, Lake Way, and on other fields, which ought to have been prevented. I maintain that the present Government, instead of introducing a clause such as this, would have done far better to introduce a measure dealing comprehensively with the whole subject of the protection of investors in our mining properties. Many millions of pounds subscribed in the old country for mining properties in Western Australia have never come here. That does great harm to the industry, and is a farther reason for giving investors every possible protection. I maintain that whenever a flotation is contemplated the Government should have the right to inspect the property, take samples, and publish the result of the inspection and of the assays. Many fields in this country have been ruined by overcapitalisation; and we shall see the same thing going on in the near future, in promising fields that with a fair capitalisation would furnish splendid profits. Of course, as the Minister says, we cannot by this Bill prevent overcapitalisation; that must be done in the Companies Act. I should like to see the amendment he outlined brought down at the earliest possible moment.

THE MINISTER: Whom would you empower to revise prospectuses issued with a view to over-capitalisation?

MR. HOLMAN: When a prospectus is published giving a false account of the prospects of a mine, the Government should have power to inspect the property, take samples, assays, and measurements right through, and make a report of the work done on the property, and the returns of the whole district, thus giving people an idea of what they have to expect if they invest their money.

THE MINISTER: That would not affect the question of whether the mine was being over-capitalised.

MR. HOLMAN: It would prevent people investing their money without a fair prospect of some return. When people are asked to invest 1½ millions in a mining field where during six or seven years only a few thousands have been gained, if they invest their money after full condemnatory reports by the Government, the investors deserve to lose. But before we allow people to invest in such propositions, we should give them every possible protection, give them a true record of the returns of the field, of the work done on the mine, and the assays of the ore opened up. Farther than that we cannot protect any person. But if we show the investing public throughout the world that we will protect them as far as we possibly can, we shall induce the legitimate investor to come forward. And the properties we have in Western Australia are well worth the investment of considerable sums of money. I shall not oppose this amendment, because I maintain that any step taken to give proper protection to investors, or to punish people who make false reports on mining properties, is worthy of support; but I fail to see how by this clause any power is given the Government to take action or to take successful action against any person in this State who has made false reports hitherto. To prove that the reports are false, and to prove the reports were made knowing them to be false, is a different matter. I fail to see that the clause will do much good. I hope I am wrong. I hope the result will be to frighten people who in past years made a practice of misleading the public by false returns and false reports.

MR. C. A. HUDSON (Dundas): I move that the debate be adjourned.

THE ATTORNEY GENERAL: The hon. member can hardly be serious. He suggested the passing of the second reading, and the discussion of the clauses in Committee.

MR. HUDSON: There has since been a long discussion.

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

Ayes	...	...	8
Noes	...	...	17
Majority against			9

AYES.	NOES.
Mr. Angwin	Mr. Barnett
Mr. Bath	Mr. Davies
Mr. T. L. Brown	Mr. Eddy
Mr. Holman	Mr. Gregory
Mr. Hudson	Mr. Hardwick
Mr. Underwood	Mr. Hayward
Mr. Ware	Mr. Illingworth
Mr. Bolton (*Teller*).	Mr. Keenan
	Mr. McLarty
	Mr. Mitchell
	Mr. Monger
	Mr. N. J. Moore
	Mr. Price
	Mr. Smith
	Mr. Veryard
	Mr. F. Wilson
	Mr. Layman (*Teller*).

Motion thus negatived; debate continued.

MR. H. R. UNDERWOOD (Pilbarra): I, with other members, congratulate the Attorney General on having made a step in the right direction, though I recognise it is only a short step. The clause is undoubtedly a necessary amendment of the Code; but we should go farther. All must admit the difficulty of passing a hard-and-fast law to deal with such a subject; but it should be possible so to frame legislation as to prevent the recurrence of many mining scandals similar to those of the past. The Minister says it is impossible to form an accurate judgment of the value of a mine. I agree with him; but I feel sure it is possible to prevent the circulation in prospectuses and other advertisements of palpable and obvious falsehoods, when mines are being floated. The Government geologist can give valuable information on that point if he likes to speak publicly. He is well aware that numerous mines have been floated in this State on the strength of statements which those who made them knew to be absolutely false. Speculators have gone so far as to take even the Governor of the State on a trip round the country, in order to float one or two propositions on the London market. My experience of some financiers in this State and in London is that they would take round the King himself if they thought they could work a float; and they are not particular whether the proposition be valuable or worthless, so long as they can make money out of it. They have absolutely no honesty when dealing with mines on the share market. The Minister for Mines says the Government should empower their inspectors to take away portions of the lode for assay purposes; but from past experience I should advise the Minister, when he is introducing that legislation, to add the words, "provided there is any lode to assay." In many floats there has been no lode at all. He says many people in this State, as in all other mining countries, have invested a few pounds in mines, and thought themselves robbed because they got no return. But there are many cases in which it was not thinking at all; the investors were certainly robbed. Owing to such practices this State and its mines have obtained a rather bad name, and the mines have obtained a bad name even in the State itself. For many really sound proposals money cannot be found, owing to the frauds practised in the past. We know that these flotations were made deliberately with a view to getting money from people under false pretences, and that when their schemes have been discovered these people go back to London and say that Western Australia is a failure owing to socialistic legislation and stringent labour conditions, and owing to the Labour party driving capital out of the country.

MR. C. A. HUDSON (Dundas): I regret exceedingly that the Attorney General should display such indecent haste in endeavouring to rush this Bill through to-night, even through its second reading. When I moved the adjournment of the debate, the hon. gentleman made use of an observation that I used earlier in the evening as a reason why we should proceed. I do not think it was generous on his part to do so, because when I made a suggestion that the Attorney General might explain the meaning of certain sections in Committee, it was with the idea of saving time. It was not generous of the Attorney General afterwards to take my observations as an argument why we should not adjourn the debate. The Attorney General would lead the House to believe that this is only a formal measure of no particular note except in regard to the

matter mentioned by several members in connection with the flotation of mines; but I would ask the House to consider the measure carefully; because beyond the clause discussed already, there are other important matters involved. There is one amendment passed over very lightly by the Attorney General, which if it were fully explained would appeal to the House; that is, the question of whether a person, having been convicted of a crime and having had recourse to a higher tribunal by way of appeal, should have his sentence calculated from the time of the decision of the higher Court.

THE ATTORNEY GENERAL: That is if he is out on bail pending the hearing of the appeal.

MR. HUDSON: Does the Attorney General suppose that the man is not being punished during that time, that he has no feelings during that time, or that the suspense itself does not bring some degree of punishment?

MR. BATH: It all depends on the class of individual.

MR. HUDSON: There is a form of punishment that should be taken into account, but which the Attorney General seeks to avoid. He practically seeks to punish twice over. Sentence may be passed before the appeal takes place, and its length may be fixed, and the Judge may have in view certain circumstances. The clause should not be passed without ample discussion. To attempt to rush the Bill through to-night even in this one aspect is an improper proceeding on the part of the Attorney General. There is another important point apart from that dealing with the flotation of companies, and that is the right of appeal in the case I have mentioned. Under the existing law there is an absolute right of appeal on a point of law in criminal cases from the tribunal before which the criminal is tried. The Attorney General proposes to take away that absolute right and to give it only under certain conditions; that is, to limit it. It is an important alteration of the law and a matter that requires consideration, but it is something the Attorney General asks us to accept off hand. We should not do so. We should have time to consider the matter. As I shall oppose it in Committee, I mention the matter now to show that it has an important bearing on the debate, and that it should be wisely considered before it is allowed to pass into law. Other clauses require explanation from the Attorney General; for instance, there is the proposition in regard to the evidence of young girls being taken without oath when a certain offence is charged. A serious point is involved in that, but the Attorney General would allow it to go. Anyone looking at the Code and seeing what is proposed to be omitted will realise the importance of it. The Attorney General should not have acted as he did in trying to prevent discussion. He knows that at this hour of the night proper interest cannot be taken in a measure of great importance. Certainly the principal clause in the Bill, apart from those I have mentioned, is that dealing with the punishment for false statements made by officials of companies with the intent to affect the price of shares. I admit there are great difficulties involved in measures of this kind. It is hard indeed to deal with the gentry intended to be affected by this clause, but I think with other members who have spoken that it is a step in the right direction, though it does not go as far as I would like to see it go. The Attorney General, or whoever drafted the Bill, might have made a little more research. It seems research was made. With most of the Bills we have there is very little originality; they have been copied from other Acts. We had to go to America for this. There is no originality at all.

THE MINISTER FOR MINES: The idea is from California, but the drafting is not Californian.

MR. HUDSON: There will be great difficulty in dealing with these people. I hope farther legislation will be introduced and that farther consideration will be given to the matter, and I hope it will not be brought down at the end of a session and an attempt made to rush it through at a late hour of a sitting. I hope the Attorney General will be able to afford the information in Committee that he was unable to afford on the second reading.

MR. WALKER: The debate should be adjourned, unless the Attorney General will agree to report progress during the Committee stage.

THE ATTORNEY GENERAL (in explanation): A great deal of matter has been raised which I have refrained from interrupting, because it was raised from want of knowledge of the sections. It is perfectly true that there was no copy of the Criminal Code in the House, and it was necessary to send out of the House for one. It was suggested that we should deal with the Bill in Committee; then we had a full-dress second-reading debate, and now I am asked for an adjournment.

MR. HUDSON (in explanation): The hon. member is misrepresenting what I said. I did not say that the whole of the Bill should be dealt with in Committee. The Leader of the Opposition asked for information on a particular clause, and the Attorney General said he knew nothing about it, and said that he would get a Criminal Code. I then suggested that we should deal with the point in Committee.

MR. WALKER: Does the Attorney General propose to go through the Bill in Committee to-night?

THE ATTORNEY GENERAL: Yes; if no difficulty arises.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. H. BROWN in the Chair.

Clause 1—agreed to.

Clause 2—Amendment of Section 20:

MR. HUDSON: Why was the latter part of this clause necessary?

THE ATTORNEY GENERAL: Section 20 was struck out and its meaning conveyed in better form by this clause, in order to make it impossible for any misconstruction to be placed on the words and to prevent any miscarriage of justice. It was the practice of all British courts that if an accused person was convicted and appealed and he was allowed out on bail, and if the Full Court affirmed the conviction, the sentence dated from the date of the confirmation of the sentence.

MR. HUDSON: What was the necessity for the clause?

THE ATTORNEY GENERAL: It was preferable when a matter affecting the deprivation of the liberty of the subject was at stake that it should be included in the Statute law. The whole clause was practically formal.

MR. HUDSON: All sentences dated from the confirmation of the conviction. Was that so?

THE ATTORNEY GENERAL: If the accused person had been on bail.

MR. WALKER: It was extraordinary that we should have at the end of the session a Bill enacting what was the established law of the country.

THE ATTORNEY GENERAL: Was it not better to have the practice of the court expressed in the law of the land?

MR. WALKER: It was better to have it remain the practice than place it in a statute, because if it was statute law it remained there, and would not permit of the slightest variation. Practice followed the progress of civilisation, but we could not get behind the statute law no matter how we grew. What was the urgency for this Bill at the end of the session? Was there anything particular in the Bill that should justify the measure?

MR. HUDSON disapproved of the principle of the clause. He moved an amendment—

That the last paragraph be struck out.

It would be better to get a speedy determination of the law so that no person should be kept in suspense. At present persons had to wait for months pending an appeal and the period during which the person waited was not taken into account. This was a new provision.

MR. WALKER understood from the Attorney General that this was now the practice of the court.

THE ATTORNEY GENERAL: That was so.

MR. HUDSON: The Attorney General said a man could be serving his sentence while on bail.

THE ATTORNEY GENERAL: What he had said was that this was the practice of the court, and it would be better to have made it a provision of the statute law than that it should remain the practice of the Court.

MR. WALKER: The whole clause should be deleted. The Minister for Mines had to fulfil a promise; that was the foundation originally for the Bill. But it happened to get into the hands of the Attorney General, who thought the

Bill was not big enough, therefore he placed in it the practice of the Court.

Clause put and passed.

Clause 3—Amendment of Section 185:

THE ATTORNEY GENERAL: The amendment proposed by this clause was necessitated by the passing of the Evidence Bill, which consolidated all the rules applicable to evidence.

MR. HUDSON: Supposing the Evidence Bill did not become law?

THE ATTORNEY GENERAL: The Bill had passed both Houses.

MR. HUDSON: The amendments made might cause the measure to be thrown out.

THE ATTORNEY GENERAL: The section referred to dealt with the capacity of children, girls, to give evidence under certain conditions; and provision as to that had been incorporated in the statute law.

MR. HOLMAN: There was something in what the member for Dundas said. What would be the position if the other Bill did not become law? In any case the amendment was unnecessary and the Evidence Bill would override this provision. Grave injustice might result from the passing of this clause.

MR. BATH: In the Evidence Bill the Attorney General had already provided for the repeal of this clause. There was no necessity to load our statutes with double repeals, which could only lead to confusion and misunderstanding.

MR. HUDSON was still unable to appreciate the Attorney General's argument that it was necessary to repeal the clause because provision had been made for it in the Evidence Bill. That argument involved two propositions; firstly that repeal was not provided in the Evidence Bill, and secondly that the Evidence Bill made provision for this particular subject.

THE ATTORNEY GENERAL: The Acts mentioned in the first schedule to the Evidence Bill were repealed to the extent stated, but the Acts mentioned in the Second Schedule were not repealed. The latter Schedule referred to provisions to the effect that in certain cases both wife and husband should be competent and compellable witnesses for either prosecution or defence. The Leader of the Opposition had been misled.

MR. HUDSON: Where did the evidence Bill provide for the section now proposed to be struck out of the Criminal Code? He had been unable to discover. It would be a serious matter if this part of the Criminal Code were repealed without provision elsewhere for its continuance.

THE ATTORNEY GENERAL could not put his hand on the provision, because the statute was not indexed. He had a note from the Crown Solicitor saying it was extracted for the purpose of being put in the Evidence Bill; and if the information was not correct he would have the matter amended before the third reading.

MR. HUDSON: The Attorney General said that when we went into Committee, if there was any matter which required explanation, or if any difficulty arose, he would consent to an adjournment.

MR. WALKER: That was the point. This was not the first time the Committee had been irritated and worried by the imperfect knowledge of the hon. gentleman. When members desired to get farther information he asked for a postponement of the clause.

THE ATTORNEY GENERAL did not ask for a postponement of the clause.

MR. WALKER: It practically meant that. The hon. gentleman wanted the Committee to be patient until he had gone back to those who gave him information in the first place, and had got his lesson off by heart when dealing with it on the third reading. It had been clearly shown that this was absolutely a duplication of law, complicating our statute-book.

THE ATTORNEY GENERAL: The clause in the Evidence Bill which dealt with the evidence of children not upon oath was Clause 103. (Clause quoted.) The practice adopted in the old country was that when a child understood sufficiently to be able to tell its story in court, it was possible for the court to receive that evidence although not given on oath. That provision was adopted in this Code. If it appeared in the Evidence Bill, it need not be also in the Code.

MR. HUDSON: Did the hon. gentleman arantee the passing of the Evidence ll this session?

THE ATTORNEY GENERAL: That is not the point he rose to discuss. He is dealing with the question as to its ing in the Evidence Bill. As to underking that the Evidence Bill would pass, would give the House an opportunity consi leiing the Council's amendments. nich were mostly formal, hence we ed not anticipate that the Bill would droppe.l.

Clause put and passed.

Clause 4.—Amendment of Section 338:

THE ATTORNEY GENERAL: The ction penalised the unlawful celebration marriages, and the amendment would sert in Subsection 3 the words nowingly and wilfully," so that none uld be guilty of an offence in celebrating irregular marriage unless he did so th his eyes open. Clergymen had nwittingly been led by false representions to commit such offences, and was unfair to hold them liable. The her subsections contained the words words to the same effect.

Clause put and passed.

Clause 5.—False statements by officials companies with intent to affect the ices of shares:

THE MINISTER FOR MINES moved amendment—

That the words "No proceeding under this ction shall be commenced unless authorised the Attorney-General, in writing," be added the clause.

n the second reading the reasons were lly explained.

MR. BATH: A somewhat similar point ose on consideration of the Secret ommissions Bill, when both sides agreed to the difficulty of securing convictions. o hamper such a clause by this amendent would nullify its usefulness. ctions so difficult of application should far as possible be free from restriction.

MR. HOLMAN had intended to insert ords at the beginning of the clause, to nalise persons other than directors, ficers, or agents. Better report proess. Shareholders sometimes circulated false reports; so did persons employed by shareholders to report on mines. These would not be agents of the company. A few weeks ago this was done locally, and a company's shares were depressed.

THE ATTORNEY GENERAL: Such persons would be liable to civil actions by the company. The Minister's amendment sought to penalise officials who, by reason of their positions, were trusted by the public.

MR. HOLMAN would not press his amendment. Would the clause embrace a shareholder acting for the company?

THE ATTORNEY GENERAL: Yes; every person having an official capacity acting for the company.

MR. BATH: It was not advisable to insert the amendment. There was no possibility of anyone being harassed. The trouble would be to secure information that would warrant proceedings being taken, so that we should rather facilitate the authorities taking action.

THE ATTORNEY GENERAL: In every case the Attorney General had to consent to the indictment being filed. The only grand jury we had was the Attorney General or someone appointed by him to act for him; but the clause might be abused by proceedings being instituted in a lower court before magistrates by a person who had lost money in a transaction absolutely without any blame being attachable to anyone. Proceedings might be started out of pure vindictiveness against some individual, and a plausible case might be made out sufficient to detain him before the magistrates for days. That would be harassing. Therefore the amendment was wise. The only effect of the amendment was that initiatory proceedings which might be harassing would require the same consent as was necessary before trial.

Amendment passed; the clause as amended agreed to.

Clause 6.—False statements relating to registration of births, deaths, or marriages:

THE ATTORNEY GENERAL: This was transferring from the registration of Births, Deaths, and Marriages Act 1899

a section providing the penalty for making a false declaration. It was well to have all provisions dealing with indictable offences in the Criminal Code.

Clause passed.

Clause 7—Amendment of Section 493:

THE ATTORNEY GENERAL: This was purely a verbal amendment, including the insertion of the word "not" which by some extraordinary oversight had been omitted from the section of the Code.

Clause passed.

Clause 8—agreed to.

Clause 9—Amendment of Section 512:

THE ATTORNEY GENERAL: It was not an offence to become insolvent and obtain property, but it was an offence for a bankrupt to obtain property. This clause altered the word "insolvent" to "bankrupt."

Clause passed.

Clause 10—Amendment of Section 558:

THE ATTORNEY GENERAL: The section dealt with indictable offences, and the paragraphs of the clause were added to carry out what had been the practice of the courts. The first paragraph provided that the court should take official notice of the signature of the Attorney General or any person representing the Attorney General. In a recent case the question arose whether the Attorney General should attend to prove his signature, but the court decided it was not necessary. The second paragraph provided that if a person was committed for trial in respect of an indictable offence, the Attorney General or officer authorised to represent him might present indictments against that person for any indictable offences which it was considered were *prima facie* disclosed by the evidence taken before the magistrates or coroner, irrespective of whether the said offences were mentioned in the commitment for trial or not. It was a clear saving of expense and time and unnecessary pain to the accused party where the magistrates, as they frequently did, made a mistake in committing for trial on an offence which the evidence did not disclose. a person was committed for trial an appeared from the evidence before magistrate that it would not support plea of guilty, all the rights were rese to the defendant, and he would be t as if committed for trial. The provi was inserted in order that no injus would be done if the defendant plea guilty before a magistrate.

Clause put and passed.

Clause 11—Amendment of Sec 667:

THE ATTORNEY GENERAL: effect of this amendment was tha point of law, no matter how trivial how absurd, a Judge was obliged to res for the consideration of the Full Co if the point was raised before the ver had been given, by the accused per or counsel. The result was that point law which had no weight in them at were sent on for the decision of the Court when they were not worthy consideration at all, and the Judge wo have to allow an appeal which invol cost to the accused person and the Cr when there was no possibility of succ It was now left to the discretion of Judge. We appointed Judges to de mine questions of law, but questions fact they had no more right to determ than the person in the street.

MR. HUDSON: Already he had i cated that unless some very good rea was shown for an alteration of the law this regard, he would oppose the cla The provision at present was that un certain circumstances a Judge m reserve a point of law. The only rea given for the alteration was that th might be, or it was possible there w trivial cases which went to appeal. because trivial cases might go to Full Court for decision, the right of accused person in general should not taken away, because of the possibi or actuality of a few cases going to Full Court on trivial points. In c matters there was no such restricti In many cases, Judges from caprice preconceived opinions, or the quest not having been fully argued, held that point would not hold good in the

.: that was no reason why a person
d not have the right of appeal. This
was of serious importance, and no
n had been shown for its enactment.
. BATH: The last speaker's argu-
appealed to him strongly. In con-
on with criminal charges there
to be right of appeal on points of
o higher courts, and that right
not to be restricted in the manner
sed simply to obviate the risk of
l appeals. Rather let such restric-
be imposed where property only
oncerned. The liberty of the subject
d be placed above property. This
ing amendment of the law deserved
onsideration.

: ATTORNEY GENERAL: The
r of the Opposition appeared to be
misapprehension regarding pro-
appeals. If in a property case the
regarded the point raised as trivial
uld refuse to grant stay of execution,
ven if he considered the point worth
nent he would grant a stay pending
l only on certain terms, say that the
mount of verdict and costs was paid
ourt. The section which this clause
t to amend contained a peculiar
sion that before verdict an appeal
be allowed, but that after verdict
s optional. The widest possible scope
ed to was only scope in point of time.
estriction proposed simply amounted
s: the existing law made the allow-
f appeals compulsory before verdict,
liscretionary after verdict; and here
ere providing that the allowing of
ls should be compulsory both before
fter verdict, because there was no
n for the existing distinction.

. HUDSON: Points raised before
t were less likely to be trivial.

: ATTORNEY GENERAL: Such
ot the case. After a verdict had
pronounced, counsel for the prose-
n was not likely to raise a point
s it were important. Naturally and
rly, before the verdict everything
could possibly be urged was urged.
dge would hesitate to reserve a point
re was anything at all in it. It was
lesirable that points with nothing
em should be reserved, because the
result was merely to keep the accused in doubt without advantage to anyone.

MR. BATH: Did the Attorney General think it fair to discuss such a provision in a House of 12 members?

Question put and passed.

Clause 12—Amendment of Section 670:

THE ATTORNEY GENERAL: The amendment here proposed was pretty well of a formal character. Often evidence which was not material, though certainly not formal, was admitted; and a verdict should not be assailed on the ground of improper admission of immaterial evidence. The interpretation of the section had been largely on the lines of this clause. While what was material was easily determined, what was merely formal could be determined only with difficulty. The amendment would facilitate interpretation of the section.

MR. HUDSON: The Attorney General had again failed to give reasons for the alteration proposed. This was a farther limitation of the right of appeal, and the hon. gentleman had been arguing backwards on it. An analysis showed that a conviction could not be set aside on the ground of improper admission of evidence, if it appeared to the court that the evidence was of a formal character, and not material. That was a limitation of the right of appeal against the conviction.

Clause put and passed.

Clause 13—Amendment of Section 699:

THE ATTORNEY GENERAL: The reason for this amendment was that the offences were offences committed by bankrupts, and the mere fact of a man being an insolvent debtor did not bring him within the provisions relating to offences which these sections were meant to deal with.

MR. HUDSON: It was probably through "insolvent" being used in some cases as synonymous with "bankrupt."

THE ATTORNEY GENERAL: Yes.

Clause put and passed.

Clause 14—Amendment of Section 710:

THE ATTORNEY GENERAL: This amendment was due to the fact that we had created the office of Solicitor General. It was asked that the words "Solicitor General or the" be inserted before "Crown Solicitor" in the third and sixth lines.

MR. HUDSON did not wish to oppose this, but it struck him that the Attorney General was not quite right in saying that "we" appointed a Solicitor General in this State. The Government approved of the appointment of a Solicitor General. The position of Solicitor General was one of purely political importance, and the title should not be conferred on a civil servant.

MR. WALKER asked for information.

THE ATTORNEY GENERAL: In some places the Solicitor General was a political officer, but here he was not so. The change was made before he (the Attorney General) took office. An arrangement was made to give the title of Solicitor General to the person who then occupied the position of Crown Solicitor, and to give the title of Crown Solicitor to the person who then held the position of Assistant Crown Solicitor.

MR. WALKER: Was it not a fact that the title of Solicitor General was given when an Attorney General was not available?

THE ATTORNEY GENERAL: It was in the time of the Daglish Government.

MR. HUDSON: The Rason Government made the appointment.

Clause put and passed.

Clause 15—Amendment of Second Schedule:

THE ATTORNEY GENERAL: This Act was in addition to the statutes in force in Western Australia. The statutes in force in Western Australia dealing with crime had all been repealed and attached to the Criminal Code.

Clause put and passed.

Clause 16—Amendment of Third Schedule:

THE ATTORNEY GENERAL: The figure "9" was a mistake. The proper number was "10," and by some error the word "stock" had been left out after "inscribed" in the Short Title Local Inscribed Stock Act.

Clause put and passed.

Clause 17—Repeal:

THE ATTORNEY GENERAL had consolidated our Criminal Section 5 related to the power gi magistrates to deal summarily w aboriginal native charged with an punishable with death. That appeared to be exercised pretty and it was not desirable that the should be enjoyed by magistrates.

Clause put and passed.

Title—agreed to.

Bill reported with an amendmen report adopted.

LOAN BILL, HOW PUBLISHED PI TURELY IN A NEWSPAPER

MR. SPEAKER: The following is the result of an inquiry held request of the Treasurer into th mature appearance of the text of th Bill in the *Morning Herald*:—

The Printing Committee has held an into the circumstances of the Loan Bil published in the *Morning Herald* of th November last, before it had been pr to members of the Legislative Assembl witnesses were examined, but from t dence adduced it was impossible for th mittee to discover who was directly or ind guilty of supplying information to the The procedure adopted in the past n possible for anyone who laid himself the purpose to take a copy without det and in order to prevent the possibility a thing occurring in the future, the com recommend—(1), That on the receipt from the Government Printer they be under lock and key in a cupboard to vided for the purpose. (2), That on sideration must Bills be distributed instructions to that effect are given Clerk or Clerk Assistant.—T. QUINLAN, man.

On motion by the PREMIER, ordered to lie on the table.

PAPER PRESENTED.

Perth High School Report for ended June 1906.

ADJOURNMENT.

The House adjourned at 11·43 o until the next day.