should be very much less in the case of an estate of £100 or £200, or that even in the Court of Probate there should be no bond at all.

HON. A. JAMESON: The court might dispense with a bond. The matter lay with the court in this case, and we could not get a better power than that. It was impossible to lay down a hard-and-fast rule as to how much the bond should be.

HON J. M. SPEED: The court could not exercise any discretion. If an estate went into court, the court had to ask that a bond should be given, but in some States in estates of the gross value of £200 there would be no necessity for a bond. He did not see why a bond should be necessary where an estate was £200, or one might say £100. It was very often a difficult thing to get a bond. Very often expenses in these small estates were as large as those in relation to a big estate.

HON. M. L. MOSS: If the hon. member looked at 24 Victoria, No. 15, he would find that no administration could be granted without a bond being entered into. Clause 26 of this Bill was a great reform upon that, because the court might dispense with one or more sureties to any bond. He had no doubt that where an estate was very small and there were no debts, the court would dispense with any bond at all.

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

Clauses 27 to 35, inclusive—agreed to.

Clause 36—Special letters of administration if executor or administrator not within jurisdiction:

HON. R. S. HAYNES: Suppose an executor happened to be out of the State, in Melbourne, any creditor could apply to the court for special letters of administration, and no notice whatever of the application would be given to the executor. What then became of the probate? True, on his return, the executor might apply to the Court to rescind such special grant.

HON. M. L. MOSS: By Clause 32, the executor had power to appoint an attorney.

HON. R. S. HAYNES: The Bill was being rushed through, and if passed as it stood a mess would result. If this were attempted, he would place a number of amendments on the Notice Paper.

THE MINISTER FOR LANDS moved that progress be reported, and leave asked to sit again this day week.

Motion put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 9·50 o'clock, until the next day.

Legislative Assembly,

Tuesday, 8th October, 1901.

Election Return, North Perth—Petitions (2): Coupon System of Trading—Petition: Coal Mines Regulation Bill—Papers presented—Revenue and Expenditure, Statement by the Treasurer—Question: Railway Workers' Hours—Question: Railway Refreshment Room—Question: Boulder Railway, Barrier System—Question: Railway Administration, Departmental Files—Fourth Judge Appointment Bill, second reading—Criminal Code Bill, in Committee, reported—Excess Bill (1900-1), first reading—Industrial and Provident Societies Bill, second reading resumed, concluded—Workers' Compensation Bill, in Committee; Count-out—Adjournment.

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

PRAYERS.

ELECTION RETURN, NORTH PERTH.

THE SPEAKER announced that he had received a return to the writ issued for the election of a member to serve in the Legislative Assembly for the Electoral District of North Perth, in the place of Mr. Richard Speight, deceased; from which return it appeared that Mr. George Frederick McWilliams had been duly elected.

DR. MCWILLIAMS then subscribed the oath, and signed the members' roll.

PETITIONS—COUPON TRADING.

MR. W. F. SAYER presented a petition signed by residents of Cottesloe, and a similar petition signed by residents of

Fremantle, in support of a measure dealing with the suppression of the coupon system.

Petitions received and read.

PETITION—COAL-MINES REGULATION BILL.

MR. EWING presented a petition from residents of Collie, praying for the passing of the Coal Mines Regulation Bill.

Petition received and read.

PAPERS PRESENTED.

By the MINISTER OF MINES: 1, Purchase of Public Battery at Lake Darlôt, Papers. 2, Public Battery at Donnybrook, erection of and ore crushed.

By the COLONIAL TREASURER: 1, By-laws of the Municipality of Boulder. 2, Returns under Life Assurance Companies Act 1889.

By the PREMIER: Registered holders of gold-mining leases surrendered for freehold considerations.

Ordered to lie on the table.

REVENUE AND EXPENDITURE—STATEMENT BY THE TREASURER.

THE COLONIAL TREASURER (Hon. F. Illingworth): I desire to inform the House that the revenue for September amounted to £301,812 3s. 6d., and the expenditure to £270,296 4s 9d. The deficit has now been reduced to £18,279 12s. 11d.

QUESTION—RAILWAY WORKERS' HOURS.

MR. W. OATS asked the Commissioner of Railways: 1, Whether it is correct that officers in charge of the different stations between Northam and Southern Cross are on duty seven days per week and twelve hours each day, *i.e.* eighty-four hours per week? 2, When those officers change duty, from night to day, whether one of them continues on duty twenty-four hours without relief? 3, Whether it is a fact that the pay of such officers is 7s. 8d. and 7s. 2d. per day respectively? 4, That only one of them (the officer in charge) is provided with quarters, etc. 5, If the above are not correct, whether the Commissioner will inform the House as to the facts? 6, If true, whether the Commissioner will make any improvements? 7, Whether the Commissioner considers that the safety of the travelling public is properly protected against accidents if such conditions exist?

THE COMMISSIONER OF RAILWAYS replied: 1, Yes. 2, No. 3, Yes. 4, Yes. 5, The facts are as stated. 6, The claims of these officers will receive due consideration when the service is being reclassified. 7, Yes; the duties are particularly light, and although the men are on duty for the hours stated, the work is anything but laborious.

QUESTION—RAILWAY REFRESHMENT ROOM.

MR. C. H. RASON (for Hon. G. Throssell) asked the Commissioner of Railways: Whether he is aware of the great necessity for a refreshment room at the East Northam station, and whether it is his intention to make early provision for same, as provided for in the original plans of the station.

THE COMMISSIONER OF RAILWAYS replied: The question of placing a refreshment room at East Northam station could not be entertained, as if a refreshment room were established in this locality it would be at West Northam, where the change of engines takes place, and this is now under consideration.

QUESTION—BOULDER RAILWAY, BARRIER SYSTEM.

MR. W. J. GEORGE asked the Commissioner of Railways: What has been the financial effect of the adoption of the barrier system on the Boulder railway, with regard to the cash receipts at such stations where the system has been adopted.

THE COMMISSIONER OF RAILWAYS replied: The revenue derived from passenger traffic on the Boulder line had considerably increased since the introduction of the barrier system on that line.

QUESTION — RAILWAY ADMINISTRATION, DEPARTMENTAL FILES.

MR. W. J. GEORGE asked the Commissioner of Railways: Whether he has any objection to allowing him full access to the departmental files used by the Commissioner when making the charges against the Black Swan Foundry.

THE COMMISSIONER OF RAILWAYS replied: No charges have been made against the Black Swan Foundry. The hon. member can see the papers.

FOURTH JUDGE APPOINTMENT BILL.
SECOND READING.

Debate resumed from 3rd October, on the motion by the Premier.

MR. H. J. YELVERTON (Sussex): While strongly favouring the establishment of Circuit Courts—indeed I advocated their establishment when addressing the electors—still I am not convinced that the appointment of a fourth Judge is necessary at the present time. It is only a few years since we appointed a third Judge; and I do not consider that the increase in population since then warrants the appointment of a fourth Judge as yet. The question has to be considered from the point of view of economy; and while it is probable that the Colonial Treasurer's statement tomorrow will disclose the fact that the estimated expenditure for the ensuing year has been very considerably cut down, we should consider carefully and well before deciding to commit the country to the expense of the salary of a fourth Judge, and all the additional expense involved in the proposed appointment. I believe it is quite possible to establish Circuit Courts even with the three Judges we have now. [SEVERAL MEMBERS: Hear, hear.] So far as I am aware, there is no congestion of the Judges' work at the present time, and thus I see no reason why one of the present Judges should not go on circuit. If the Government chose to try and make arrangements with the Judges to this end, it could, I think, very easily be managed; especially as we now have on the Bench men tolerably young as compared with those hitherto composing the judiciary. It may be found that the sending of one of the present Judges on circuit will result in a very considerable reduction of the work of the Perth Supreme Court. That work may be still farther lessened if the scope of the local courts and courts of quarter sessions were extended. Holding these views I cannot, at any rate without a trial of the system I have suggested being previously made, consent to the appointment of a fourth Judge. I shall therefore oppose the Bill.

MR. F. W. MOORHEAD (North Murchison): It is with great diffidence that I venture to express my opinion as against that of the hon. member who has just spoken. Of course it may be expected that I know a little about the present state of our courts; but at the same time the hon. member may not altogether agree with me when I say that I probably know as much about the subject as that hon. member. [MR. YELVERTON: Certainly.] He tells us that he thinks there is no congestion in our courts at the present time. As a practitioner in the courts, I venture to assure this House that there is at present a serious congestion, a congestion moreover arising from no want of diligence on the part of our judiciary. On the contrary, I venture to say that within the British dominions there is not to be found a judiciary as hard-worked and as ill-paid as our present Bench. Our Judges are now being worked in the manner of galley-slaves and paid on the scale of navvies.

MEMBER: Rot!

SEVERAL MEMBERS: No, no.

MR. MOORHEAD: I had not the pleasure of hearing the remarks of those members who spoke on this question on Thursday evening; but I have ascertained from newspaper reports that references were made to the other States. I have taken the trouble to ascertain the position of affairs in South Australia. In that State during the year 1900 there were listed altogether, excluding 12 matrimonial trials, only 24 cases in the Supreme Court in the whole year. South Australia has three Supreme Court Judges and a Commissioner, Mr. Commissioner Russell, who is practically a fourth Judge. Taking the year 1900, I find in West Australia a condition of affairs by comparison very extraordinary. I find three Judges disposing of 251 civil actions in the Supreme Court during the one year 1900, whilst at the same time those Judges disposed of 120 criminal cases and 147 appeals. Farther, up to September of this year from January, 1900, a period of about 20 months, the Judges disposed of 1,574 matters in Chambers. I challenge any member of the House to point to a similar state of affairs, where three Judges have disposed of such a quantity of work and have been paid at the rate of £1,400 a year, an emolument at present enjoyed

by any ordinary Perth solicitor of standing. It is urged by those hon. members who apparently have not considered the matter from the standpoint we legal practitioners are bound to regard it from, that both the cost of litigation generally and the volume of litigation in the Perth Supreme Court would be lessened if we established Circuit Courts. With regard to that matter, I hardly see that much reliance can be placed on the prospect held out; because the more courts we have up to the present established, the more numerous, apparently, the appeals coming to the superior tribunals. I am satisfied of this fact, that it is impossible at the present time for any one of our three Judges to leave his work and travel through the country as a Circuit Judge. Again, it is urged that litigation would be cheapened and expenditure lessened if the course were adopted of giving extended jurisdiction to our Local Courts, instead of appointing a fourth Judge. We know that in South Australia the Local Courts have extended jurisdiction up to the amount of £500; but many of these Local Court actions are taken by the Judges. Moreover the salary attached to the position of a County Court Judge in South Australia is much higher than that paid to a resident magistrate in this State. The South Australian County Court Judges are men of legal training. I doubt very much whether we should save anything by extending the jurisdiction of our lower courts instead of appointing a fourth Judge. The additional amount we would have to pay in order to procure good men for our lower courts would far outweigh the amount we should have to pay one gentleman as a fourth Judge. I do not desire to enter more minutely into the matter at the present moment; but I am satisfied, as a practitioner of this court, that it is humanly impossible at the present moment for any one of our Judges to perform Circuit Court work. We have to-day had the Full Court adjourned *sine die* without the list being completed. We have not completed the September list before we come on to the October list. There are also motions and summonses coming on in Chambers day after day, which the Judges are not able to dispose of; and it has been impossible lately to get a Judge in Chambers to dispose of the ordinary interlocutary proceedings. In fact, our Judges are overworked and under-paid, and I think it would be impossible to put on them any additional work. Every Act we pass here throws additional work on the Judges, and we are now considering a measure which will necessitate one of our Judges being taken for some considerable time in the year off other work, to discharge his duties under the Conciliation and Arbitration Act.

THE COLONIAL TREASURER (Hon. F. Illingworth): There has been an outcry for years on the goldfields for an additional Judge, for a Judge who should be able to go on circuit; and I am satisfied we shall never get this want supplied unless an additional Judge is appointed to do this particular work. It has been a great cost to the State and to litigants to have to come long distances to Perth, as in the case of persons who come from Cue or other parts of the Murchison to get their case heard in the Supreme Court. The expense is extremely heavy, and the outcry against it is great I want strongly to urge on the House to absolutely insist on appointing another Judge, in order that we may have some one who can go on circuit. If we do not do something in this direction, I am afraid we shall hear more complaints than have been heard in the past; and I hope the House will see its way clear to support the Bill.

MR. W. J. GEORGE (Murray): I may as well tell the House straight away that I am not in favour of this Bill. I am not a legal practitioner, and am therefore not in a position to state whether the courts are congested or not. What business transactions I have do not, as a rule, necessitate my attendance in any of the courts of this State. The reason why I cannot support the Bill is because, judging it as an ordinary man will judge these matters, I see no particular reason why the affairs of a small State having something like 200,000 people cannot be dealt with by three Judges. If the reason why three Judges cannot attend to the affairs of this State is because of physical disability, which of course we should regret, and if they are perhaps unable to give that close attention and obtain that close grasp of affairs which a more robust nature would enable

them to do, that is their misfortune and it is also the misfortune of the State. I should like it to be shown that the Judges themselves have been consulted on the matter. It has never been stated in the House that the Judges are desirous that there should be an addition to their number. It has been said they are desirous of getting an addition to their pay, and perhaps they are like other people in this State—they have got the workmen's fever, and desire to get as much pay as they can for their services. Perhaps, however, I have had a more intimate acquaintance with business matters than the last speaker (Mr. Moorhead), and I never saw a man in any position who would not rejoice in a salary of £1,400 or £1,700 a year. [Several interjections.] There is a rule that hon. members shall not interrupt. (General laughter.) Satan reproving sin has passed into a proverb in regard to the member for the Murray reproving hon. members for interrupting. As I was saying, having a little more acquaintance with business matters than the last speaker, I am not aware whether the Judges consider £1,400 a year or £1,700 a year insufficient payment for their services. In the year 1896, when the question of the salaries of Judges came before this House, it was pointed out by the then Attorney General (Mr. Burt) and by the then Premier (Sir John Forrest) that the Judges, if they had not exactly "struck," had taken some step for requiring a rise in their salaries. In fact, I believe an expression was made use of in this House by the then Premier that something like a round-robin had been sent round in regard to their salaries. It was stated by the then Attorney General that the Chief Justice in South Australia was receiving £2,000 a year, and we were asked to increase the salary of the Chief Justice here to £1,700 a year. The increases then recommended were given. I have no doubt the salary we give now to each of the Judges is sufficient, if not a full recompense for the duties performed.

MR. MOORHEAD: Compare their salaries with those paid to Judges elsewhere.

MR. GEORGE: It is sufficient for me to compare the population of West Australia with the population of other places; and that was done very ably by the member for Boulder (Mr. Hopkins) the other evening, when he gave us statistics which have not been and I think cannot be refuted. We have to bear in mind that there is a limit to these matters. We have to consider whether this State can afford the increased expenditure; whether the State can do without a fourth Judge or not. If the State cannot afford to spend the additional money, the State will have to do without a fourth Judge. I believe that, according to the writ list, there are fewer writs being served now than at any period during the last two years; though whether that is a guide as to the amount of litigation I cannot say, because we know that many of these writs are settled out of court. I think we are not justified in passing this Bill; but if the House choose to pass it, we ought then to consider the farther question whether our Judges are physically capable of standing the strain of this circuit business, which ought to be carried out, and whether they are by their past careers sufficiently strong in mind to resist any of the temptations which may be brought to bear on them, either through the process of blackmailing or anything else. When we reach another Bill which is on the Notice Paper, I shall have to deal with the matter I am now referring to. I have in my possession certain information which I wish to put before the House, and I shall be able to show that a most grievous wrong has been done in this State.

THE SPEAKER: I do not see what that has to do with this question.

MR. GEORGE: I am referring to the Judges.

THE SPEAKER: I think the hon. member was referring to something outside the Judges. I think he was referring to another Bill affecting newspapers.

MR. GEORGE: May I ask whether it is within the province of a member of this House to comment on any past or recent actions of the Judges at present on the Bench?

THE SPEAKER: It can be done, if it is done with due moderation; but the hon. member was not alluding to the Judges at all when I interrupted him.

MR. GEORGE: I regret that my words were not sufficiently connected to make my meaning quite clear to the Speaker. I wished to show that if we

passed this Bill, there should be some clause inserted in it which would prevent the appointment of any gentleman as a Judge in this State who had been the victim of blackmailing in any shape, because I intended to show that above all things it was necessary that a person who is appointed a Judge should be of sufficiently strong moral character, and have sufficiently clean antecedents as to render the arts practised by the blackmailer of no avail. I shall oppose this Bill, and shall endeavour, if the Bill gets into Committee, to show why such a clause should be introduced in order to achieve the object I have indicated. I may have to go farther than that, and if so, I shall do it.

MR. R. HASTIE (Kanowna): We have just heard an additional reason why the Bill should be read a second time. I am curious to know what clause the hon. member wishes to introduce. If the person proposed to be appointed a Judge had been subjected to blackmailing, I think it would puzzle the hon. member's ingenuity to make it clear to the House. However interesting that might be, or whether the Judges should be paid a higher salary, the main question before us is of a different kind. We have here a Bill, and several legal members have told us it is absolutely necessary to pass the Bill and get a fourth Judge, if we are to have Circuit Courts established in this State. I am not an expert in that line, but have to depend on those who are experts; and as they say it is necessary to increase the amount of working power of the judiciary, I think a fourth Judge should be appointed. The only possible objection to the Bill which has been suggested is that instead of passing it we should increase the power of our Local Courts, for enabling magistrates to deal with civil cases up to the sum of £500; but I ask hon. members who advocate such a course whether it is desirable to make that change under present circumstances. No doubt it would be right enough in Perth and perhaps in Fremantle; but from what I know of the wardens and magistrates in different parts of this State, there is a great doubt whether we would be justified in making the change which has been suggested, because those gentlemen were not appointed for the express purpose of dealing with large sums of money and with intricate cases, and it would be a long time indeed before we could get magistrates of sufficient calibre to deal with cases involving sums of money up to £500. But, after all, the main consideration with most of us in connection with the Bill is to get Circuit Courts established. Is it possible for us to have three Judges and Circuit Courts? The hon. member for the Murray (Mr. W. J. George) and others say it is possible, while some members say it is impossible.

THE MINISTER FOR MINES: The old centralisation policy.

MR. HASTIE: If we do not have Circuit Courts, we shall have complaints as to the congestion of the work, and we have had complaints from all over the State that litigants have not been able to get their cases tried. This is not a new idea: I understand the last Government introduced a measure similar to this. It is only a few people who believe it is possible for us to arrange things differently from what they are at the present time, but experience is against them. Our experience is that the Judges cannot get on with the work, and that the only way to get the work done is to appoint a fourth Judge. I wish the House to consider the matter in this spirit, independent of any other consideration. Our duty is to take such steps as will enable the different suitors in the country to get their cases tried at the earliest possible moment. I will only make one farther remark. In the early period of the debate the member for Perth (Mr. F. Wilson) mentioned as an indication of the congestion of work in the courts that it was impossible for the Judges to start the Arbitration Court. Since that time the difficulty has been overcome, and the first Arbitration Court will be held on Monday. Many similar sittings of the same court will take place, but we can only depend on these cases being brought on by the appointment of a fourth Judge.

DR. HICKS (Roebourne): I have listened with the greatest interest to the statistics brought before the House by the member for North Murchison (Mr. F. W. Moorhead). During the past week I have made inquiries of several legal gentlemen in Perth. One of them, of very high standing, assured me that there is no necessity for the appointment

of a fourth Judge at the present time, his opinion being that if the jurisdiction of Local Courts were enlarged, that would meet the case. The member for Kanowna (Mr. R. Hastie) stated that certain magistrates and wardens were not qualified to deal with cases in which large sums of money were involved. I disagree with him. Many men bringing civil cases, I know, for sums over £100, often reduce the amount to below £100 so as to bring their cases before the Local Court. My principal reason for rising was to state my objection to the Bill for the appointment of a fourth Judge, and it is that the public purse is not sufficiently protected under the Judges' Pensions Act. It certainly comes to me as a surprise that a Judge, immediately upon being appointed, if incapacitated by mental or physical disease, is entitled to half his salary for the remainder of his life. It is extremely difficult, without a medical certificate, to say whether a man is physically sound or not. To make my opinion clear, I will cite a case. Take the case of a gentleman who is practising at the Bar and is elevated to the Bench. The gentleman, to all appearance, is of great vigour. He sits on the Bench for, say, a month, and does his work to the satisfaction of everybody. Perhaps after a hard morning's work he retires from the Bench, and, feeling exhausted, he may have recourse to a glass of wine—perhaps two. He goes home with a friend, and on his way falls down in a fit. Assistance is brought, and he is carried to his house but remains unconscious for perhaps a week, then slowly recovers; but his mental and bodily faculties are seriously affected. He may remain in this state, being incapacitated from duty for any time between 10 or 20 years, and then is carried off by some disease. Had this gentleman been examined, any medical man would have known what he was suffering from. Probably it was some chronic kidney disease. Precaution should be taken before a man is appointed to the Bench, because probably before he is appointed the man is most vigorous both in body and mind. If it be necessary to examine ordinary civil servants, who are not entitled to a pension until they have been ten years in the service, and then in proportion to the kind of service they have rendered, before they enter the service, ten times more necessary is it to examine a Judge before he goes on the Bench. We may take the case of a Judge who has received half his salary for ten years, and the country has to pay £7,000 for perhaps one month's services. Everyone knew the late member for West Kimberley. I had the honour of meeting him first last November, and I am sure, although I am medically trained, that I had no idea there was anything seriously the matter with him; and until three months before his death no man thought he had anything seriously the matter with him. I am given to understand that his disease was similar to that which I am trying to explain, only the termination was different. An accident may end a man's life one way or another. A medical certificate should be obtained to protect the public purse. If we are going to retrench, let us retrench at the head of the service and not with the working man. During a certain debate which occurred one evening, the member for the Murray (Mr. W. J. George) asked the Premier a question, and in reply the Premier stated that a certain Judge who had recently been appointed would not soon apply to go on the pension list. The same evening—I may almost say in the same breath—the Premier told us that in January, or at an early date, this recently-appointed Judge would have to go to England to undergo a surgical operation. We are not protected by the action of the Premier in this respect. Whatever surgeon undertakes a case, he cannot promise that the case will be successful, and a man may be incapacitated for the remainder of his life. Is it right for the country to pay a pension ten or twenty years for the services of a few months?

MR. C. H. RASON (Guildford): I desire to say a few words on the question, and I confess that I find some difficulty in following the arguments of the members who represent goldfields constituencies. When I had the honour to represent a goldfields constituency, one of the most burning questions was that of Circuit Courts, and I was pledged, as I believe every goldfields member was pledged, to the establishment of Circuit Courts at the earliest possible moment. Three Judges may carry out the duties connected with the Circuit Courts, but I am not qualified

to judge on that point; and in the absence of any assurance from the Government that it is impossible for three Judges to carry out the duties, I shall vote against this Bill.

THE MINISTER FOR MINES: What did you think last year?

MR. RASON: Do not be in any hurry. I will tell you what I thought last year, and what I think this year. If the Government will assure me that it is impossible to carry on Circuit Courts with three Judges, I shall vote for the fourth Judge. With regard to the remarks of the last speaker, I venture to say he is labouring somewhat under a misapprehension. If I read the Judges' Pensions Act correctly, I believe it is necessary for a Judge to serve 15 years before he can claim a pension at all. That may be an impression of mine; I may be wrong, but I am under the impression that a Judge must serve a great number of years before he gets a pension. My position is this: if the Government will give me an assurance that it is impossible to establish Circuit Courts without the appointment of a fourth Judge, then I will vote for the Bill; but in the absence of such an assurance, it is my duty to vote against the Bill.

HON. F. H. PIESSE (Williams): In regard to the Bill now before the House, some statements have been given by the member for Boulder (Mr. J. M. Hopkins) which have already been alluded to by members, that in other States the number of Judges engaged on the work of dealing with the litigation that comes before the Supreme Court is not so large as is proposed here, and that is given as a reason that no farther appointment is necessary here. I think I can support that statement. In regard to other States—although the member for North Murchison (Mr. F. W. Moorhead) mentioned just now that there are a greater number of cases dealt with here in the Supreme Court, as compared with the number of cases dealt with in South Australia, yet we must not forget that matters have reached a normal condition: in South Australia legal matters have been normal for some years, and the probability is that they are becoming normal here also. At any rate, there has been a tendency recently to lessen the number of cases, and there do not appear to be as many cases in the courts now as in past years. If we look into the question, we find that two Judges were able during the past eighteen months to carry on the business of the country in regard to the courts: surely three are now capable of carrying on the work satisfactorily. One of the Judges was absent from the State on leave for an extended period, and the work was carried on; certainly, not to the satisfaction of the country, but at the same time it was carried on. We have now three Judges, all able to do work; and we have not yet seen the result of the work which those three Judges will be able to accomplish. The recent appointment of Mr. Parker to the Bench means that we have a very active and energetic gentleman, who has a knowledge of local matters which will enable him to deal expeditiously with any cases that come before him, and who will be able to despatch a very large amount of work which has hitherto been delayed. In the past we had Sir Alexander Onslow filling the dual capacities of Administrator of the State and Judge of the Supreme Court. The fact of his holding both positions threw on him a great amount of work, which he was unable to carry out either as satisfactorily as he might desire, or with the despatch which in the interests of the country is desirable. An allusion was made by the Colonial Treasurer to the appointment of Circuit Court Judges. The hon. member stated that the goldfields had asked that Judges might travel on circuit. I agree that there is a necessity for Judges going on circuit; and no doubt it would be great convenience if a Judge were appointed specially to go on circuit. I think, however, that one of the three Judges whom we have to-day might be appointed as a Circuit Court Judge, or might take up the Circuit Court work, and that thus there would be a decrease in the number of cases at present occupying the attention of the Perth courts. A Judge travelling on circuit would dispose of a great number of goldfields cases which at present have to be tried in the courts here. I am confident that the establishment of Circuit Courts would result in a great lessening of the work done in the Perth courts, and that under the circumstances three Judges would be sufficient for the business of this State

for some time to come. Another point which has already been mentioned, and which deserves the serious attention of the House, is the suggested extension of the Small Debts Ordinance up to £250 or £300. If such an increase were made, undoubtedly a great many of the cases which now come from the country districts into the Supreme Court would be dealt with by the resident magistrates. It is all very well to say, as the member for Kanowna (Mr. Hastie) just now said, that the people have no confidence in the ability of these magistrates to deal with such matters, on account of their want of legal knowledge. In my view, however, many magistrates are better able than Supreme Court Judges to deal with matters of the kind I have indicated. [SEVERAL MEMBERS: Hear, hear.] They have a knowledge of local circumstances and of matters of fact; and it is on matters of fact, of course, that most of these small debts cases have to be decided. Only on a point of law can a decision under the Small Debts Ordinance be appealed from. If the case turn on questions of fact, it will be dealt with by the magistrate, from whose decision there is no appeal. I think, therefore, that the extension of the jurisdiction of the Local Courts might well be made. In the event of a technical question arising, or in a case where certain moneys may be sued for under contract or under some agreement, the resident magistrate can get the benefit of outside assistance, in the same way as is often done by Supreme Court Judges, though not under the same circumstances. I think that if the jurisdiction of the Local Courts could be extended as I have indicated, and if one of the present Supreme Court Judges go on circuit, the volume of business in the Perth courts will be greatly reduced, and there will be no necessity for the appointment of a fourth Judge, as advocated by the Premier in introducing this Bill. I think, therefore, that it is preferable to wait for some time to see what will be the result of the work of the present three Judges, the latest accession to whose ranks is, as I have said, a very active member of the Bar, with a great knowledge of all matters appertaining to the business of this State, and thus will be able to dispose of a great deal of business. Moreover, it is to be remembered that the Judges are now free to deal entirely with the business of the Supreme Court, instead of being hampered, as in the past, through one of their number being burdened with the office of Administrator. Under the circumstances I think it better to defer the farther consideration of this Bill, and for that reason it is my intention to vote against the second reading.

MR. W. J. BUTCHER (Gascoyne): I have listened with very considerable interest to the debate on this Bill, and to all members who have spoken; and I must confess I have not yet heard one single sound argument which would lead me to believe that the appointment of a fourth Judge is not necessary. The only thing approaching an argument against the proposed appointment is that the business of the Supreme Court may be relieved by an extension of the jurisdiction of the Local Courts. But unless the jurisdiction of these Local Courts were extended to say £500, the difference in the work of the Supreme Court would be very small indeed. For my part, I should be very much opposed to increasing the jurisdiction of the lower courts until all our magistrates are legally trained men. When that time arrives, it will be perfectly safe to extend the jurisdiction of the Local Courts, and perhaps even beyond £500. But I repeat, until that time has arrived, I certainly do not consider an extension advisable. The member for North Murchison (Mr. Moorhead) in speaking just now adduced facts and figures to prove that the amount of work done by our Judges is something enormous — something like five or six times that of the South Australian Judges.

MR. MOORHEAD: Ten times.

MR. BUTCHER: Ten times the work of the South Australian Judges. But the fact that South Australia has only three Judges has actually been brought forward to show that the proposed appointment is not necessary. The argument was—if South Australia has only three Judges, why should we have more? The facts and figures brought forward by the member for North Murchison, however, show that our Judges have to do ten times the amount of work done by the three Judges in South Australia; and I say that is a strong reason why a fourth Judge should be appointed. For that

reason it is my intention to support this Bill.

MR. R. D. HUTCHINSON (Geraldton): So far we have had no assurance from any member of the Ministry that if the Bill be passed, a Supreme Court Judge will be sent on circuit. Will the Premier give us his assurance that in the event of the present Bill being passed, Circuit Courts shall be established?

THE PREMIER: Certainly.

MR. HUTCHINSON: If this means immediately, and that a Judge will be sent regularly to Coolgardie, Kalgoorlie, Cue, and other large outside centres, then I think the House will be justified in agreeing to the second reading. But, in the absence of that assurance, I shall certainly vote against the Bill.

THE PREMIER: I told you so, in introducing the Bill.

MR. HUTCHINSON: There is no doubt that a great deal of annoyance, trouble, and expense has been occasioned in the past through suitors having to go hundreds of miles to Perth, in order to have their cases dealt with, and in many instances having to wait five or six or seven months before their cases came on for hearing. If a Judge had gone on circuit to try these cases, all this needless expense, or most of it, would have been saved. Since we have now the assurance of the Premier that Circuit Courts will be established immediately, and that a Supreme Court Judge will be sent to administer justice in those courts, I feel it is my duty to vote for the second reading.

MR. J. RESIDE (Hannans): If hon. members are not already assured of the Premier's intentions, I beg that he will again assure them, before we go to a division, that Circuit Courts will be established. I know that the goldfields have been crying out for Circuit Courts for some considerable time, and I consider the evidence brought forward during this debate shows that the only means of establishing Circuit Courts is the appointment of another Judge.

MR. GEORGE: I agree with that myself.

MR. RESIDE: So far as Opposition members are concerned, I think it probable they have some other reason than that of economy for opposing the Bill. Let me ask those members whether they have not some consideration for the economy as to the pockets of goldfields residents? [MR. GEORGE: Hear, hear.] The passing of this Bill will save the people of the goldfields thousands of pounds where hundreds are spent by the State. The present delays in the administration of justice are a scandal to any civilised country. Certainly none of the arguments advanced against the Bill are sufficient for its rejection. The member for the Williams (Hon. F. H. Piesse), who has been in power before, has had plenty of opportunities for giving the goldfields Circuit Courts.

MR. JACOBY: He was not Premier.

MR. RESIDE: He should have taken action. As regards the present Bill, we know that the courts are congested and that people have to come to Perth at great expense, and bring their witnesses down at more expense, and then perhaps hang about the courts for weeks before their cases can be heard. Undoubtedly the courts are in a congested state at the present time; and therefore I say, in the interests of the goldfields and of the country generally, and also in the interests of the administration of justice, it is necessary that the House should agree to the second reading.

MR. GEORGE: It is quite right that you should have Circuit Courts, but not a fourth Judge.

MR. MOORHEAD: Do you want the Judges to work 16 hours a day, and 12 months in the year?

THE PREMIER (in reply as mover): If no one else wishes to speak, I will reply.

THE SPEAKER: You can reply now.

THE PREMIER: There can be no doubt, I think, that the opposition to this Bill is neither genuine nor sincere, particularly the opposition of hon. members who sit on the front Opposition bench. For if their opposition be genuine and sincere, it is remarkable that to-day they should be so emphatic against the Bill, while at this time last year, when a similar measure was before the House, they allowed the principle to be affirmed without saying a word against it.

HON. F. H. PIESSE: It was opposed by the Premier of the day, and by several others.

THE PREMIER: The Premier of the day said this:—

> It is the general opinion, both in this House and the colony, that Circuit Courts should be

brought into existence, especially on the goldfields; and that populous districts should have the advantage of sittings of the Supreme Court in all cases. This has not been possible without increasing the strength of the Supreme Court Bench.

Hon. F. H. Piesse: Read at the bottom of page 1474.

The PREMIER: That is what the Premier of the day, whom many people worship, said on the 16th day of October in the year 1900.

Hon. F. H. Piesse: You quote just as much as suits you, and no more.

The PREMIER: I go a step farther, and I say that if I were to give an assurance to-day that a certain gentleman would be appointed to the position, the Bill would go through without opposition. [Ministerial Members: Hear, hear.] That is another point. It will be remembered that during a recent debate a letter written by Mr. Throssell was read. In that letter these words occur:—

A simple solution of the whole question would be the appointment of a fourth Judge, and the giving of that to Mr. Pennefather.

Now let us discuss the question on its merits. The member for Boulder (Mr. Hopkins), I was somewhat astonished to find, is opposed to this measure; but I tell him, and I tell the goldfields members generally, that if this Bill——

Mr. Hopkins: I did not say I would vote against the Bill. I criticised the expenditure. You gave no reason why it should be incurred.

The PREMIER: I am going to supply the little defects which were apparent in my opening remarks; and I tell the member for Boulder, and in fact all the goldfields members, that in my opinion it is impossible to establish Circuit Courts on the goldfields or elsewhere, unless this Bill be passed.

Mr. Hopkins: That is all we wanted to know. Why did you not tell us that before?

The PREMIER: Impossible, unless we have a fourth Judge.

Mr. Reside: We want Circuit Courts on the goldfields.

The PREMIER: Very well. If you do, you will have to give me the fourth Judge.

Mr. Reside: If you get the Judge, will we get the courts?

The PREMIER: If I get the fourth Judge, I will undertake to establish Circuit Courts — well, almost immediately — [Several Members: Hear, hear]—to begin after the next vacation. It has been stated that there has been no recommendation from the Bench for the appointment of a fourth Judge. Now, I tell the House that in the opinion of the Judges this appointment is necessary. I do not know whether certain hon. members will consider the Chief Justice a sufficient authority on the point; but his is one authority, at any rate.

Mr. George: What about the other two Judges?

The PREMIER: As regards the other two, I have spoken to one, and he confirms the opinion of the Chief Justice.

Mr. George: What about the other one?

Mr. Stone: The present Judges do not want to go on circuit.

The PREMIER: The hon. member does not understand the subject, and therefore he should listen.

Mr. Stone: I understand the subject so far that I think the Judges do not want to go on circuit.

The PREMIER: It was suggested that because South Australia could do with three Judges, this State could do with three Judges; but certain figures quoted by the member for North Murchison (Mr. Moorhead) clearly show that the position here is different from that in South Australia, for he points out how in South Australia, where there are only a few cases listed in the Supreme Court, they count in tens while here they count in hundreds. I not only remind members that the bulk of the business in South Australia is done in Adelaide, that there are no big populous centres outside of Adelaide as we have on our goldfields; and although they have three Judges in South Australia, they have practically also a fourth Judge, namely the Commissioner in Insolvency, who is really a fourth Judge in Bankruptcy. That gentleman held an acting appointment on the Supreme Court Bench a few years ago, and is in every way qualified and of the same standing as a Judge of the Supreme Court. Figures were quoted with regard to Queensland, although I am not certain whether the member for Boulder (Mr. Hopkins) emphasised those

figures; but the figures in Queensland were almost identical with the figures here. In Queensland the proportion is one Judge to 60,000 of the population, and here it is also one Judge to about 60,000 persons: and there are I think nine Judges, four of these being District Court Judges. I shall have no objection to bringing in an amendment of the Judges' Pensions Act, if hon. members think it necessary. I am inclined to agree with the members who say it is not prudent to appoint to a Judgeship one who might claim a pension the day after his appointment. I go farther, and say I do not think any gentleman would accept the position of a Judge of the Supreme Court with such an idea running in his mind. That will meet the argument of the member for Roebourne (Dr. Hicks), and prevent the difficulty he anticipates. But I do not know that in any country it is necessary for a Judge of the Supreme Court to undergo a medical examination before he takes the appointment.

MR. MOORHEAD: Athletic sports might be a test.

THE PREMIER: We might as well go to that extent and test him in athletic sports. Reference was made to the gentleman who was recently appointed to the Supreme Court Bench here, and it was said that because he contemplated undergoing a certain surgical operation in a short time, therefore he might take advantage unduly or improperly of the provision of the Pensions Act; but I would remind hon. members that the gentleman has led an active life, he has been a prominent member of the Bar, and he was recently Mayor of Perth. I think these are sufficient evidences that he has got all his faculties, mental and physical.

MR. SAYER: Nobody disputes the mental part.

THE PREMIER: Does the member for Murray dispute the physical part?

MR. GEORGE: That question is not before us.

THE PREMIER: With reference to the suggestion that we should extend the jurisdiction of the Local Courts, I say that does not meet the case I have put before the House, for if you increase the jurisdiction of the Local Courts up to £500, the next demand will be that we shall have no lay magistrates, but properly qualified men, and consequently an increase in their salaries will be necessary. I say that, on the score of expense, this would be more than the contemplated salary for a fourth Judge.

MR. HOPKINS: And an increase in the number of appeals.

HON. F. H. PIESSE: There would be no increase in appeals, except on points of law.

THE PREMIER: Those points of law are of importance to the community; for if a magistrate goes off at a tangent on points of law, the suitors will be at a great disadvantage. I know that if a Judge were in such a state of health as to be forced to retire from the Bench, he would not trouble the Treasury long by drawing his salary or his pension: there is no doubt about that. Take the practice in England. We know Judges do not last very long on the Bench, that they are generally old men before they got there; and I suppose if you were to submit any Judge of the Supreme Court to a medical examination, he would not be able to pass for insurance, and consequently I suppose he would be disqualified.

MR. JACOBY: What amendment do you suggest?

THE PREMIER: I am discussing the Fourth Judge Bill, and not an amendment. I do not know that there are any particular arguments I have to reply to. I have not heard any from the other side of the House which would cause me at all to depart from the ideas which appear to have influenced my predecessors in office; and if this proposal was good enough twelve months ago, the circumstances of this State have not so altered as to make this proposal unworthy of consideration at the present time. I do not think the opposition to this Bill is either genuine or sincere; and if it had not been for the happening of a certain event recently, or if I were to give a particular assurance, this Bill would go through without a murmur. I ask hon. members in these circumstances to pass the Bill, particularly if they are sincere and genuine in their wish to have Circuit Courts established in distant parts of the State. I tell hon. members, as a Minister and as a professional man, that it would be in the interest of the administration of justice to establish Circuit Courts, and

I say they cannot be established unless a fourth Judge is appointed.

Question put, and passed on the voices.

Bill read a second time.

CRIMINAL CODE BILL.

IN COMMITTEE.

Resumed from 3rd October.

Chapter XIV.—Corrupt and improper practices at elections: Clause 100, Illegal practices:

MR. W. F. SAYER (assisting the Minister in charge of the Bill): It had been pointed out to him that it might be inconvenient if candidates seeking election were prohibited from holding meetings of electors in public-houses. It was said that in outlying places there was extreme difficulty to find any room in which a meeting for election purposes could be held other than a house licensed for the sale of liquor. He proposed to strike out, in the first line of Sub-clause 1, the words "of electors or," the sub-clause then reading: "convenes or holds a meeting (of electors or) of his committee in a house licensed for the sale of fermented or spirituous liquors."

MR. MOORHEAD: In some places there was not any room in which a meeting could be held other than a public-house.

MR. SAYER: It being so difficult to find a room for such purposes in places remote from large centres, he proposed to strike out the words he had mentioned. The law was pretty universal that an election committee could not meet in a licensed house; but so far as a meeting of electors was concerned, it was not unlawful to hold a meeting in a licensed house.

HON. F. H. PIESSE: Would the member for Claremont or the member for East Perth give an assurance that there was no alteration in this Bill from the existing law? The Bill had been described as a codifying measure; and if the assurance he asked for were given, members would deal with the Bill more confidently.

HON. W. H. JAMES: If the amendment put in by the member for Claremont were passed, then the law would remain as at present. There were some proposed amendments in the existing law throughout this Bill. When Clause 100 was first mentioned, the member for Claremont and himself were absent from the Chamber, and the attention of members was not drawn to this alteration; but as the Bill was passing through Committee attention would be drawn to any change made from the existing law.

MR. G. TAYLOR: It should be the desire of members to keep elections as free from liquor as possible, and the only way to do that was to debar candidates addressing electors in hotels, from hotel balconies, or anywhere near hotels. The argument had been used that in the back country there were no facilities for holding meetings in halls; but if meetings were allowed in boarding-houses, the objection would be overcome.

MR. J. M. HOPKINS: Meetings should be held as far from hotels as possible. A person who was a candidate for Parliament would naturally read the Electoral Act to see what were the penalties and the various actions which were not permitted; and such person was naturally guided by that statute. It was not desirable to have a criminal code in opposition to the Electoral Act; therefore he was inclined to support the amendment, reserving to himself the right, when the Electoral Act came before the House for amendment, to take the opportunity of making a necessary amendment so that such meetings should not be held in hotels. It was only with a view of having the criminal code in accord with the Electoral Act that he would agree to the amendment.

HON. W. H. JAMES: Unless the Committee would agree unanimously to the amendment of the law, it would be better to allow the law to stand as at present. If a long discussion took place on the amendment, then the Bill would never get through. The main object of the Bill was to place on the statute book one Bill which contained all the criminal law for the time being; but if any particular clause could be amended without undue discussion, then let that be done; yet the main object was to get a Bill through, embodying the law as it stood to-day. If there were a long discussion on the different amendments, he was afraid we should never get the Bill passed, and the main object we had in view would be lost, that of having the criminal law placed within the four corners of one statute.

MR. W. J. GEORGE: Last session the House passed a Municipal Institutions Act.

HON. W. H. JAMES: That was an amending Bill.

MR. GEORGE: The measure was brought from the other Chamber, and members were told that if they attempted to alter the measure it would lapse, and there would be a terrible calamity. If there was one law about which municipal councils were unanimous was bad, it was the Municipal Act. If the Committee adopted the plan of passing Bills without discussion, then we abrogated the powers and rights of Parliament.

HON. W. H. JAMES: That was not suggested.

MR. GEORGE: The hon. member had pointed out to the Committee that if hon. members started discussing amendments the Bill would never be got through. The hon. member had in effect said the best way was to throw out the Bill at once or accept it as it stood.

HON. W. H. JAMES: Nothing of the kind.

MR. GEORGE: That was the impression formed.

HON. W. H. JAMES: The main object in view was to bring the present criminal law inside the four corners of one Bill. In some clauses amendments were suggested, and in discussing amendments we should accept the opinion of the Committee without a long discussion. If members thought the amendment should not be made, let us leave the law as it stood. He did not ask the Committee to accept the Bill as it stood; on the contrary, he had suggested that if any amendment contained in the Bill was not unanimously accepted, then the amendment should be struck out. In the old country when it was intended to codify the law and to make amendments, an amending Bill was first introduced and discussed, then the amendments were embodied in the codifying measure on the understanding that the amendments were not to be again discussed.

MR. GEORGE: The amendment should not be passed. Meetings of electors should not be held in public-houses. If the procedure which was adopted in the old country had been carried out here, then this amendment would have been discussed previously. Very few members in the House knew what amendments were included in this measure. As to the clause, there was no objection to holding meetings of a candidate's committee in hotels, but he saw a great objection to holding political meetings in hotels, as the influence of drink might be brought to bear; but the influence of drink did not come into play with regard to a candidate's committee, which was composed of persons who had previously pledged themselves to the candidate before the campaign started.

Mr. R. HASTIE: The Committee had been assured that any alterations would be pointed out, thus members would have an opportunity of seeing if it was desirable to pass amendments or not. If long discussions now took place, too much time would be occupied, and there would be no codifying Bill this year. The object of the Bill was to bring all our laws into ship-shape form, included in one comprehensive measure; and the Committee might feel assured that those responsible for the Bill would indicate wherein it differed from existing legislation.

MR. H. DAGLISH: By passing the clause we should be virtually affirming the present law to be a good one. The amendment of the member for Claremont should be discussed on its merits. Personally, he would feel it his duty to vote against the amendment, which had a tendency in favour of the man with the longest purse. Moreover, it was a serious thing to allow any bench of magistrates the power to imprison a candidate for six months in the event of his holding a committee meeting in a public-house. When the amendment was disposed of, he would ask the Committee to consider whether it was advisable to strike out Sub-clauses 2 and 3, which were an offence to common sense, and an unnecessary interference with the liberty of candidates.

MR. W. F. SAYER: It had to be borne in mind that the Bill stated the maximum penalty. Wherever imprisonment was imposed, there was power to impose a fine in lieu, and that fine might be reduced to 1s.

MR. MOORHEAD: The fine was not the only penalty accruing.

MR. SAYER: In Queensland the maximum penalty was imprisonment for

one year and a fine of £200. The Committee should remember the penalties stated were in every case maximum, and that no minimum was prescribed. This meant that the maximum penalties, whether imprisonment or fine, might be reduced to a merely nominal fine.

MR. F. W. MOORHEAD: Would the member for Claremont give the Committee the benefit of his opinion as to whether the clause, as it stood, did not really create a new offence? The offence under the clause was for the candidate to convene or hold a meeting of his committee in a licensed house. The Bill was a very voluminous one, and every candidate could not be expected to carry a copy of it in his waistcoat pocket for the purpose of reference. Under the Electoral Act of 1899 it was provided that "no licensed premises shall be used as a committee-room for the purpose of promoting or procuring the election of a candidate." Did not the words "shall be used" imply more than one meeting? Was there not something continuous or permanent implied in the words? Under the new clause it was simply "a meeting."

MR. W. F. SAYER: This clause did not create a new offence. The object of introducing the clause was to substitute the clear language of Sir Samuel Griffith for the language of the present Act, which the hon. member had evidently found somewhat difficult to construe. A single action would constitute an offence under the present Act.

THE COLONIAL TREASURER: Supposing a candidate's committee convened a meeting in licensed premises and held it without his knowledge?

MR. SAYER: There would be no offence in that. The candidate was prohibited, not his committee.

THE COLONIAL TREASURER: Was it not an offence for the committee to hold a meeting?

MR. SAYER: No; the offence was committed if the candidate held a meeting.

Amending sub-clause put, and a division taken with the following result:—

Ayes	...	...	22
Noes	...	...	16
Majority for	...	...	6

AYES.	NOES.
Mr. Butcher	Mr. Daglish
Mr. Ewing	Mr. George
Mr. Gardiner	Mr. Hayward
Mr. Gregory	Mr. Hicks
Mr. Hastie	Mr. Hutchinson
Mr. Higham	Mr. Illingworth
Mr. Holmes	Mr. Johnson
Mr. Hopkins	Mr. McWilliams
Mr. Jacoby	Mr. Monger
Mr. James	Mr. O'Connor
Mr. Kingsmill	Mr. Piesse
Mr. Leake	Mr. Reid
Mr. Moorhead	Mr. Reside
Mr. McDonald	Mr. Taylor
Mr. Nanson	Mr. Yelverton
Mr. Oats	Mr. Wallace (*Teller*).
Mr. Pigott	
Mr. Rason	
Mr. Sayer	
Mr. Smith	
Mr. Stone	
Mr. Wilson (*Teller*).	

Amending sub-clause thus passed.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

MR. SAYER: With regard to Sub-clause 2, it was the present law absolutely; but he would like to propose that the words "within 48 hours before noon" be struck out, making the sub-clause to read: "personally solicits the vote of any elector [within 48 hours before noon] on polling day." Although personal solicitation of votes might be objectionable at any time, yet it was lawful to solicit votes. Under the present law, voters were apparently to be left alone during an interval beginning 48 hours before noon of polling day. He moved as an amendment that the words he had suggested be struck out, so that personal soliciting of votes might go on up to the evening before the day of polling.

MR. H. DAGLISH supported the amendment, because it was ridiculous to debar candidates from speaking up to the evening before election day. A candidate with a long purse could employ agents to speak for him, and in that way he would have an advantage.

MR. F. CONNOR: He generally had a long tongue also.

MR. DAGLISH: But not so long as that of the member for East Kimberley. The effect was that the candidate who had paid agents at work obtained a peculiar advantage over those who had to rely on the honorary services of their friends, which services would be available only when those friends were not engaged in business. The conditions should be made equal as far as possible for all

classes of candidates; and if canvassing was to be stopped before election day, it should be stopped not only on the part of the candidate, but on the part of the candidate's friends, who should also be prohibited from soliciting. He thought candidates should be allowed to keep the election going up to the night before polling. Indeed he thought Sub-sections 2 and 3 might be struck out entirely.

MR. SAYER: No, no.

MR. R. HASTIE: Sub-clauses 2 and 3 might well be struck out, because during the interval beginning 48 hours before noon on polling day a candidate's mouth was closed, and any newspaper opposed to him would be at liberty to say what it liked about him, and he could not reply, his mouth being closed. Another reason was that the word "soliciting" was open to various meanings, and it practically left a successful candidate at the mercy of almost anyone who chose to put up £50, and who might take an extreme view of what was meant by "soliciting." This was not the law in any other English-speaking community, except in South Australia.

Amendment put and passed, and the words struck out.

MR. SAYER moved, as an amendment in Sub-clause 3, that the same words should also be struck out, making the clause to read: "attends at any meeting of electors held for election purposes [within 48 hours before noon] on polling day."

Amendment put and passed, and the words struck out.

Clause as amended passed.

Clause 101—passed.

Clause 102—Illegal practices:

MR. W. F. SAYER: One provision of the existing Electoral Act had been omitted in this portion of the Bill, that which made it a misdemeanour to supply horse or carriage hire going to or returning from the poll. It was the law under the South Australian Act and under our Electoral Act; but the provision had been omitted from the Bill because the law had been ignored by a great number of candidates. At most elections a number of cabs were employed; and seeing that the law was really a dead letter and practically inoperative, the provision had been omitted from this clause. If the Committee thought it a good provision, then a sub-clause could be inserted to the effect that any person who supplied horse or carriage hire for any voter in going to or returning from the poll, to influence the vote of such elector, should be guilty of a misdemeanour and liable to imprisonment for one year or a fine of £100. Without intending to propose the amendment, he now suggested it.

MR. J. GARDINER: There was a weakness in the suggested sub-clause relating to conveyances. The words "with a desire to influence an elector" would not meet the case; because, assuming that about a fortnight before the election an elector said "I am going to vote for you," and the candidate sent a cab for the voter on the day of election, the vote of the elector was not being influenced. The suggested amendment would rather prohibit the employment of vehicles of any kind, irrespective of whether they influenced the vote of an elector or not.

MR. F. CONNOR: There were lame persons to be taken to vote.

MR. SAYER: It would be unsafe to leave out these words, because many persons might be guilty of a misdemeanour through a kindly act.

THE COLONIAL TREASURER: The wording of the Electoral Act was very defective. It made a criminal of the man who happened to have a buggy and who interested himself on behalf of a friend to bring voters to the poll. The provision was so glaringly absurd that it became inoperative. If the provision was made to apply to licensed vehicles, that difficulty would be met; and that would prevent the man with money hiring cabs.

MR. HASTIE: Perhaps the member for Claremont would consider the matter and frame a sub-clause to meet the case. In country districts the number of cabs available were very few, and one candidate could hire all the cabs so that none were left for an opponent. It would be ridiculous to impose a penalty on people who owned traps and took voters to the poll. A law of that kind could not be carried out. The suggestion made by the member for Claremont was a good one. Could not a law be passed prohibiting the driver of a cab or other vehicle displaying placards with the name of the candidate thereon, or displaying the colours of a candidate so as to distinguish in whose interest the

vehicle was run? That was as far as the Committee might go. If a candidate was allowed to engage cabs, the rich man had the best chance.

MR. M. HOPKINS: There were instances in which canvassers were employed and plans of a town arranged, so that opposite every allotment the name of the voter was placed. In such a case it did not require the colours or the name of the candidate, as the vehicle would simply go and pick up the voter. He understood the criminal code was to be in accordance with the Acts to which the law applied. Was this Bill in accord with the Electoral Act?

MR. SAYER said he made a suggestion to bring in a Sub-section of the Electoral Act, which was practically a dead letter. If it was desired to make that section a living letter, the words which he had suggested to the Committee should be inserted in the Bill. Perhaps this clause could be passed, and the matter brought up again on the recommittal of the Bill.

MR. H. DAGLISH: Of what use was the clause to be? So far as he was able to judge, it might be an offence to drive an elector to the poll. At present the law was easily defeated. If the law as it stood was carried out it would be entirely in favour of the man who had friends with vehicles, because the law was against the hire of vehicles: the law should be against the use of vehicles. It would be folly to perpetuate the law because it was a dead letter, and the Committee could only make the provision effective by providing that it should be an offence to carry an elector to the poll. A new element had been introduced into elections—woman suffrage. Many ladies would not walk to the poll, they could not give the time, and a great many men could not give the time to go to vote. A man working in Perth who had to vote in one of the suburbs could only go to the poll after he had ceased work, and if that man left off work at half-past five, by the time he arrived home and had his meal there was very little time left to vote, therefore the candidates should be allowed to provide some facilities to carry people to the poll.

MR. WALLACE: The desire of the democrats, he understood, was to make all things equal at the time of elections, yet we found one member of the Labour party advocating a measure that would give to one section of the people a right which another section could not enjoy. He would like to see a very large penalty imposed for conveying voters to the poll. The franchise had been made as simple as possible, and now the member for Subiaco said that the ladies who had fought so hard and obtained the franchise desired to be carried to the polling booth. The member for Kanowna had expressed the opinion that we should make it punishable for any person, be he licensed cabdriver or not, receiving payment for conveying one or more persons to the poll. The polling-day throughout the State had been fixed for the same day; it had been made easy to get on the roll, and now it was desired to allow the rich man to employ all the cabs he could. Some provision should be made in the Bill to penalise anyone using his wealth for the purpose of influencing voters at the poll. A clause should be introduced making the employment of a cab or carriage on polling day an illegal practice, and, as such, punishable. It would be better for the member for Claremont to introduce a new clause.

MR. R. HASTIE: The member for Subiaco (Mr. Daglish) had said that as the present clause was not given effect to, it should be abrogated; but for his part he thought it a most useful clause, especially in the case of elections conducted by agents, whose sole object was to keep just within the law.

THE COLONIAL TREASURER: There was a system—he would not say it existed in Western Australia—by which a cabman received thirty shillings for his day's work if the candidate engaging him were not returned, and fifty shillings if he were returned. This meant that a number of voters were influenced. He had known of instances where cabs were engaged weeks before the election with the understanding that an extra pound a day would be paid if the candidate won. That kind of thing should be stopped.

MR. H. DAGLISH: At the late general election he had found it impossible to hire any vehicles at all, whereas an opponent of his was able to run a dozen or so. It was a grave disadvantage to contest an election against a man who employed horses and vehicles in his business, and

therefore had the use of them on polling day.

MR. HUTCHINSON: Illegal! A man could blackmail a candidate for doing that.

MR. DAGLISH: A man not employing horses and vehicles in his business could not make use of vehicles on polling day without breaking the law. He protested strongly against the existing law, under which, at the late election, every cab in Perth was hired weeks beforehand. If the law were more stringent, the case might be somewhat different. There should be facilities for bringing women voters to the poll in order to give them the full benefit of the franchise.

Clause passed as printed, and other clauses agreed to.

Chapter, as amended, put and passed.

Chapter XV.—Selling and trafficking in offices:

MR. SAYER: This chapter consisted entirely of the common law now in force in the State.

Put and passed.

Chapter XVI.—Offences relating to the administration of justice:

MR. SAYER: This chapter dealt with offences relating to the administration of justice, with the crime of perjury among other things. He desired to propose an amendment in Clause 128, which related to the offence of threatening a witness before a Royal Commission, by making the penalty the same as that for threatening a witness before a select committee. He moved, as an amendment in Clause 128, that the words "on conviction to imprisonment for three months, or to a fine of one hundred pounds" be struck out, and "to imprisonment with hard labour for two years" be inserted in lieu.

Amendment put and passed.

MR. SAYER: It was his duty to point out that two offences known as "maintenance" and "champerty" had been omitted from this chapter, being very antiquated and almost obsolete. They had been omitted from the Queensland Code for the same reason. "Maintenance" consisted in the providing of pecuniary aid to a man prosecuting a law suit—in any case not a serious offence. Many a man would not be able to support his just rights unless supplied with the sinews of war by a friend. To assist a man to bring his case before the courts constituted the offence of maintenance. If the person supplying aid was to receive a benefit from the lawsuit the offence was champerty. He had never in his experience known of a man being prosecuted for maintenance or champerty. After grave consideration—and he believed on the recommendations of the Judges who had considered the Code—these offences were struck out in Queensland; and therefore they had been struck out in this Bill. There was nothing else to mention with regard to this part of the Bill, which merely consolidated the statute law and common law as now existing.

Chapter as amended put and passed.

Chapters XVII. and XVIII.—agreed to.

Chapter XIX.—Offences relating to mails:

MR. SAYER: This chapter dealt with offences relating to stoppage of mails, and reduced the penalty from imprisonment for life to imprisonment for 14 years. The post offices, of course, were now under Federal jurisdiction. This clause related not necessarily to the stoppage of or interference with travelling post offices alone, but to the stoppage of or interference with His Majesty's ships coming into Australian waters with mails on board. The clause was designed to conserve just so much of the law relating to this subject, leaving the legislation on offences relating to post offices generally to be dealt with by the Federal Parliament. The penalty under the Queensland Act and under this Bill was 14 years.

Put and passed.

Chapter XX.—agreed to.

Part IV., Chapter XXI.—Offences relating to religious worship:

MR. SAYER: This was the law of Queensland, but not of this State at the present time. It was made a misdemeanour to threaten with violence all those who administered as ministers of religion; and although not the statutory law here, he thought it was desirable, and had put it in the Bill.

Put and passed.

Chapter XXII.—agreed to.

Chapter XXIII.—Clause 207, Bawdy houses:

MR. MONGER, referring to Clause 207, expressed regret that it had fallen to his lot to bring the clause under the notice of the Committee. Every member would be wanting in his duty if this

clause were allowed to pass without some comment, and without some expression from the Colonial Treasurer (Hon. F. Illingworth). He (Mr. Monger) did not pose as one having the slightest sympathy with the parties referred to in the clause, nor did he desire to debate at unnecessary length so indelicate a subject. He remembered once hearing an able West Australian politician, who was asked at an election meeting some question, reply that he was not very well versed in the subject, but his opinions were the same as Sir John Forrest's. He (Mr. Monger) was about to quote a paragraph from England's greatest living historian, Professor Lecky, and he would say that his opinions on this indelicate subject were the same as those of England's greatest living historian. [Paragraph read at length, describing a prostitute as the supreme type of vice, yet ultimately the most efficient guardian of virtue; a degraded and ignoble being, on whose form are concentrated the passions that might have filled the world with shame: while creeds and civilisations rise and fall, she remains the eternal priestess of humanity, blasted for the sins of the people.] He moved that the clause be struck out.

MR. G. TAYLOR: The clause was not satisfactory as it stood, for he failed to see why it should be inserted for the purpose of punishing those who lived in this class of houses while the owners of such houses, knowing they were used for a certain purpose, were not punished. The clause should be amended so as to punish the owner who lived in luxury on the proceeds of this kind of traffic, because to remove the cause would be to get rid of the effect. Those who drew rents for the use of houses occupied for such purposes should be equally liable to punishment.

MR. SAYER: The owner who drew rents for houses, knowing the houses were let or used for the purpose indicated in the clause, was an accessory, and as an accessory was liable to the same punishment as the offender. It was not necessary to insert a clause making him liable, as he was liable already under this code.

MR. TAYLOR: That argument was very good; but it should not be difficult to find out what sort of tenants were in those houses; and wherever it was seen that a mere hovel was let for £2 per week while it would not be worth 10s. for ordinary use, the owner drawing the rent or the authorities who ought to suppress this traffic should know what sort of use these places were put to. If the law had not been enforced against them in the past, it should be in the future.

MR. HOPKINS supported the clause as it stood. If struck out, these institutions would be found in any street in the city or suburbs, and there would be no remedy. There had been streets in towns on the goldfields entirely ruined by the class of tenants referred to. It was better to keep the clause as it stood.

MR. TAYLOR: Streets were "ruined," and persons owning properties in those streets grew wealthy.

MR. HOPKINS: That was unfortunately too true.

MR. MONGER: Once more he would appeal to hon. members as to whether it was intended to abolish what all must know was an absolutely necessary evil. If that were the intention, let it be distinctly stated. If it were intended to pass a measure for suppressing what was recognised in every portion of the civilized world, the Committee would be carrying out in this clause what existed in no other civilized community. To take this course, instead of being a protection to the community it would be a peril, for it would become dangerous for females to walk out without protection. Where were the 50,000 women of a certain class in London allowed to live, in what places were they housed, if they were treated as this clause proposed to treat women of the same class here?

THE COLONIAL TREASURER: There was exactly the same provision in England against the same class of houses.

MR. MONGER: Were the occupants of those houses liable to a penalty of three years' imprisonment?

THE COLONIAL TREASURER: The law was exactly the same in England.

MR. MONGER: This was a law which in this country would allow policemen to levy unnecessary blackmail on a section of the community. We all knew that at certain seasons of the year, when people come down from the goldfields, places of that kind were found to be very necessary. Was it the desire of the Government to say that those places should be closed? If so, carry the clause. He hoped the law would then be enforced; but it

seemed to him it would make this State somewhat difficult to live in.

MR. W. F. SAYER: This offence was a misdemeanour under the common law of England; therefore it was the law of every English-speaking colony throughout the world. It was no novelty in legislation.

MR. HOPKINS: It was the legislation in force now?

MR. W. F. SAYER: It was the common law of England, therefore the law of this State.

Amendment put and negatived, and the clause passed.

Clause 208—Gaming houses:

MR. F. C. MONGER: This appeared to be another drastic piece of legislation, and he supposed the Committee would hear from the member for Claremont that this was the law in England.

MR. W. F. SAYER: The common law, as far as a misdemeanour.

MR. MONGER: Hon. members had not studied this particular clause. The penalty for keeping a gaming den, such as that kept by some of the Chinese residents in Perth, was three years' penal servitude. Were we going to allow a biassed justice or a Judge to give these people terrible sentences, more than the law existing in any other State of Australia would allow? He moved that the clause be struck out.

MR. W. F. SAYER: Clause 208, dealing with gaming houses, was the common law by statute. Under the Police Act it was a summary offence, and the offender was liable to imprisonment for six months, or to a fine of £100; but to keep a common gaming house was an offence at common law—it had been the law here since 1827—which was punishable by hard labour. The maximum penalty was three years' imprisonment. It was competent for any Judge trying an offence under the Bill to impose any less term of imprisonment, or to impose imprisonment without hard labour, or a fine in lieu of imprisonment. When a man was brought up as a keeper of a gaming house, for the first time, he would naturally be dealt with summarily, and awarded a fine or imprisonment not exceeding six months; but in the case of an old offender who in the opinion of the justice was worthy of a heavier penalty than six months, he would be committed for trial under the common law for misdemeanour: then he would be subject to a maximum penalty of three years' imprisonment. But it was competent for the court to impose any lesser punishment, or a fine of nominal amount. Therefore whenever a fine or imprisonment was mentioned as a maximum penalty in the Bill, it was competent for the court to sentence a person for any lesser imprisonment, or even to inflict a fine of a nominal amount. The clause as it appeared in the Bill was the existing law of the State.

MR. H. DAGLISH: Would this provision affect private clubs where gaming was known to be carried on? Was there anything in the Bill which would affect private clubs or any persons who clubbed together and carried on an establishment for gaming purposes? Did the law support or authorise such a thing?

MR. W. F. SAYER: There was nothing in the Bill excluding clubs from its operation. If any members of a club brought themselves within the language of the clause, they were liable to the penalty, and the language of the clause was sufficiently clear.

Amendment put and negatived, and the clause passed.

Clause 209—Betting houses:

MR. F. C. MONGER: The last paragraph of the clause made it lawful for the Colonial Treasurer to authorise any club or company incorporated or otherwise registered by the W.A. Turf Club to have, use, and play with, on a racecourse while registered and during the days of a race-meeting, the totalisator. Would the Colonial Treasurer say what the position would be if the Bill before the House for the repeal of the totalisator was carried, and this clause was adopted in its entirety? A Bill having for its object the repeal of the totalisator, which he believed would be carried, was before the House; yet the Colonial Treasurer asked the Committee to give him authority to do this, that, and the other thing. The Colonial Treasurer and other members had said they would not sanction the passing of any Bill which would have for its object the licensing of gambling in any shape or form. He challenged those members to repeat those observations on this Bill.

MR. HOPKINS: The cases were not parallel.

MR. MONGER: Did the hon. member mean to say the legalising of the totalisator was not legalising gambling? He asked the member for Boulder to explain the difference between gambling on a lottery, and on a totalisator.

THE PREMIER: This Bill did not repeal the Totalisator Act of 1883.

MR. SAYER: This was a saving clause.

THE PREMIER: This clause appeared to be in the Totalisator Act of 1883.

MR. SAYER: The Bill did not repeal either of those Acts.

THE PREMIER: The Bill did not authorise the W.A. Turf Club to use the totalisator.

MR. SAYER: Would not the authority to the club be given by the Colonial Treasurer?

THE PREMIER: This clause did not authorise the Treasurer to do that. It referred to clubs registered by the W.A. Turf Club.

MR. SAYER: Did not that club register itself?

THE PREMIER: No; it did not.

MR. F. C. MONGER moved that the clause be struck out.

Motion put and negatived.

Mr. MONGER moved as an amendment to strike out the last paragraph (authorising use of totalisator by racing clubs registered by Western Australian Turf Club).

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

Ayes	...	...	15
Noes	...	...	17
Majority against		...	2

AYES.	NOES.
Mr. Ewing	Mr. Butcher
Mr. Gardiner	Mr. Daglish
Mr. Hayward	Mr. Gregory
Mr. Hicks	Mr. Hastie
Mr. Illingworth	Mr. Hopkins
Mr. Jacoby	Mr. Hutchinson
Mr. Monger	Mr. James
Mr. McDonald	Mr. Johnson
Mr. O'Connor	Mr. Kingsmill
Mr. Pigott	Mr. Leake
Mr. Reside	Mr. Morgans
Mr. Smith	Mr. Nanson
Mr. Stone	Mr. Piesse
Mr. Taylor	Mr. Reid
Mr. Wallace (*Teller*).	Mr. Sayer
	Mr. Yelverton
	Mr. Higham (*Teller*).

Amendment thus negatived.

Clause 210—Lotteries:

MR. W. F. SAYER: At present the procedure in the case of prosecution in respect to lotteries was by indictment for misdemeanour. It was his intention to insert in the first paragraph words making the effect summary.

MR. MONGER: Could this amendment be discussed before the one which he had put on the Notice Paper? He asked for the Chairman's ruling.

THE CHAIRMAN: The amendment notified on the paper had not been moved, and he (the Chairman) could not take into view what was on the Notice Paper until such amendment was formally moved.

MR. MONGER: With reference to the last paragraph of the clause, "This section does not apply to any lottery which has obtained the written sanction of the Attorney General," he desired to ascertain what kind of lotteries the Attorney General proposed to sanction. He also desired to ascertain whether the Attorney General intended to continue the sanction of art unions under the auspices of the Australian Natives Association.

THE PREMIER: On several occasions he had been asked, as Attorney General, to consent to lotteries; and he had always refused his consent. He could not, in fact, do anything but refuse: there was no power for him to sanction lotteries. He should be very glad to move that the paragraph in question be struck out.

MR. MONGER moved that the clause be struck out.

Amendment put and negatived.

MR. W. F. SAYER moved as an amendment in paragraph 3, that the words "or may be summarily convicted before two justices, in which case he is liable to imprisonment with hard labour for six months, or to a fine of £100," be added.

Amendment put and passed.

THE MINISTER FOR WORKS moved that the last paragraph (Attorney General may sanction lotteries) be struck out.

Amendment put and passed, and the paragraph struck out.

Clause 211—Acting as keeper of bawdy houses, gaming houses, betting houses, and lotteries:

MR. MONGER moved as an amendment that the words "or any person visiting any such house, room, set of rooms, or place" be inserted after "place," in the third line. If it were so criminal to keep these places, then the frequenters of them should also be punish-

able. He trusted that those members who supported projects for making morality absolutely obligatory by Act of Parliament would be consistent, and support the amendment.

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

Ayes	...	...	6
Noes	...	...	20
Majority against		...	14

AYES.	NOES.
Mr. Illingworth	Mr. Butcher
Mr. Johnson	Mr. Daglish
Mr. O'Connor	Mr. Gardiner
Mr. Quinlan	Mr. Gregory
Mr. Taylor	Mr. Hastie
Mr. Monger (*Teller*).	Mr. Hayward
	Mr. Hicks
	Mr. Hopkins
	Mr. Hutchinson
	Mr. James
	Mr. Kingsmill
	Mr. Leake
	Mr. Nanson
	Mr. Piesse
	Mr. Pigott
	Mr. Reid
	Mr. Sayer
	Mr. Stone
	Mr. Wallace
	Mr. Higham (*Teller*).

Amendment thus negatived.

Chapter as amended put and passed.

Chapters XXIV. to XXVII., inclusive —agreed to.

Chapter XXVIII.—Homicide, suicide, concealment of birth:

MR. SAYER, referring to Clause 281 (attempt to murder), moved as an amendment that the words at the end of the clause, "with or without solitary confinement," be struck out. They appeared in the clause by inadvertence.

Amendment put and passed.

MR. SAYER, referring to Clause 283 (written threats to murder), moved that the words at the end, "with or without solitary confinement, and if under the age of 16 years is also liable to a whipping," be struck out. With reference to whipping, a general clause at the end of the Bill provided that any offender under the age of 16 years should be liable to a whipping instead of imprisonment, therefore these words in the present clause were not necessary.

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

Chapter XXIX.—Offences endangering life or health:

MR. SAYER, referring to Clause 290 (disabling in order to commit indictable offence), directed attention to a change in the existing law as proposed in the clause. This provision was known in England as the "garotting clause," and the punishment was very severe, being imprisonment with hard labour for life, with or without whipping. An amendment had been made in the earlier part of the Bill, and although he at one time was inclined to agree with it, yet he now felt a desire to restore the amended clause as it was before.

THE PREMIER: If this was for garotting, make it as strong as possible.

MR. SAYER: What he was saying on this clause was not intended to suggest that the penalty for garotting should be reduced, but his desire was to explain that the severe penalty provided for garotting had been extended in this clause to other offences of violence, thereby greatly extending the penalty. The Queensland law on the point made the penalty equally severe, and also provided that the offenders might be whipped once, twice, or thrice. The clause as printed in this Bill provided for whipping in addition to imprisonment for life. It provided for what was known in England as "the lash for garotters." Still, to inflict the penalty of whipping three times, as in Queensland, would be excessive. The penalty provided in the clause was also extended to much milder crimes than garotting; being extended to any crime facilitating the commission of any indictable offence, such as choking or disabling. He wished to explain this because it was proposing a change in the existing law.

HON. W. H. JAMES: Make it for personal violence.

MR. SAYER: The penalty was applied to the crime of garotting in the existing law, whereas this clause extended the penalty by applying it to any act of violence for facilitating the commission of any indictable offence, which meant choking or strangling a person for the purpose of picking his pocket. He did not propose to move an amendment; but having promised to draw attention to any alteration of the law, he had done so in this instance.

Clause passed, and the chapter agreed to.

Chapters XXX. to XXXIII., inclusive —agreed to.

Chapter XXXIV.—Offences relating to marriage and parental rights and duties:

MR. SAYER: In reference to Clause 342, relating to the desertion of children, the draft code as drawn by Sir Samuel Griffith fixed the age of a child at 16 years; but the age was reduced to 14 years by the Queensland Parliament. The age might be increased to 16 years in this clause.

HON. W. H. JAMES: That was so.

MR. SAYER moved as an amendment in line 2, that the word "fourteen" be struck out and "sixteen" inserted in lieu.

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

Chapter XXXV.—Defamation:

MR. NANSON: Would the member for Claremont say whether this chapter differed from the existing law, and what were the innovations.

MR. SAYER: This was a very important chapter: it followed the Defamation Act of Queensland of 1889, which was prepared by Sir Samuel Griffith, and so far as it dealt with the criminal subject of defamation, it was based on the criminal code of England of 1879 and 1880. It contained a lot of matter which we did not find on the statute book. First in regard to defamation generally, although verbal slander was often equal to written libel in point of inhumanity by the mind, yet, as the law stood, verbal slander was only subject to civil action, and libel also was punishable by damages of the civil court; but in the definition of defamation, we found that verbal slander was equal to written libel and might be treated as a misdemeanour. That was the particular in which the law was materially changed. Clause 344 gave the definition of defamatory matter, Clause 346 the definition of defamation, and Clause 347 publication. In that respect the law, as defined in this chapter, differed from the existing law as to defamation from the standpoint of the criminal law. When Sir Samuel Griffith's Defamation Bill was before the Queensland Legislature in 1889, following the criminal code of England, the offence was extended to verbal slander, because it seemed to have been held, in the opinion of Sir Samuel Griffith—and rightly—that verbal slander was as culpable as written libel. In that regard a departure was made, and it was a good one. Indeed, the laws laid down in the chapter dealing with defamation were admirable. The chapter was exactly as it had left the hands of Sir Samuel Griffith, and what he desired to see in the near future was a Bill codifying the law from the civil standpoint. If we could tack this chapter on to the measure introduced by the member for East Kimberley, it would be a good thing. The protection clauses were, to his mind, ample; the public were abundantly protected, and every privilege amply maintained. There was a novel clause in regard to the defamation of members of Parliament by strangers. That was Clause 359, which perhaps was a little new. Verbal slander, unless it related to a man's trade or calling, was not actionable. The words spoken in relation to a man's services as a member of Parliament were rendered actionable as they came within the provision defining a man's trade or calling. Nothing else in the chapter was novel.

MR. NANSON: Would the member for Claremont explain how the definition of defamation in Clause 344 differed from the definition in the English law? The definition in this Bill referred to defamation of relatives whether living or dead.

MR. SAYER: Words reflecting on any dead person were punishable under the English law only if the tendency of the words were to cause a breach of the peace. To reflect on the character of a dead person might have the effect of causing people to shun the living relatives.

MR. NANSON: Perhaps the member for Claremont would explain the legal definition of "family" as used in this clause.

MR. SAYER: A very good idea of the definition of "family" was to be found in the Workers' Compensation Bill.

Chapter put and passed.

Chapter XXXVI.—agreed to.

Chapter XXXVII.—Offences analogous to stealing:

MR. SAYER: Clause 384, as to concealing royalty, was practically identical with the provision in the New South Wales Act. The object of the clause was to protect those who were entitled to royalty from the working of mines; and it had been inserted in view of the Mining on Private Property Act, and the probable extension of that Act. With respect to leases granted reserving to the owner of

private land a royalty on the working of mines on his land, it was desirable that there should be a provision making it an offence or misdemeanour to endeavour to cheat the owner of his royalty. As the clause stood, however, he did not altogether approve of it.

HON. W. H. JAMES: It might be recommitted.

MR. SAYER: Very well; it could be passed now and recommitted later.

Chapter put and passed.

Chapters XXXVIII. to XLI., inclusive —agreed to.

Chapter XLII.—Frauds by trustees and officers of companies and corporations; false accounting:

MR. SAYER: There seemed some doubt in his mind as to whether Clause 416 should be retained. Under that clause the making of a false statement in a memorandum of association constituted a misdemeanour.

HON. W. H. JAMES: The penalty under the clause was somewhat heavy. It might be reduced from three years to say one year.

MR. SAYER moved as an amendment in line 5, that the words "three years" be struck out and "one year" inserted in lieu.

MR. R. HASTIE: Under the English Act the penalty under similar circumstances, he thought, was very severe.

MR. SAYER: It was no misdemeanour to make a false statement in a memorandum of association. The English Act contained all the other clauses of this chapter as they appeared here, with the exception of the present clause. Only in Western Australia was it a misdemeanour to sign a memorandum of association containing a false statement. The provision was peculiar to Western Australia.

Amendment put and passed.

MR. SAYER, referring to Clause 417 (fraudulently appropriating, etc.), moved as an amendment in the last line but one, that the words "with or without solitary confinement" be struck out.

Amendment put and passed.

THE PREMIER: What was the object of the last words of the clause, "The offender cannot be arrested without warrant"?

MR. SAYER: The proceedings must be by information. Referring to Clause 418 (false statements by officials), he moved an amendment that in the last line but one the words "with or without solitary confinement" be struck out.

Amendment put and passed.

Chapter as amended put and passed.

Chapter XLIII.—Summary conviction for stealing and like indictable offences:

MR. SAYER: This chapter extended the power of dealing summarily with offences in the event of a plea of guilty or by consent of the accused. Clause 423, Sub-clause (1), read: "If the value of the property in question does not exceed £50." Under the present law the value of the property must not exceed £5. The only aspect in which objection could be taken to the extension was that it might be thought undesirable to put it in the power of justices to deal summarily with these cases up to £50. The clause could be no disadvantage to an accused man, because he could not be dealt with under it unless he pleaded guilty or consented to be dealt with under it. It might be said that the effect of the clause would be to enable justices to dispose of grave cases with comparatively light sentences. Possibly the Committee might think that only trivial cases should be dealt with by justices. Of course the greater the amount of the property involved, the greater the possibility of an accused person pleading guilty or consenting to be summarily dealt with, and thus escaping with an inadequate penalty.

Chapter put and passed.

Chapter XLIV.—Offences analogous to stealing punishable on summary conviction:

MR. R. HASTIE: As to the penalty for unlawfully taking fish, if a person went to a river to fish, it might be claimed that the river was private property, and he might be under a penalty for fishing there. If this was the law at present, he supposed we must pass it.

MR. SAYER: This Clause was a portion of Section 24 of the Imperial Larceny Act, 24 and 25 Victoria, adopted in this State. It related to the unlawful taking or destroying of fish in any water that was private property, or in which there was a private right to fish. The penalty was a fine equal to the value of the fish taken, and £5 in addition. This seemed a light penalty for an offence which was similar to larceny.

MR. HASTIE: If it were struck out, what would be the position?

MR. SAYER: The offender would then be a trespasser on another man's land. If this clause were passed, and he took fish on private property, the penalty was as stated in the clause. As a trespasser, he could not be arrested, but might be sued for damages. If he took fish, he would come under this penalty.

Chapter put and passed.

Chapters XLV. to LX., inclusive—agreed to.

Chapter LXI.—Indictments:

MR. SAYER: In Clause 563 (particular indictments), Sub-clause 18, he moved as amendments that the words, "an insolvent" and "insolvency" be struck out, and the words, "a bankrupt" and "bankruptcy," be inserted respectively in lieu.

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

Chapter LXII.—agreed to.

Chapter LXIII.—Trial, adjournment, pleas, practice:

MR. T. F. QUINLAN: A provision might be inserted in this chapter that in civil cases a verdict might be taken of a two-thirds or three-fourths majority of the jury. It was very difficult to get twelve men to agree where the parties were pretty well known, or had some money at their command.

MR. SAYER: That would come under the Jury Act.

THE PREMIER: It would not be right to put such a provision in the Bill.

Chapter put and passed.

Chapters LXIV. to LXXII., inclusive—agreed to.

Chapter LXXIII.—Miscellaneous provisions:

MR. SAYER moved that in Clause 698 the words in the last paragraph, "Expenses of witnesses bound by recognisances to appear for accused might be allowed," be struck out.

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

New Clause:

MR. SAYER moved that the following be added, to stand as Clause 707:

The Court may in its discretion make the like order for the payment of the expenses of any witnesses bound by recognisance to appear on behalf of an accused person as if such witness were bound over on behalf of the prosecution, and any such payment is deemed to be part of the expenses of such prosecution.

Question put and passed.

New Clause:

MR. SAYER moved that the following be added, to stand as Clause 708:

Any police magistrate or resident magistrate may exercise alone any jurisdiction conferred by this code on two justices in petty sessions.

Throughout the Bill there was reference made to the power of two justices in petty session on summary conviction, which meant summary conviction before two justices. The powers of a resident magistrate or a police magistrate to exercise such jurisdiction were not provided for.

Question put and passed.

New Clause:

MR. SAYER moved that the following be added, to stand as Clause 707:

Any one justice may exercise the jurisdiction of two justices under this code whenever no other justice is permanently resident or can be found at the time within a distance of 20 miles; provided that the justice on any conviction certifies, in writing, that no other justice permanently resides or can be found within 20 miles. But no sentence of whipping inflicted by one justice may be inflicted until approved by the Governor.

Under the Justices Act there was a provision by which any one justice of the peace, resident within a radius of 20 miles, might exercise the functions of two justices. If that was to be preserved, the provision should be enacted in this code.

MR. J. EWING: It was very necessary to have such a provision in the Bill.

Question put and passed, and the chapter as amended agreed to.

Second Schedule (statutes in force)—agreed to.

Third Schedule—Statutes of Western Australia:

MR. SAYER moved that after the words and figures "10 Victoria No. 14," the words "section 6" in the third column be struck out and the following inserted in lieu:

In section 6 the words "every such person shall be guilty of felony and shall, upon conviction, be liable to transportation for seven years or to imprisonment for any term not more than three nor less than one year with hard labour, provided also that"

Amendment put and passed.

MR. SAYER moved that in the third column after "the whole," in the reference

to 16 Victoria No. 8, the words "except Section 18 and 21" be added.

Amendment put and passed.

MR. SAYER moved, as amendments, that the words "the whole," in the third column of paragraph 10, page 247, be struck out, and "Sections 2 to 5, Sections 8 and 10" be inserted in lieu; also that the following paragraph be inserted on page 250:

55 Vict., No. 14.—The Affirmations Act, 1892, Section 2.

Also that the fourth paragraph, on page 251, be struck out; also that the words "and Section 37," in the third column of paragraph 14, page 251, be struck out.

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

Schedule 4—Statutes of Western Australia:

MR. SAYER moved, as an amendment, that the following paragraph be added to the schedule:

12 Vict., No. 7.—An Ordinance for the regulation of gaols, prisons, and houses of correction in the colony of Western Australia, and for other purposes relating thereto. In Section 7 omit the words "guilty of a misdemeanour" and insert "liable on summary conviction to imprisonment with hard labour for six months, or to a fine of £100."

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

Preamble and title—agreed to.

Bill reported with amendments.

EXCESS BILL (1900-1901).

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

INDUSTRIAL AND PROVIDENT SOCIETIES BILL.

SECOND READING.

Order read, for resumption of debate on the motion by Hon. W. H. James.

[Pause ensued.]

Question (second reading) put, and passed on the voices.

Bill read a second time.

On motion by Hon. W. H. JAMES, consideration in Committee made an order for the next Thursday.

WORKERS' COMPENSATION BILL.

IN COMMITTEE.

Resumed from 1st October.

Clause 12 (Form and service of notice) —Amendment had been moved by Mr. Wilson that the following words be added to the clause, "or manager for the time being of the work upon which the worker is employed."

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

Clause 13—agreed to.

Clause 14—In cases of contracting or sub-contracting:

MR. W. J. GEORGE: On the second reading he had referred to this clause, as it seemed that an employer might be liable for injury caused in connection with work which was not under his control. The contractor who undertook the work might have employed a sub-contractor, a workman employed by the sub-contractor might have been injured, and six months after the injury an action might be brought against the "employer" when the sub-contaactor had left the district. The employer, which he presumed meant the person for whom the work was being done, would thus be made liable for an accident with which he had practically nothing to do.

HON. W. H. JAMES: That was not the meaning of the clause. A person for whom a building was being erected would not be the employer, because he would employ a contractor, who would himself engage workmen, and that contractor would be the employer. To make this clear, he intended to amend some errors in the clause by substituting the word "contractor" for "employer,"

MR. GEORGE: That would meet his objection.

MR. F. WILSON: The great hardship in this clause was that a claim might not be made till six or nine months after the accident occurred, and then the whole job might have been finished. The sub-contractor might have gone away, and the contractor would be liable. The clause should provide that in cases of accident, the contractor should retain a portion of the money which would be payable to the sub-contractor.

HON. W. H. JAMES: In dealing with an earlier clause, it was proposed that the clause should stand over to consider an amendment which was then suggested. Therefore, in this Clause 14 he intended to move that the word "contractor," in Sub-clause 1, be inserted in lieu of "employer," which should be struck out, and a similar amendment should be made

in Sub-clauses 2 and 3. He now formally moved an amendment in Sub-clause 2 that the word "employer" in the first line be struck out, and "contractor" inserted in lieu.

Amendment put and passed.

HON. W. H. JAMES farther moved in Sub-clause 3 a similar amendment, also in Sub-clauses (*a*) and (*b*) similar amendments.

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

Clause 15—Recovery of damages from stranger:

MR. W. J. GEORGE: The member in charge of the Bill being out of the Chamber, he moved that progress be reported.

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

Ayes	4
Noes	20
Majority against	16

AYES.	NOES.
Mr. Hutchinson	Mr. Daglish
Mr. Monger	Mr. Gardiner
Mr. Wilson	Mr. Gregory
Mr. George (*Teller*).	Mr. Hastie
	Mr. Hayward
	Mr. Illingworth
	Mr. Jacoby
	Mr. James
	Mr. Johnson
	Mr. Kingsmill
	Mr. Leake
	Mr. Nanson
	Mr. O'Connor
	Mr. Reid
	Mr. Reside
	Mr. Stone
	Mr. Taylor
	Mr. Wallace
	Mr. Yelverton
	Mr. Ewing (*Teller*).

Motion thus negatived.

MR. W. J. GEORGE: If the injury were caused by a person other than the employer, why should an opportunity be given to proceed against the employer and throw the onus on the employer to proceed against the other person? The person who was liable for the accident should be proceeded against right away; a comparatively innocent person should not be sued. A liability should not be placed on an employer which he should not bear.

HON. W. H. JAMES: The clause was not intended to cast on the employer the liability for injury caused by another person, but where injury was caused under such circumstances, the worker had the right against the employer or the third person. There was an option to proceed against the employer or the third party. If in such a case the worker proceeded against the employer, and if the employer was called on to pay damages he would be entitled to be indemnified by the other person.

MR. GEORGE: The employer had to sue the other person.

HON. W. H. JAMES: That was how the position stood. Under present conditions two persons were liable for negligence, the employer and the third person, and the worker injured could sue the employer or the third person.

MR. GEORGE: It did not seem fair to make a man liable for what he had not caused.

HON. W. H. JAMES: The clause did not enlarge the liability of the employer at all. If the worker sued the employer and recovered damages, the employer was entitled to be indemnified by the third person.

MR. GEORGE: He would have to sue the other person.

HON. W. H. JAMES: That was the present position: it was the same in the South Australian Act.

MR. GEORGE: The clause was certainly not fair. The member for East Perth submitted that if a person had a claim against a third person and also against the employer, the injured person could decide which to sue. That was not the wording of the clause. The cause of action should go either against the employer solely or against the other person solely. The unfairness lay in the circumstance that the worker could sue the employer, whilst the employer must take his chance of being indemnified by the person who really caused the accident. The clause was capable of no other reading, to his mind.

HON. W. H. JAMES: The objection of the hon. member (Mr. George) did not lie in connection with this clause, which in no way cast a burden on the employer. It was the earlier clauses of the Bill which cast the liability on the employer. The element of negligence had nothing to do with the question of liability, and could be altogether discarded. The liability arose if the accident occurred in the course of employment. Clause 15 merely provided that, in the case of accident of the nature referred to, the worker had a right to go

against the employer for the act of the person who interfered with the plant or machinery. If the worker chose to exercise that right against the employer, then the employer had a right of action against the person who caused the accident.

MR. GEORGE: The clause only complicated matters, and according to the explanation of the member in charge (Hon. W. H. James), was not needed. He therefore moved as an amendment that the clause be struck out.

MR. R. HASTIE: Would the member in charge of the Bill (Hon. W. H. James) state the effect of striking out the clause? It appeared that the responsibility of the employer was already defined in the Bill, and that by this clause the employer, if sued in the circumstance contemplated, had a right of indemnity against the contractor or subcontractor. Of course, such an indemnity against a contractor or subcontractor might be worth very little.

HON. W. H. JAMES: Suppose an employer bought a crane which, proving defective, caused an accident, he could sue the man who sold him the crane. In such a case the employer would be clear, for if sued by the employee he would be entitled to be indemnified by the person who sold him the defective plant. The employer could sue that person if he chose. The reason for inserting the clause was that a duty owed by the person selling machinery or plant to the person to whom he sold it was not in every case owed to the person called on to use that machinery or plant. To illustrate the principle farther: in case of an accident on a mine, the injured man could sue either the mine manager or the mining company; and if the mine manager had been guilty of negligence, the company had a right of indemnity against him.

MR. F. WILSON: Supposing an employer sent a man to South Perth on an errand, and the man went on a ferry boat and the boiler of that boat exploded, then under the clause the employer would be liable; or rather both the employer and the owner of the steamboat would be liable. This was wrong: the owner of the steamboat alone should be liable. The clause went rather too far. Under it the employer would be responsible for everything.

HON. W. H. JAMES: The clause would put the employer in no worse position than he was now in.

MR. F. WILSON: What was the use of retaining the clause? The employer was responsible for the machinery in his care, and should exercise sufficient vigilance to prevent any person from tampering with the machinery. The clause did not appear to confer any greater benefit on the employee than was contained in previous clauses.

MR. W. D. JOHNSON opposed the clause, because the great majority of accidents in mines were caused through the negligence of the mine manager. And although the particular company might have no objection to the mine being timbered when necessary, yet the manager, being desirous of working the mine cheaply, might neglect to timber it. When a workman was injured, he should be able to claim compensation from the manager or from the company, as he might think fit.

MR. F. WILSON: Perhaps the Minister in charge of the Bill would explain whether the company could recover damages from their mine manager for negligence.

HON. W. H. JAMES: Yes; if he was blameable for negligence, he was liable for the consequences.

MR. W. J. GEORGE: And could the company recover against a workman for negligence?

HON. W. H. JAMES: If a workman were negligent, he also was liable.

MR. GEORGE: That being so—although he did not think the explanation of the Minister was correct—he would accept it, and would ask leave to withdraw the amendment, as being useless if that explanation was correct.

Amendment by leave withdrawn.

Clause put and passed.

Clauses 16 to 18, inclusive—agreed to.

Clause 19—Regulations:

MR. W. J. GEORGE asked the Minister in charge if the Governor could make regulations extending or diminishing the scope of the Bill.

HON. W. H. JAMES: No.

Clause put and passed.

Clause 20—agreed to.

Clause 21—Repeal:

MR. F. WILSON: Was it necessary to continue the Employers' Liability Act, in view of the provisions of this Bill?

HON. W. H. JAMES: It would not be right to repeal the Employers' Liability Act. If an employer was negligent he ought to pay compensation. In the case of accident resulting from negligence, that Act gave a right of action against the employer. This Bill limited the amount of compensation to £300, payable by so much per week; whereas the Employers' Liability Act provided compensation up to three years' average wages; therefore a person injured could under that Act recover more than he could under this Bill.

MR. R. HASTIE: If the Employers' Liability Act were repealed, would there be any chance of repealing the Mines Regulation Act? The complaint against that Act particularly was that it made the occurrence of an accident *prima facie* evidence of neglect on the part of the employer. It would be well if the Minister in charge of the Bill would explain the position in regard to that Act.

HON. W. H. JAMES: Sections 20 and 27 of the Mines Regulation Act were to the effect that if an accident happened on a mine, that was *prima facie* evidence of neglect. Section 27 gave a right of action, and had reference to the doctrine of common employer. These were sections that appeared to him to be unnecessary in adopting the clauses he had from the New Zealand Act. These were clauses distinctly in favour of the employers, and they were fair and ought to be adopted. By the Mines Regulation Act certain Regulations had to be carried out. If those Regulations were not carried out, then on proof of the fact of noncompliance with the Act the employer was liable, and the question of negligence would decide the matter. But if an accident happened not by reason of the nonobservance of the Regulations, but by reason of any act of negligence which might apply in machinery quite apart from mines, then he saw no reason why a man employed in a mine should be in a better position than a man employed in a factory, and if he wanted damages he should prove damages against the employer. The present Act pressed somewhat unfairly on mine-owners.

MR. R. HASTIE: The present Act and the present Regulations pressed somewhat unfairly on the employer of miners, and so much so that there had been a great deal of crying out about it, and many had told us that the expenses of the mines had increased very much thereby. This clause repealed those obnoxious sections. He was not quite sure as to whether it was advisable to repeal them or not, for many reasons, but if we were willing to do this, it was fair to ask those who had strong objections to this Bill to forego those objections, if these particular sections were repealed. We knew that in the past great precautions had been taken, and it was doubtful whether those precautions would be taken in future but for the fact that the Employers' Liability Act and also the common law were in force. The common law had no limit as to the amount of damages, but under the Employers' Liability Act damages were limited. Under the two sections mentioned here the damages were unlimited, and large sums of money had been got from employers.

MR. R. D. HUTCHINSON moved that progress be reported.

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

Ayes	...	...	7
Noes	...	...	14
Majority against	...		7

AYES.	NOES.
Mr. Butcher	Mr. Daglish
Mr. Hutchinson	Mr. Ewing
Mr. Jacoby	Mr. Gardiner
Mr. Monger	Mr. Gregory
Mr. Stone	Mr. Hastie
Mr. Wilson	Mr. Hayward
Mr. George (*Teller*).	Mr. James
	Mr. Johnson
	Mr. Leake
	Mr. Reid
	Mr. Reside
	Mr. Taylor
	Mr. Wallace
	Mr. Kingsmill (*Teller*).

Motion thus negatived.

Clause put and passed.

Clause 2—Interpretation:

HON. W. H. JAMES: Clause 4 was now made the same as in the South Australian Act. To make this clause consistent, he now moved that the definition of "worker" be struck out, and the following inserted in lieu:—

"Engineering Work" means any work of construction or alteration or repair of a railroad, harbour, dock, canal, sewer or tunnel, telegraph, telephone, or electric power, and

includes any other work for the construction, alteration, or repair of which machinery driven by steam, water, or other mechanical power is used.

"Factory" means any manufactory, workshop, workroom, or premises wherein or whereon manual labour is exercised for the purpose of gain in or incidental to the making, altering, or repairing any article by way of trade or for purpose of gain or for sale, and includes any ship or boat in port, dock, wharf, quay, or warehouse, so far as relates to machinery and plant used in the process of loading or unloading therefrom or thereto, and every laundry worked by steam, water, or other mechanical power.

"Injury" means personal injury or loss of life by accident arising out of and in course of employment, or injury to health or loss of life arising out of or consequent upon any employment declared by Proclamation to be dangerous to health or dangerous to life or limb. Provided that no such Proclamation shall issue except on addresses of both Houses of Parliament.

"Proclamation" means Proclamation by the Governor in the *Government Gazette*.

These were the South Australian provisions.

MR. HASTIE: Did that definition include the workers employed by municipal councils, roads boards, and other public bodies?

HON. W. H. JAMES: Yes; it would, in his opinion, apply to all workers employed by any employer. "Employer" included any corporation.

MR. W. J. GEORGE: Against this Bill being carried through at such a late hour of the night he entered his protest. Here in a thin House there was being passed legislation which would revolutionise the relations between employers and employed. If it were a question of forcing the Bill through, he would be failing in his duty if he did not discuss the measure as fully as possible. He called attention to the state of the House.

[Bells rung, and quorum formed.]

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

First Schedule:

MR. W. J. GEORGE moved that the word "grandson" be struck out. The schedule if passed in its present form would tend to restrict employment. He had in his employ men seventy years of age, and he was rather pleased to employ such men, but he would not have them in his employment if these men increased his liability. There were men advanced in years employed on railway contracts: what was to become of these men if the Bill were passed? Were they to go to the Old Men's Home?

MR. TAYLOR: How would the Bill restrict employment?

MR. GEORGE: Under the Bill the liability of the employer was increased to an extent that it was almost a crime to find employment for people.

MR. TAYLOR: This cry had been heard ever since unionism was started in Australia.

MR. GEORGE: The industries of the country were not settled. The result of such legislation as this in Victoria had been to drive employment out of the country.

MR. HASTIE: How?

MR. GEORGE: It had driven the factories to Sydney. It was an actual fact that factories had been shifted from Melbourne to Sydney in consequence of the Factories Act in Victoria.

MR. DAGLISH: Name one.

MR. GEORGE: Well, he was not going to be catechised by the hon. member.

MR. HASTIE: All the civilised world had been discussing this question for the last fifty years, and everyone had heard that such legislation as this would restrict employment, but we needed no "cock and bull" story about Victoria or any other place as an argument against the Bill. There was not a case in which any of the Factories Acts had been the cause of removing industries from Victoria to New South Wales.

MR. GEORGE said he knew to the exact contrary.

MR. HASTIE: The hon. member could not give any specific information on the matter, and until he did so it was no good considering theories.

Amendment put and negatived.

MR. GEORGE moved that the word "granddaughter" be struck out. He had employed more labour than all the Labour members put together or ever would do. It was absolutely ridiculous to bring a schedule forward including such members of a worker's family as were included in the schedule of the Bill.

MR. DAGLISH: The hon. member did not employ labour for any other purpose than to get some return from it, and he took exception to any member of the Committee posing as Pecksniff with

his employees in the character of Tom Pinch. He absolutely denied the assertions of the member for the Murray relative to the operation of the Factories Act in Victoria. Farther, he objected to any member of this House continually holding himself up as a pattern. It would be better for the people of the Murray if they got a little more representation here, and the Black Swan Foundry a little less.

MR. W. J. GEORGE: The hon. member had the impudence ——

THE PREMIER: Was this in order?

MR. GEORGE: It was to be hoped he would be within the Standing Orders in saying that the hon. member had had the assurance to offer gratuitous advice to the Murray constituency. The best answer he could return was to refer the hon. member to the figures at the last general election. The electors of the Murray were satisfied that their interests were safe in his hands.

THE PREMIER: The question was as to the granddaughter.

MR. GEORGE: He was replying, as he had a perfect right to do, to a member who had attempted to dictate to the people of the Murray. He might refer to another matter, but to appreciate that some intelligence was required, and the member for Subiaco (Mr. Daglish) could certainly not be accused of the possession of a surplus of intelligence. The question of the granddaughter might now be put; but his attention had just been drawn to the fact that there was not a quorum.

[Bells rung; quorum not formed.]

COUNT-OUT—ADJOURNMENT.

THE SPEAKER, finding there was not a quorum present, adjourned the House at 11·46 o'clock until the next day.

Legislative Council,

Wednesday, 9th October, 1901.

Question: Fisheries Inspection, Islands — Motion: Kurrawang Syndicate, to stop farther Concessions (negatived) — Leave of Absence—Summary Jurisdiction (Married Women) Amendment Bill, third reading—Land Act Amendment Bill, in Committee, resumed, reported—Excess Bill (1899-1900), second reading, in Committee—Assent to a Bill—Adjournment.

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

PRAYERS.

QUESTION—FISHERIES INSPECTION, ISLANDS.

HON. G. BELLINGHAM (South) asked the Minister for Lands: 1, If it is the duty of the Inspector of Fisheries to visit the islands off Fremantle, in connection with the supervision of fishermen and the interests of the department. 2, If so, if a thoroughly fast and seaworthy boat is provided by the department. 3, What are the dimensions of the boat at present provided for the Inspector. 4, If a request has been made for a steam launch for outside work. 5, If so, why has one not been provided.

THE MINISTER FOR LANDS replied: 1, Yes. 2, No. 3, Open boat, 17ft. over all, 6ft. beam. 4, Yes. 5, £700 has been provided on this year's Estimates for the purpose.

MOTION — KURRAWANG SYNDICATE, FARTHER CONCESSIONS.

HON. G. BELLINGHAM (South) moved:

That, as the Kurrawang Syndicate is concerned in the charges made against the General Manager of Railways, it is essential that no farther concessions be granted to the syndicate until Parliament has had an opportunity of considering the report upon such charges against the General Manager.

He said: Within the last three weeks a deputation representing the Kurrawang Wood Syndicate waited on the Minister for Lands, asking for a concession to go through certain reserves that had been declared for the purpose of protecting the firewood on the lines at Mt. Burges, Kunanalling, and other districts. The Kurrawang people asked the right to go through these reserves and cut timber on the Crown lands beyond. Another