

Bill reported, and report adopted, on the motion of Mr. James.

CRIMINAL EVIDENCE BILL.

IN COMMITTEE.

The Bill, as amended by the Select Committee, was considered.

Clause 1:

Agreed to.

Clause 2—In certain cases the accused, etc., to be both competent and compellable witness.

MR. SOLOMON would like to see the word "compellable" taken out of the clause as affecting a wife. It was a serious matter to compel a wife to give evidence against her husband, and might injuriously affect many women of delicate constitutions.

MR. JAMES pointed out that the object of the Bill was as much to the interest of accused persons as otherwise. If a man was innocent it would be to his advantage to be able to call his wife, and if he was guilty the evidence of the wife might be material, and this was what the Crown wanted to be able to get. In some cases a man himself could be called, and there was, therefore, no reason why his wife should not be called as well.

Clause agreed to.

The remainder of the Bill was agreed to without further amendments.

Bill reported with the Select Committee's amendments.

Report adopted.

ADJOURNMENT.

The House adjourned at 10.20 o'clock p.m.

Legislative Council,

Thursday, 8th August, 1895.

Fremantle jetty; appliances at—Joint Committee; Extension of powers of—University College; Establishment of—Legislative Council; accommodation at—Partnership Bill: first reading—Arbitration Bill: first reading—Criminal Law Evidence Bill: first reading—Federal Council; Meeting of—Licensed Surveyors Bill: third reading—Married Women's Property Bill; third reading—Loan Act, 1891, Re-appropriation Bill; third reading—Municipal Bill: in committee—Mines Regulation Bill; message from Legislative Assembly—Adjournment.

THE PRESIDENT (Hon. Sir J. Shenton) took the chair at 4.30 o'clock, p.m.

FREMANTLE JETTY—APPLIANCES AT.

THE HON. A. B. KIDSON asked the Minister of Mines, whether it is the intention of the Government, in order to cope with the landing of the large quantity of heavy mining machinery now arriving and about to arrive at the port, to, as soon as possible, provide, at the Fremantle jetty, a steam crane capable of lifting a dead weight of 12 tons at least.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied: The crane in use is capable of lifting 10 tons. In the event of any heavier weight having to be raised one of the other Government cranes could be utilised which can lift 30 tons.

JOINT COMMITTEE—EXTENSION OF POWERS OF.

THE HON. F. M. STONE, without notice, moved that the Joint Committee on the Mines Regulation Bill have power to sit during any adjournment of the House.

Question put and passed.

UNIVERSITY COLLEGE—ESTABLISHMENT OF.

THE HON. H. MCKERNAN asked the Minister of Mines, whether the Government intended to place a sum of money on the Estimates this session with the view of starting a University College for Western Australia.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied: It is not the intention of the Government to make provision for a University College just now, but a small sum will

be placed on the Estimates for introducing a Technical School as soon as a scheme has been arrived at.

LEGISLATIVE COUNCIL.—ACCOMMODATION AT.

THE HON. C. A. PIESSE moved, "That in the opinion of this House, the seating and general accommodation, as afforded to the Members of the Legislative Council and Staff, is most uncomfortable, and altogether inadequate for the transaction of business." He said: In the remarks I am about to make I may say that I quite appreciate the efforts which have been made to make us as comfortable as possible under the circumstances, and I hope, in the remarks I shall make, it will not be thought that I mean to cast any reflection upon you, Sir, and others, who have done everything possible to make this Chamber comfortable. I maintain that it is impossible to make this Chamber convenient, because it is too small and too poky. It is cold and dark and therefore unhealthy. Until the idea of lighting up the room in the afternoon to warm it was hit upon, we were almost frozen. It is very uncomfortable, unpleasant, and miserable. Come here, when you will, before the electric light is turned on, although it is bright sunshine outside, it is complete darkness here. Nothing can be dignified here, and the Chamber tends to check any elevated ideas we may have. There is a lot in a fine building. It elevates one in a moment, but when the opposite is the case one sinks down and feels depressed. There is an old adage which says "shows me a man's surroundings and I will tell you the man." If we look to our surroundings we have nothing but a blank wall. We heard a great deal lately about the want of accommodation at the Quarantine Station, but I am sure we here could if we stretched out would touch one another.

THE HON. F. T. CROWDER: You would have to stretch a long way.

THE HON. C. A. PIESSE: Under all the circumstances I think it is time we should have something better than we have. The press accommodation is most inadequate. The *Herald* reporter certainly has a little advantage, but I have seen him turn blue-black with the cold during the long hours he sometimes sits here. As regards the other reporters, when the hon. member representing Fremantle rises, they can see no other hon. members.

THE HON. F. T. CROWDER: Perhaps that accounts for the wrong reports which appear in the paper every day.

THE HON. C. A. PIESSE: There is always an absence of a warm debate here, and I attribute it to the fact that it is impossible to have in a refrigerating chamber. I know, yesterday, my feet were quite frozen. Hon. members must not get excited and move their arms about, or they might knock another hon. member's eyes out. Some hon. members, perhaps, cannot give effect to their expressions without moving about a little. I do not think any Legislative Council in the world transacts its business in such a small room as this. I know when I rise, I often give myself a twitch to see that no documents are sticking to me, for we have no other place to put our Bills than to sit upon them.

THE HON. F. T. CROWDER: A good few of them want sitting on.

THE HON. C. A. PIESSE: Then I come to another view, and that is the outside one. To me the building appears as nothing but a bungalow. It is a very small and stunted and it makes us feel equally small. I do think we should have a Chamber that we could be proud of, and a few thousand pounds might be well spent in procuring it. I believe accommodation could be provided by building over the Legislative Assembly Chamber.

THE HON. F. T. CROWDER: The weight of your arguments would bring the floor down.

THE HON. C. A. PIESSE: In conclusion, I may say that I hope hon. members will support the motion. Then if the Government is not in a position to build new Parliament Houses, they might do something else which is within the means of the colony.

THE HON. D. K. CONGDON seconded the motion.

THE HON. E. W. DAVIES: I entirely sympathise with the ideas of the hon. member for Katanning; but I think we would have more room if the tables in the centre of the Chamber were removed. I think the wishes of hon. members would be met if they were each provided with a small table with a small drawer, and that if such accommodation were given it would answer all purposes for some time to come.

THE HON. C. A. PIESSE: I rise to a point of order. I do not object to be called the hon. member for Katanning, but confusion will follow if I am so styled, as there is a representative of Katanning in another place.

THE HON. E. W. DAVIES: I apologise to the hon. member. I only know him through his business relations with the district.

THE HON. D. K. CONGDON: I have very much pleasure in supporting the motion, as I am convinced that this Chamber is too small. There is nothing in it to inspire us with anything approaching sublime thoughts, whilst it is unhealthy by reason of the draughts in the winter and the heat and stuffiness in the summer. That I think is caused by the low roof and the lack of ventilation. The time has arrived for the Government to devise some structure suitable for this honorable Council to meet in.

THE MINISTER FOR MINES (Hon. E. H. Wittencoom): I think the matter was brought before the House last year, and although I opposed the resolution, it was carried. If anything could carry conviction to my mind, after expressing the views I held last year, it would be the arguments of the mover of this motion, because I do think proper accommodation should be provided, and that we should meet in a Chamber which is suitable to the dignity of our proceedings. There is no gainsaying the fact that the Chamber is cold and draughty, but there is so much to do with the money that is in hand, that I do not think it is wise to put it into bricks and mortar in the manner proposed. The Government have not lost sight of the matter, however, and have discussed several times the question of a suitable site for new Houses of Parliament. Beyond that nothing has been done; but so soon as the Government are in a position to undertake such works this will be one of the first they will take in hand. We must remember that several hon. members object to the expenditure of surplus money in certain ways, and under all the circumstances I do not think anything can be done at present.

THE PRESIDENT (Hon. Sir G. Shenton): I would like to say that during the first session of Parliament under the new Constitution, the House Committee, of which I was a member, decided that the small tables suggested, could not be used, as there was no room for them and it was therefore decided to have the centre tables, upon which hon. members could write their notices and upon which the books and papers could lay.

THE HON. C. A. PIESSE: The Minister for Mines has not told us when the new Houses of Parliament will be built.

THE HON. F. T. CROWDER: He does not know.

THE HON. C. A. PIESSE: No business firm would put up with the inconveniences from which we suffer.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member must not go into new matter in his reply.

THE HON. C. A. PIESSE: I hope hon. members will support the motion, for I think the question of health should weigh very strongly with them.

The House divided on the question with the following result:—

Ayes	...	...	...	13
Noes	...	...	...	2
Majority for the Ayes				11

AYES:
 Hon. H. J. Saunders
 Hon. F. M. Stone
 Hon. J. E. Richardson
 Hon. E. Robinson
 Hon. R. G. Burges
 Hon. C. E. Dempster
 Hon. D. K. Congdon
 Hon. H. McKernan
 Hon. E. W. Davies
 Hon. W. Alexander
 Hon. J. C. Foulkes
 Hon. A. B. Kidson
 Hon. C. A. Piesse
 (Teller.)

NOES.
 Hon. S. J. Haynes
 Hon. F. T. Crowder
 (Teller.)

Motion agreed to.

FEDERAL COUNCIL—MEETING OF.

THE HON. H. MCKERNAN: In giving notice of this motion, I did not think it would come on to-day. I therefore ask permission to postpone it until the next sitting of the House; but I hope it will be allowed to remain on the notice paper.

THE PRESIDENT (Hon. Sir G. Shenton): The hon. member may do so.

Motion postponed.

ARBITRATION BILL.

This Bill was received from the Legislative Assembly and was read a first time.

PARTNERSHIP BILL.

This Bill was received from the Legislative Assembly and was read a first time.

CRIMINAL LAW EVIDENCE BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

LICENSED SURVEYORS BILL.

THIRD READING.

This Bill was read a third time and passed.

MARRIED WOMEN'S PROPERTY ACT
AMENDMENT BILL.

THIRD READING.

This Bill was read a third time and passed.

LOAN ACT, 1891, RE-APPROPRIATION BILL.

THIRD READING.

This Bill was read a third time and passed.

MUNICIPAL BILL.

IN COMMITTEE.

Clause 1 to 12 inclusive: Agreed to.

Clause 13—"Appointment and remuneration of officers."

THE HON. F. T. CROWDER: I move to strike out the word "may" in the fifth line, with a view to inserting the word "shall" in lieu thereof." I think it is necessary that all officers of the Municipal Councils should find sureties for good behaviour.

THE HON. E. W. DAVIES: I think the hon. member knows that this Bill was shelved last year, owing to a difficulty arising between the two Houses. Great inconvenience was caused through that, and I fear if we send the measure back, with fresh amendments, to the other House the same thing will happen again. With regard to the amendment, I would point out that the treasurer of a municipality holds an honorary position, and should not, therefore, be compelled to give a bond. I hope the hon. member will allow the Bill to go through as it stands.

THE HON. F. T. CROWDER: I maintain that it is necessary to make provision for municipal officers finding bonds as well as Government officers.

THE HON. D. K. CONGDON: Government officers are paid.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I am not going to say that some of the amendments which the Hon. Mr. Crowder intends to move will not be advantageous to the Bill; but considering the time that has been spent on this Bill on previous occasions, I think it would be wiser if we adopted it in its present form, especially as

great inconvenience is being caused by the delay in passing it. As to the amendment under the discussion, I think we may trust the municipal bodies themselves in the matter because the Act already states that Municipalities may require the Treasurer or any other officer to give a security.

Amendment negatived.

Clause agreed to.

Clause 14 to 18 agreed to.

Clause 19—"Ordinary and special meetings of Council."

THE HON. F. T. CROWDER: I move to add the following words after the word "transacted" in the twelfth line:—"Provided always, that in cases of emergency the Mayor may call extraordinary meetings of the Council by giving not less than six hours' notice." I think it is necessary that six hours', instead of 24 hours', notice should be given to Councillors of meetings called on matters of urgency. With regard to what the Minister for Mines has said, I would point out that it is necessary that the Bill should be amended in places so as to make it thorough, and as it will probably be the law of the land for 20 years or more, it is important that it should be carefully framed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I think the objection of the hon. member in this instance is met by Clause 99, sub-section 21 which gives the Councils power to regulate their own proceedings.

THE HON. F. T. CROWDER: I take it that the Councils cannot make rules except within the meaning of the Act and therefore unless it is specified in the measure I do not think Councils make rules on the subject I have suggested.

THE HON. E. W. DAVIES: I would point out to the hon. member that it is very desirable that this Bill should be allowed to go through, as September 20 is the latest possible date to which it can be delayed, in order to make it of any use this year.

Amendment negatived.

Clause agreed to.

Clause 20 to 35 agreed to

Clause 36—"Mayor to preside."

THE HON. F. T. CROWDER: I move to add to the clause the following words:—"Provided that in the absence of the Mayor by leave of the Council, or through illness, the Councillors shall, in meeting called for that purpose, ap-

point one of their members to act as Deputy-Mayor, such appointment to be made by ballot; such Deputy shall have and exercise all the powers and functions of the Mayor." I consider that this amendment is necessary, as Clause 181 provides that no money shall be drawn without a warrant for payment signed by the Mayor and countersigned by the Municipal Clerk. Therefore, if the Mayor is away on leave, or is laid up, no money can be paid or drawn.

Amendment negatived.

Clause agreed to.

Clause 37—"Qualification of electors, of Mayor, auditors, and councillors":

THE HON. H. MCKERNAN: I should like provision to be made in this clause making one member of a company eligible to vote.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I think one member of a Company can vote now as the occupier of the premises.

THE HON. D. K. CONGDON: That is the practice, but I do not know whether it is strictly legal.

Clause agreed to.

Clauses 38 to 54 agreed to.

Clause 55—"Qualifications of councillors, mayor, and auditors."

THE HON. F. T. CROWDER: I move to strike out the following words after the word "municipality" in the seventh line to the word "provided" in the ninth line—"provided always that no person shall be eligible for election as mayor of any municipality who has held office for three consecutive years prior to any election." I think a man who has held the position of mayor for three years, and has won the confidence of the people during his term of office, should be eligible for re-election, especially in view of the fact that he is thoroughly in touch with the work of the municipality.

THE HON. E. W. DAVIES: I think it is only fair that a man who has been in office for three years, should give way to someone else.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): There are times when a mayor becomes so popular that there is but little chance of anyone successfully opposing him, and I think it is desirable occasionally to infuse a little new blood into municipalities. I shall therefore oppose the amendment.

Amendment negatived.

Clause agreed to.

Clauses 56 to 60 agreed to.

Clause 61—"Proceedings at elections."

THE HON. H. MCKERNAN: I move to strike the words "call for a show of hands separately in favor of each candidate, and after such show of hands shall declare the person or persons upon whom such election has fallen, and such person shall have been deemed to have been duly elected, unless a poll be demanded by any of the other candidate for such vacancy or by not less than six persons qualified to vote a such election," with a view to inserting the words "thereupon take place to decide such election." It will also be necessary to strike out the words "shall immediately take place" if the amendment be carried. I think it is advisable to do away with the showing of hands altogether and that the measure should be framed on the lines of the Parliamentary Electoral Act.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I do not think it is necessary to make this amendment because the Clause as it stands will do no harm and, in many cases, time will be saved.

THE HON. H. MCKERNAN: I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause agreed to.

Clauses 62 and 98 agreed to.

Clause 99—"Power to Council to make by-laws." Sub-clause 26—"slaughter-houses."

THE HON. F. T. CROWDER: I move to add to paragraph 4 of this sub-clause the words "fish, fruit and vegetables." The Clause gives Councils power to destroy unwholesome meat, but no power to destroy any of the articles I have named should they be unfit for food.

THE HON. E. W. DAVIES: The Inspector of Nuisances has the power to do so.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I think the Councils have power under the Public Health Act, to destroy these or any other articles if they be unwholesome, Amendment negatived.

Sub-clause 27—"Streets and footways."

THE HON. H. MCKERNAN: I move to add to paragraph 6 of this sub-clause the words "but the same shall not refer to leaseholders." I think the removal of verandahs or balconies which obstruct the footway or roadway, or are dangerous, should be removed at the expense of the owner.

THE HON. J. C. FOULKES: I know that certain verandahs in Barrack-street in the

City are a great obstruction, and if the occupier of the land thinks that any hardship will be inflicted upon him in having to remove them at his own expense, I am sure there are many people who will be glad to take the land over from him and bear the expense of removing them.

THE HON. F. T. CROWDER: I cannot vote for the amendment, as it does not go far enough. I would point out that these verandahs are put up according to the width of the footpath, and with the sanction of the Council. Therefore, when the Council orders their removal, the parties can produce the sanction for their erection, and make the Council pay the cost of removing them.

THE HON. E. W. DAVIES: I would like to say that Councils, in sanctioning the erection of verandahs, always stipulate that they shall only remain there at the will of the Council. I say again that it is undesirable to interfere with the Bill at all.

THE HON. H. McKERNAN: I wish to impress upon hon. members this point, that it is not right that a leaseholder, who has a ten years' lease of any property, of which nine years have expired, should be called upon to make these alterations during the last year of the tenure of his lease. I shall, however, ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Sub-clause 31—"Street Stalls."

THE HON. F. T. CROWDER: I move to add to this sub-clause the following words:—"Provided that no owner of a temporary stall, having permission to trade in a street, shall be allowed to vend goods between the hours of 6 a.m. and 11 p.m." I do not think it is just that shopkeepers who pay heavy rates, should have these street stalls competing with them outside their own doors and underselling them. These people only pay a paltry sum of £1 for their license, and I think they should not be allowed to sell their goods until after the shopkeepers have shut up at night.

THE HON. E. W. DAVIES: I think the Bill gives the Councils power to frame by-laws regulating the conduct of stall-holders. If they are a nuisance they will be dealt with by the Inspector of Nuisances as such.

Amendment negatived.

Clause agreed to.

Clauses 100 to 104 agreed to.

Clause 105—"Council may grant licenses for certain purposes."

THE HON. F. T. CROWDER: I move in paragraph (d), to insert the words "meat, poultry and game" after the word "fish." I think these articles should be added to the provision for granting licenses to hawk certain goods.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): In order to be consistent I think we should allow this amendment to pass, because another clause regulates the hawking of fruit, fish, poultry, game and vegetables, and if we do not make similar provision in this Clause, we shall not be consistent. The Hawkers and Pedlars' Act includes "butter, milk, eggs, brooms, matches, and any victuals and also sellers of goods of a person's own manufacture. I would suggest that the hon. member should add those articles to his amendment.

THE HON. D. K. CONGDON: I shall support this amendment. With regard to the hawking of goods of people's own manufacture, I may say that I have been asked by many if they could do so.

THE HON. R. F. BURGESS: How can we make these provisions?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): We are [not altering the existing law in any way; but by adding these article we make the measure before us, clear.

THE HON. A. B. KIDSON: I would point out that paragraph (e) covers the articles which it is proposed to include in paragraph (d). The former paragraph refers to movable or temporarily fixed stalls in or near any street. I do not think we should prevent a man from taking goods off his stall and carrying them to a house for sale. I would suggest that we leave the paragraph as it is.

THE HON. R. F. BURGESS: I think meat should be included. Now that we are going to have cold storage vans, sheep farmers will be able to bring their meat to town and hawk it for sale.

THE HON. F. M. STONE: I think the object of paragraph (e) is to regulate movable or temporarily fixed stalls. If persons are to be allowed to hawk these articles they should be subject to paragraph (d).

THE HON. F. T. CROWDER: I desire to amend my amendment, Sir, by adding the words suggested by the Hon. the Minister for Mines. The sub-clause will then read:—"For the hawking of fruit, fish, vegetables, meat, game, poultry, butter, milk, eggs, and

any victuals, also sellers of goods of their own manufacture."

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I would point out that the provision made for hawking will work beneficially on the goldfields where there are not many shops. The question is whether a man with a cart should have authority to hawk under paragraph (e) which provides for the granting of licenses for movable and temporarily fixed stalls. Clause 6 of the Hawkers and Pedlars' Act states:—"The provisions of the next preceding section shall not apply to the following persons as such (that is to say) — Sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals; Persons selling or exposing for sale goods, wares, or merchandise in any public market or fair legally established, or upon any racecourse, agricultural show ground, or public recreation ground; Sellers of goods of their own manufacture." It will thus be seen that the hawking in of articles other than those mentioned in the clause is prohibited, and it is these articles which it is proposed to include in the Bill under debate. As far as the Government are concerned we are not wedded to the amendment in any way, and if the House rejects it, I shall be agreeable.

THE HON. D. K. CONGDON: I spoke just now in ignorance of the present state of the law, otherwise I should have stated my opposition to the amendment. I shall oppose it now, for I do not see any necessity for extending the provisions of the Bill in this direction at all.

THE HON. H. MCKERNAN: I agree with the hon. member, because if butter and eggs, for instance, are included, it will be necessary for sellers of those articles to secure licenses.

Amendment negatived.

Clause agreed to.

Clauses 106 to 118 agreed to.

At 6.30 the Chairman left the chair.

At 7.30 the Chairman resumed the chair.

Clause 119—"Private streets may be declared public streets."

THE HON. H. MCKERNAN: I move that the clause be struck out. It is quite unnecessary and is impracticable and useless. It states that the owner of certain property, is to make a street through the property he sub-divides. It would indeed work a great hardship if the owner of land were compelled to make these streets. As it is he makes a gift of these streets to the Council; but the section goes further

and says he will have to macadamise them as well. It simply amounts to this, that land speculators who pay, say £50 for a block with a chain frontage, will have to contribute, perhaps, a further £50 towards the construction of a street.

THE HON. E. W. DAVIES: I differ from the hon. member. There is a great necessity for this clause for the reason that only recently an instance arose in which certain persons bought some land and waited until it had been improved. They then cut it up into small blocks and made streets of only about 20ft. wide instead of one chain. The provision is very necessary to compel such persons to make streets of the proper width.

THE CHAIRMAN (Hon. Sir G. Shenton): I think it is dealt with by the next section.

THE HON. E. W. DAVIES: The idea of the mover of this amendment is, that owners of land should not be compelled to macadamise the streets they form through their property. Only recently the Fremantle Council decided that before these streets are handed over to them, they should be macadamised.

THE HON. S. J. HAYNES: I think the hon. member who moved to strike out this clause is under a misapprehension. The clause does not compel owners of land to make streets at all; but it provides that where a land owner makes streets to his own advantage, the Council may take them over on application in writing.

THE HON. D. K. CONGDON: Who is the owner?

THE HON. S. J. HAYNES: The man who has the fee simple of the land. Until streets are taken over by the Councils they are private roads and this clause is intended to prevent a municipality from being saddled with the expense of keeping streets in order for private speculators.

THE HON. J. C. FOULKES: I move that the question be now put.

Motion negatived.

THE HON. F. M. STONE: The Hon. Mr. McKernan seems to be under the impression that all those streets that serve sub-divided land are public streets. They are simply rights-of-way. This section provides that in cases where these private thoroughfares are macadamised, the owner can request the Municipality to make them public streets, and I think it is right that these streets, should be macadamised.

THE HON. H. MCKERNAN: Who is the owner?

THE HON. F. M. STONE: The person who originally sold the land.

THE HON. H. MCKERNAN: But he is an absentee?

THE HON. F. M. STONE: He can easily be applied to. The Municipality would then declare it a public street. It is not compulsory on them to macadamise the street; but it is only right, that before it is taken over by the Municipality it should be declared a public thoroughfare. If the Clause is struck out, thus compelling the Municipality to take over private rights-of-way, then the ratepayers will have to bear the expense of macadamising them.

Amendment negatived.

Clause agreed to.

Clauses 120 to 138 agreed to.

Clause 139—"Council to have certain powers as to weights and measures."

THE HON. F. T. CROWDER: I move to strike out the word "may" in the fifth line, with a view to inserting the word "shall" in lieu thereof. I think most hon. members are aware that swindling is carried on in regard to the different weights and measures given by certain tradespeople, and I wish to make it compulsory for a Municipal Council to appoint a certain place and a person in which and with whom respectively, all standard weights and measures should be periodically examined. There should be in all Municipalities a set of Standard weights and measures by which the inspector can test the weights and measures of shopkeepers.

THE HON. E. W. DAVIES: I am sorry the hon. member is so persistent with his amendments. He appears to think that no one else but himself has any intelligence at all. There are certain officers who are elected to look after the interests of the people in the direction he desires and I trust that in all the Municipalities, this is being done. The Inspector of Nuisances is also Inspector of Weights and Measures, and storekeepers are supposed to submit their weights and measures to him from time to time. I think the hon. member can safely trust these officials to do their duty. I know something about this, and I am not talking through my neck.

Amendment negatived.

Clause agreed to.

Clauses 140 to 145 agreed to.

Clause 146—"Power to remove and treat nightsoil."

THE HON. R. G. BURGESS: I find that by sec-

tion 2 of this Clause, a Municipal Council has power to throw rubbish on to any of the reserves of a Roads Board, and I would like to know whether the Council or the Roads Board is responsible for its removal.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): Under the Section the Municipality, acting as a Health Board, must first of all get the approval of the Governor-in-Council before they can deposit any matter of this kind on the reserves of a Roads Board; and further they must not deposit it in any place where it would be objectionable. If it were placed near a road, or if it were found to be harmful to the general public, the Roads Board would have the power to compel the Council to remove it, or to stop them from depositing it at that particular place. The nightsoil however, must be put somewhere, and the idea of the clause is to prevent the Roads Board from being obstructive, when no other site can possibly be obtained.

THE HON. C. A. PIESSE: After that explanation, I think the clause should be allowed to pass.

Clause agreed to.

Clauses 147 to 156 agreed to.

Clause 158—"Valuers"

THE HON. H. MCKERNAN: I move to strike out the word "two" in line 2 for the purpose of inserting the words "one or more" in lieu thereof. It will work a hardship on small municipalities to compel them to appoint two valuers when one competent man is sufficient.

Amendment negatived.

Clause agreed to.

Clauses 158 to 185 agreed to.

Clause 186—"Permanent works and undertakings."

THE HON. F. T. CROWDER: I move to insert after the word "offices" in line 1 of Sub-clause 7 the words "yards, fire stations." Power is given to municipalities to purchase fire engines, but no power is given to erect fire stations. The clause also gives power for the erection of municipal offices, but does not authorise the establishment of municipal yards.

THE HON. S. J. HAYNES: I hope the amendment will be carried as it is a reasonable and a proper one.

THE HON. H. MCKERNAN: After what has already taken place, I object to any further amendments to this Bill being proposed as it a waste of time trying to carry them.

THE HON. E. W. DAVIES: With all sincerity I must say that the hon. member who has just spoken is trying to bring this House into ridicule. I think due provision has already been made for fire stations and therefore I think the amendment is an unnecessary one.

THE HON. D. K. CONGDON: I shall support the amendment because I think Perth as well as Fremantle, should be provided with a proper Fire Station.

THE MINISTER FOR MINES (Hon. E. H. Wittensoom): I do not think there is anything objectionable in the amendment itself. The only objection to it, however, is, that Bill has been before the Municipal Councils of the Colony, and if they found anything missing, they would have it inserted.

THE HON. T. F. CROWDER: I cannot agree with the Hon. the Minister for Mines, because I do not believe that Municipal Councils are infallible. If hon. members reject this amendment, they will subject themselves entirely to the Legislative Assembly, and I consider the treatment that the amendments I have brought forward have received, is one of the greatest arguments in favor of wiping out the Legislative Council of this colony.

The Committee divided on the amendment with the following result:—

Ayes	...	...	...	...	5
Noes	...	...	...	...	9

Majority for the Noes 4

AYES.	NOES.
Hon. D. K. Congdon	Hon. W. Alexander
Hon. C. E. Dempster	Hon. R. G. Burges
Hon. S. J. Haynes.	Hon. E. W. Davies
Hon. E. H. Wittensoom	Hon. A. B. Kidson
Hon. F. T. Crowder	Hon. H. McKernan
(Teller.)	Hon. C. A. Piessé
	Hon. E. Robinson
	Hon. J. E. Richardson
	Hon. F. M. Stone
	(Teller.)

Amendment thus negatived.

Clause agreed to.

Clauses 187 to 217 agreed to.

Clause 218—" Power of Council as to expending its income."

THE HON. F. T. CROWDER: I move to insert the following words between the words "Act" and "subject," in the fifth line: "And may also grant such sum for any year to the Mayor for the time being as it may think proper, providing such sum does not exceed 3 per cent of such ordinary income." I moved this amend-

ment when the Bill was under discussion on a previous occasion and failed to carry it. Since then circumstances have altered. Now a Mayor with the sanction of the Council is allowed to expend any sum of money not exceeding 3 per. cent of the ordinary income for entertainments; but I think it is time he should be allowed a salary. We have often seen nasty, dirty remarks made in the Press with regard to the money spent by the Mayor of the City in entertainments, and we had a specimen of that recently when a newspaper published a letter commenting on the action of the Mayor in spending £200 for a ball, which was probably written by a person who had not received an invitation. The salary will not amount to any greater sum, if my amendment is carried, than that which the Mayor is authorised by the Act to spend now, and if the gentleman does not care to spend the money on entertainments it will go back to the revenue.

THE HON. A. B. KIDSON: I am afraid I cannot agree with the amendment. I think 3 per cent of the income is sufficient for entertainments. At the present the Municipalities have quite enough to do with their money, and, personally I think 3 per cent. is too much to allow because it must not be forgotten that the rateable value of property is increasing as the Municipalities are expending, and that in consequence, 3 per cent. of the ordinary income, will before long, represent a very large sum.

THE HON. F. T. CROWDER: The arguments of the hon. member who has just spoken are not good, as 3 per cent. is allowed by the Act and my amendment will only make the money a fixed payment to the Mayor.

THE HON. H. MCKERNAN: I am sorry the mover of this amendment did not take the hint I threw out a few minutes ago, and allow the Bill to pass without any amendment whatever, because there is little hope of his amendment being carried. He has not supported it by any real argument, and he seeks to curtail the allowance already given to the Mayor because of the increase in the rates.

THE HON. F. T. CROWDER: Oh no, you have got hold of the wrong end of the rag.

THE HON. H. MCKERNAN: If the hon. member likes to call his amendment a rag, I shall dispose of it as such directly. The House is quite satisfied with the arrangement, that the Mayor should have 3 per cent. of the rates for certain purposes, but the hon. member indicates that he wishes to restrict

that gentleman to the expenditure of a certain sum equivalent to 3 per cent. of the present rate. I hope the day is not far distant when £1,000 will be provided for the Mayor as is done in Melbourne, Sydney and Brisbane. It appears somewhat strange that the hon. member should allow himself to be influenced by what has appeared in the Press in regard to a coming event. The Mayor has a right to spend this money and is willing also to spend a similar amount of his own income.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): There seems to be a wrong impression with regard to this proposal. The clause states:—

“The Council may in any year expend out of the ordinary income of the municipality any sum not exceeding 3 per cent. of such ordinary income, for any purpose connected with the municipality, and for the benefit or credit thereof, although such purpose be not within the scope of this Act. Subject to the foregoing provision, the whole of the ordinary income of any municipality shall be applicable solely to doing or carrying out those things which by this Act the Council is empowered or required to do or carry out.” The object of the amendment is that the Mayor should have a salary. Hon. members will agree that this is a wise provision. But I would point out that under the present circumstances, if distinguished visitors arrive here and are entertained, or if from some other causes, an expenditure of money is necessary, the Mayor simply explains the matter to the Council, who grant the money out of this 3 per cent. If the amendment were carried, and if the Mayor were not given to entertaining in any way, he would at the end of the year have a nice sum to put in his pocket. The Hon. Mr. McKernan seemed surprised that the amendments to this Bill have not been carried. There are times when amendments to Bills or even Bills themselves, which are not in keeping with the opinion of the House, are rejected. No doubt the Hon. Mr. Crowder feels sore at his amendments being negatived, but I would remind him that that has been the experience of other hon. members, myself included, for the first Bill I ever introduced was thrown out. I trust this measure will now go through without further delay, and I congratulate hon. members in having got through a Bill that will be so acceptable to the country.

Amendment negatived.

Clause agreed to.

Clauses 219 to 229 inclusive, Schedules, Preamble and Title:

Agreed to.

The Bill was reported to the House without amendment and the report adopted.

THE MINISTER FOR MINES: I move that so much of the Standing Orders be suspended as will enable the Bill to pass through its remaining stages without delay.

Motion agreed to.

The Bill was read a third time and passed.

MINES REGULATION BILL.

THE PRESIDENT (Hon. Sir Geo. Shenton) announced the receipt of a message from the Legislative Assembly stating that inasmuch as the Mines Regulation Bill had not and never had been before that body, they regretted not being able to accede to the request of the Legislative Council to appoint a joint Select Committee to consider the Bill.

ADJOURNMENT.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that this House at its rising adjourn until Wednesday, August 21.

Motion agreed to.

At 8.45 p.m. the House adjourned until August 21, at 4.30 p.m.