

Legislative Council,

Wednesday, 10th August, 1898.

Petition: Hawkers and Pedlars Act (repealed)—
 Question: Rabbits, Traces in the Colony
 —Question: Boulder Railway, Supply of
 Cranes—Question, Kalgoorlie Mail De-
 livery—Question: Geraldton Water Supply
 —Motion: Legislative Council Chamber,
 further Accommodation—Motion: Leave of
 Absence—Criminal Law Amendment Bill,
 first reading—Motion: Shipping Casualties
 Inquiry Bill, Select Committee's place of
 sitting—Rivers Pollution Bill, in Commit-
 tee, further consideration, clause 3—
 Bankruptcy Act Amendment Bill, post-
 ponement of Committee; Division
 Juries Detention Bill, second reading
 (postponed)—Jury (Consolidation) Bill,
 second reading—Adjournment.

THE PRESIDENT took the chair at
 4.30 o'clock p.m.

PRAYERS.

PETITION: HAWKERS AND PEDLARS ACT (Repeal).

Presented by the HON. R. S. HAYNES,
 signed by certain Indian British subjects
 resident in the colony, and praying for
 a repeal of that part of the Hawkers and
 Pedlars Act which made it unlawful to
 call at houses and solicit orders for goods.
 Petition read, and ordered to be printed.

QUESTION: RABBITS, TRACES IN THE COLONY.

HON. C. A. PIESSE asked the Colonial
 Secretary:—1, Whether rabbits have
 been caught or seen at Twilight Cove; if
 so, by whom. 2, In what other places
 have rabbits been seen in the colony
 during the past three years, giving the
 names of persons reporting the same. 3,
 Whether a report that scratchings, drop-
 pings, and tracks have been seen is con-
 sidered a sure indication of the presence
 of rabbits.

THE COLONIAL SECRETARY (Hon.
 G. Randell) replied:—1, Mr. Page, in

his report dated the 5th of this month,
 states, "From Twilight Cove, where they
 are numerous, they appear to have struck
 south along the cliffs." Mr. Mason, in
 1896, said that tracks were numerous at
 the Cove, but he did not see rabbits nearer
 than nine miles from that place. 2, Mr.
 Mason, in 1896, reported having seen rab-
 bits at Eucla, 17 miles north of Eucla,
 along the coast to Eyre Sand Patch, and
 between Mandura and Cocklebidy. One
 of his natives also saw a rabbit near the
 Cocklebidy Rock Hole. Mr. Page re-
 ports that rabbits are numerous at Eyre
 Sand Patch and Twilight Cove; he also
 saw them along portions of the coast be-
 tween the Cove and Israelite Bay, at
 Mount Ragged and and Mount Dean. Mr.
 Tom Carter has reported that a rabbit
 was caught by an old native woman at
 Point Cloates. Mr. Langheim, a pro-
 spector, discovered the remains of a rab-
 bit four miles from Widgemooltha at the
 end of last month. 3, In most cases
 "yes," but unless the droppings, scratch-
 ings, and tracks were comparatively new,
 they would not be a sure indication, as
 rabbits might have passed on to another
 locality.

QUESTION: BOULDER RAILWAY, SUPPLY OF CRANES.

HON. H. G. PARSONS asked the Colo-
 nial Secretary:—1, Whether it is a fact
 that the Railway Department has no
 crane to deliver machinery at the Golden
 Gate, Boulder City, Golden Horseshoe, or
 other stations on the Boulder Railway.
 2, Whether particular mines have not re-
 cently been compelled by the department
 to purchase their own cranes to effect
 delivery of machinery, and to re-consign
 their machinery from Kalgoorlie. 3,
 Whether the Railway Department will
 forthwith purchase a movable crane with
 a capacity of not less than 15 tons, in
 order to make possible the consignment
 of machinery direct to the mines.

THE COLONIAL SECRETARY (Hon.
 G. Randell) replied:—1, There is no
 fixed crane at Golden Gate, Boulder City,
 or Golden Horseshoe, or other stations
 on this section, but the travelling crane
 at Kalgoorlie can be obtained if required.
 2, Not to the knowledge of the Railway
 Department. 3, If the business warrants

the purchase of an additional crane it will be procured.

QUESTION: KALGOORLIE MAIL DELIVERY.

HON. H. G. PARSONS asked the Colonial Secretary:—1, Whether it is not a fact that Her Majesty's mails, including London and intercolonial letters, are now delivered in Kalgoorlie at or about 3 p.m. (though the train arrives at 1.5), while the outgoing mail is closed at 2 p.m. 2, Whether the department intends to obviate the day's unnecessary delay thus caused, by providing for the sorting of the letters in the train.

THE COLONIAL SECRETARY (Hon. G. Randell) replied:—1, It is not the fact that foreign and intercolonial mails are now delivered at the hours stated, but on Tuesday week last, consequent on the late arrival of the steamer Austral, and the failure of the Albany train to connect with the usual train at Northam, these mails were received at Kalgoorlie at 1.15 p.m. instead of at 9 a.m., the usual hour. This late arrival of the mail naturally caused delay in delivery, which was intensified by the fact that while one-half the staff was engaged in dividing and sorting it up, the remainder was fully employed in preparing for despatch, by 2 p.m., the outward intercolonial mails, the mail for Perth and intermediate districts and those for Menzies and beyond. It will thus be seen that the very utmost despatch was given to these mails in order to effect delivery by 3 p.m. 2, In the face of the above, it will be seen that there exists no necessity for any alteration in the present system of dealing with these mails.

QUESTION: GERALDTON WATER SUPPLY.

HON. R. S. HAYNES asked the Colonial Secretary:—1, Whether the Government intend to provide for a water supply for Geraldton; and, if so, 2, When such provision will be made.

THE COLONIAL SECRETARY (Hon. G. Randell) replied: The Government do not intend to supply a water service for Geraldton.

MOTION: LEGISLATIVE COUNCIL CHAMBER AND EXTENSION.

HON. C. A. PIESSE moved: "That, in the opinion of this House the present Legislative Council Chamber, and adjoining rooms, are altogether inadequate and unsuitable for the transaction of Parliamentary business, and that more suitable apartments should be provided at an early date." He said: In moving this motion in reference to the Council-chamber and adjoining rooms, I would like to remind hon. members that on a previous occasion I moved a similar motion to this, and before I make any remarks, I wish to express what I think is the opinion of all hon. members connected with this House, that you, Mr. President, have constantly endeavoured to make the building and the adjoining rooms as comfortable as you could possibly make them. I know you, sir, have done the best you can to make the rooms as pleasant and comfortable as possible for hon. members; but this building does not lend itself to much improvement, and I think hon. members will agree with me that that is so. It is gloomy and depressing in its effect, and when one enters it one feels that one has had a wet blanket thrown over one. One takes one's life in one's hands when endeavouring to write a letter in one of the outer rooms. The draughts are something terrible from the doorways and windows. It is more like a refrigerating room than anything else. I am not asking or suggesting that new Parliament buildings should be provided, but I am suggesting that suitable improvements should be carried out. I can point to offices in the town, for instance the offices of the Agricultural Bureau, where they have much better apartments than we have. (HON. J. W. HACKETT: Hear, hear.) I do not see why such provision should not be made for us until the time arrives when the Government can erect suitable Parliament Houses.

HON. J. W. HACKETT: Rent the Agricultural Bureau's rooms, then.

HON. C. A. PIESSE: It is not necessary to say much in regard to this matter: the building speaks for itself. Hon. members have put up with this building patiently for many years, and I do not think members feel inclined to bring strangers to see the Council Cham-

ber. I have often been asked where the Council Chambers were situated. One gentleman whom I brought here said, "Good gracious! Are these the Council Chambers?" I think hon. members, like myself, have felt a little ashamed when they have had to bring strangers here. I know the President has done the best he possibly could to make this building comfortable; but, as I said before, it does not lend itself to much improvement. In moving the motion standing in my name, I may say that I do not wish to commit the colony to any large expenditure; at the same time I think some better provision might be made here.

THE PRESIDENT: As President of the House I may be expected to say something in reference to this motion. I cannot agree with all that has fallen from the Hon. C. A. Piesse. The hon. member said that members were ashamed to bring strangers into this Chamber. I have brought a number of strangers into this room, and I may say that I am far from being ashamed of it. I have brought into this Chamber visitors from England, and from other places, and they have expressed the opinion that it is a most comfortable Chamber. There is no doubt that improvements can be made. The building of new Parliament Houses means the expenditure of a large amount of money; but certain improvements can be effected in the retiring rooms attached to the Council Chamber, and if this question is left to the House and Library Committee who have charge of the building, I think they will be able to make certain improvements which would add to the comfort of hon. members. One alteration has been made during the recess. There was a complaint as to the draughts in this Chamber, and hon. members will notice that doors have been made at the end of this Chamber to keep out the heavy draught. There is, no doubt, a little more ventilation required in this room. Hon. members have mentioned to me that we should have a room here, the same as they have in the Legislative Assembly, where strangers may come and see hon. members if they desire to do so. I think that could be managed. There are two rooms in this building: one is lent to the reporters—it is only lent, and can be

taken back again; there are also two rooms that can be placed at the disposal of members. The arrangement of the doors in the speaking and reading rooms is very bad, but it could be altered, and the two fire-places could be arranged in such a way as not to be situated in a current of draught. It would be unwise at the present time to go into any heavy expenditure. We should be satisfied, as members in another place are, to accept temporary accommodation until the colony's finances are in a better position, and the colony can undertake the erection of proper Houses of Parliament which will provide every accommodation for members, and be a credit to Western Australia.

THE COLONIAL SECRETARY (Hon. G. Randell): I think the hon. member will accept the amendment which I intend to propose, and which will accomplish his object; that is, that the motion be sent for the consideration of the House and Library Committee, with a view to taking action as soon as possible. To carry a motion such as that proposed would perhaps be barren of results, and money would have to be provided for the purpose. If the matter is left in the hands of the Committee, the question can be carefully gone into to see how the premises can be improved for the time being. I think the House and Library Committee can be entrusted with that duty. Hon. members all agree that the present is not the time to undertake any large expenditure in a new building or anything of that sort, but from what the Hon. C. A. Piesse and the President have said, the desire is to obtain some more comfortable rooms. As to this Chamber, I am of the same opinion as the hon. member.

HON. R. G. BURGESS: Hon. members ought to go underneath and inspect the building.

THE COLONIAL SECRETARY: As our labours are not for any lengthy period of the year, I am prepared to put up with our disabilities. I would like to see this chamber a square room, which would give more space in every way. It is undesirable to go to any great expense at the present time; but, as the President has said, additional accommodation can be provided without going to any great expense. If the matter is left in the

hands of the House and Library Committee, I think more satisfactory results will be obtained than by the mere passing of this abstract motion.

THE PRESIDENT: I think the hon. member might withdraw his motion, after what has been said.

HON. C. A. PLESSE (in reply): We have not had any expression of opinion from hon. members. Perhaps it is not their wish that any alteration should be made. If this matter is to be left in the hands of the House and Library Committee, that Committee should have something to go upon, and should know the wishes of hon. members. Unless hon. members express their opinions as to the alterations, I do not see how the Committee can arrive at what is required.

THE PRESIDENT: The complaint now in reference to this Chamber is that the draught is stopped too effectually.

HON. C. A. PLESSE: As there has been a certain amount of discussion, I will ask leave to withdraw my motion.

Motion, by leave, withdrawn.

MOTION: LEAVE OF ABSENCE.

HON. F. M. STONE moved that leave of absence be granted to the Hon. H. J. Saunders until 15th October next, on the ground of urgent private business and sickness. A cablegram had been received from the Hon. H. J. Saunders, in which that gentleman said that he would return as soon as possible, but that he had been delayed by a law suit, and that his doctor would not allow him to undertake the voyage before September.

HON. W. T. LOTON: The session had lasted for nearly two months, and the hon. member on whose behalf a further extension of leave was asked had not been present during that time. The hon. member was, he believed, not present during the latter part of last session. In a case where a member of Parliament, whether of the Assembly or the Council, could not attend to his duties, he should feel called upon to resign; otherwise his constituency was unfairly treated.

HON. R. S. HAYNES: To assist members to come to a decision on this matter, a return might be prepared showing the number of days the Hon. H. J. Saunders

had attended the House and the number of months he had been absent. He (Mr. Haynes) was glad that this subject had been brought forward, but also sorry that the Hon. H. J. Saunders should be the member in regard to whom the discussion had been raised. It was highly improper for a member to take his seat in this House and afterwards use his position as a means of advertisement, or not attend to the duties. The motion might be postponed in order to allow of the production of the return mentioned. If a member of five or six years' standing missed a session it might be overlooked, but if it came to the case of a member being absent for three or four sessions, it was time the House put a stop to the practice. Unless the practice was stopped, it would hold out an inducement to people to take the title which a seat in this House conferred and then neglect the duties. No doubt there were privileges attached to the position, but no person should take the privileges and shirk the duties.

HON. F. T. CROWDER: Was it not a matter for the particular member's electorate?

HON. R. S. HAYNES: No; the electors could do nothing.

HON. J. W. HACKETT said he entirely concurred with what had been said by Mr. Haynes and Mr. Loton. It was nothing short of a public scandal, the way in which some members of this House—he would not speak of members of the other place—viewed the obligations which they took when elected. Speaking so seriously, he was almost afraid to draw attention to the fact that this motion came very appropriately from the Hon. F. M. Stone, who was absent from his seat for an entire session. The indulgence of the House was granted to him from day to day, he having no intention of presenting himself from the first to the last day of the session.

HON. F. M. STONE: That was not so.

HON. J. W. HACKETT: The hon. gentleman was not present during a solitary day of the session.

HON. F. M. STONE: That was right.

HON. J. W. HACKETT said he would be sorry to make a serious charge of that kind without foundation. Some persons seemed to consider that a seat in this House was to be used for objects other

than the representation of their constituents; and the House owed a debt of gratitude to the Hon. W. T. Loton for being the first to rise and denounce the system. A member when he entered the House for the first time took a seat which he could claim throughout the session. A difficulty had arisen in the past because seats which, technically, belonged to absentee members, were taken possession of by regular attenders. It was full time for the House to make a protest against a system of absence from duty, which had been more grossly abused in Western Australia than in any other colony in Australasia. It had been one of the main causes of convincing him that the payment of members was a necessity. In the case of honorary service, the electors simply shrugged their shoulders and said their members had forgotten their promises; but if the colony were taxed to pay for the service of members of Parliament, these gross misconceptions of duty would come very speedily to an end.

HON. F. M. STONE said he did not for a moment dispute what had been said with regard to leave of absence given to members. But considering what he had told the House as to the ground for the Hon. H. J. Saunders's absence, and considering the protest that had been made by the House, the leave might very well now be granted as asked.

HON. R. S. HAYNES: Shorten the proposed leave to a month.

HON. F. M. STONE: It was the illness of the Hon. H. J. Saunders's wife which prevented that gentleman from attending the House. If leave were granted, he (Hon. F. M. Stone) would cable to the Hon. H. J. Saunders the strong protest made by the House and ask him to return as quickly as possible. The protest would be quite sufficient to show members that they could not go away for the whole or the greater part of a session.

HON. J. W. HACKETT: If the proposed leave were limited to a month he would consent to it, but if it were not so shortened he, as one of the hon. member's electors, would divide the House on the motion.

HON. R. G. BURGESS: The leave might be extended to six weeks, so as to allow the Hon. H. J. Saunders time to either return or resign.

THE COLONIAL SECRETARY said he quite concurred in the feeling that the Hon. H. J. Saunders had perhaps transgressed more than other members on the indulgence of the House in regard to leave of absence. There had been instances, however, of members being absent for the whole of the session with the consent of the House; and it seemed invidious at the present time to select one member without notice, that member being away with the full knowledge that such leave was generally granted. Good reasons had been given for the Hon. H. J. Saunders's absence at the present time. He (the Colonial Secretary) had himself protested against the practice of lengthened leave of absence, a practice which must come to an end sooner or later. Attention having been drawn to the matter, and an expression of opinion having been given, it might safely be assumed that in the future such tender treatment would not be meted out to any hon. member who absented himself, except under very special circumstances. Members might regret thus taking action in regard to the Hon. H. J. Saunders, seeing that absence for the remainder of the session had already been granted to another member.

HON. J. W. HACKETT: It was quite time the practice was stopped.

THE COLONIAL SECRETARY: Notice ought to be given in the interests of common justice. The Hon. H. J. Saunders was a respectable citizen of Perth, who had done his best to promote the welfare of the city.

HON. R. S. HAYNES: How long had the Hon. H. J. Saunders been absent during his membership of the House?

HON. J. W. HACKETT: The hon. member was away for several months when he was Mayor of Perth.

THE COLONIAL SECRETARY: Other members had been away for considerable periods of the session; and last session the business of the House was conducted by twelve or thirteen members. It was no doubt time the practice was stopped; but the protest having been made, hon. members would know that in the future application for leave of absence would be very seriously criticised before being granted.

HON. W. T. LOTON rose to explain that, in protesting against leave of absence being granted, he had not intended on the present occasion pressing the matter beyond a protest. The Hon. F. M. Stone might ask for leave of absence for one month, which would give time for cabling and reply.

HON. J. W. HACKETT asked whether it was not a contempt of the House to be absent, even for a fortnight, unless special leave was given. If so, this showed the House looked on the offence as a very serious one.

HON. F. M. STONE said that after the expressions which had fallen from hon. members he would, by leave, amend the motion so as to extend the limit of leave to one month. He presumed that if the Hon. H. J. Saunders was then on his way to Australia, or other good grounds could be shown for his absence, the leave would be extended.

Motion by leave amended, and passed as amended.

CRIMINAL LAW AMENDMENT BILL.

Introduced by the Hon. A. B. KIDSON, and read a first time.

SHIPPING CASUALTIES INQUIRY BILL.

SELECT COMMITTEE.

SITTINGS OUT OF PERTH (PROPOSED).

HON. R. S. HAYNES moved: "That the Select Committee appointed to inquire into the Shipping Casualties Bill be empowered to sit at Fremantle, and there to take evidence." The Select Committee, he said, consisted of five members, three of whom resided in Fremantle and two in Perth, and the convenience of the majority of these gentlemen was one of the grounds for the motion. Another ground was that the witnesses, official and private, whom it was desired to examine, were engaged at Fremantle, and to bring them to Perth would cause them considerable inconvenience, and put the country to some expense. If the Committee were allowed to sit at Fremantle, no expense would be incurred, and the evidence could all be taken on Saturday, when it was proposed the Committee should meet. A room in the Customs House had been placed at the disposal of the Committee, so that

no expense would be incurred on that score. He recognised that some good grounds should be shown to the House before the Committee could be allowed to sit in any other place than the Legislative Council Chamber or the rooms adjoining. A bad precedent might otherwise be created, and the House asked at some future time to allow a Select Committee to take evidence at, say, Wyndham, a proceeding which would entail much expense. The House always had the right to say that expenses should not be increased improperly or unduly; but the object of the motion was to save expense. Personal inconvenience and loss would be occasioned to himself as a professional man if the Committee sat at Fremantle. If the motion were not carried, the Select Committee would have to sit from time to time, and it would be difficult to say when they would be able to prepare a report. Although there was a right to insist on witnesses attending at Parliament House, that right ought not to be exercised unless it were absolutely necessary, if witnesses, by attending here, were caused to neglect their own business.

THE PRESIDENT said he thought it his duty to make some remarks on the motion now before the House. The Hon. R. S. Haynes submitted this motion under the provision of Standing Order No. 317, which read:

A Select Committee may adjourn from time to time, and, by leave of the Council, from place to place, and may sit on those days for which the Council is adjourned.

The power to adjourn from place to place was given in order to meet exceptional circumstances. He had looked up this matter, and he found it laid down in *May*, page 389:—

A Select Committee may adjourn its sittings from time to time, and occasionally a power is also given by the House to adjourn from place to place; or from time to time, and from place to place. The power of adjournment from place to place is generally intended to enable a Committee to hold its sittings in different parts of London, as the Mint Committee in 1837, at the Mint; the Coal Mines Committee of 1852, at the Polytechnic Institution; the National Gallery Committee of 1853, at the National Gallery; and the Oaths Committee of 1850, at the house of Mr. Wynn, a member of the Committee, who was sick. But in 1834 the Committee on the Inns of Court appointed

a quorum to go into Essex to take the evidence of a witness who was unable to move from home. In 1858 it was proposed to give the power of adjourning from place to place to the Committee on Contracts (Public Departments), in order to enable it to hold its sitting at Weedon; but the proposal was withdrawn, and a Royal Commission appointed. In 1863 this power was granted to the Committee on the Thames Conservancy, to empower it to visit different parts of the river to which its enquiry extended. In 1864 the same power was given to the Committee on Schools of Art.

It would be seen that in the House of Commons there had been only two occasions on which a Select Committee had been empowered to hold its inquiries outside the area of London, in which the Parliament Houses were. This showed how jealously the House of Commons had always guarded this right of allowing a Select Committee to adjourn from place to place. He had made inquiries in South Australia, and he found that in that colony there had been only three instances of this power to adjourn from place to place being given to a Select Committee. The House ought to be very careful in giving a power of this kind. By the motion, permission was asked for the Select Committee on the Shipping Casualties Bill to sit in Fremantle. But Fremantle was very close to Perth, and under the Standing Orders there was power to summon witnesses to the Legislative Council, and the witnesses must attend. Under Standing Order No. 333,

Every Select Committee shall have power to award payment to any professional or other witnesses they may deem it necessary to employ in furtherance of the inquiry with which the Committee is charged.

He thought the Hon. R. S. Haynes had not made out such a case as would warrant the House in granting to the Select Committee a power that should always be most jealously guarded. Once a precedent was made, a Select Committee might, as the Hon. R. S. Haynes had himself stated, sit in Wyndham or in the far northern territory of the colony. And then there was another thing to be considered. Suppose a Select Committee was appointed to sit in some part of the country miles from Perth. During the time the members of that Committee were away, the whole Parliamentary work might have to stand still owing to the

impossibility of maintaining a quorum in the House during their absence. As he had said, during the number of years the British Parliament had been in existence, there were only two cases in which permission had been given to a Select Committee to sit outside London; and in only three cases had the power been given in South Australia—the latter in connection with a railway within a very few miles of Adelaide. The House should seriously consider before accepting the motion submitted by the Hon. R. S. Haynes.

HON. S. J. HAYNES said he quite agreed with the remarks which had fallen from the President. The Hon. R. S. Haynes had put his case very fairly, having drawn attention to the danger of making a precedent in this matter; but the circumstances put before the House hardly warranted the passing of the motion, which he trusted would be withdrawn.

HON. J. W. HACKETT suggested that the Hon. R. S. Haynes should give the names of the members who found it inconsistent with their personal convenience or advantage to sit in Perth.

HON. R. S. HAYNES: The Hons. F. T. Crowder, R. G. Burges, and A. B. Kidson.

HON. J. W. HACKETT explained that he had only asked for the names in order that these members might speak to the question. It was the right and privilege of all members of the Council to be present at meetings of Select Committees, the only time they were excluded being when a division was taken. If a Select Committee were migratory, the right of members to be present would be very materially imperilled; therefore, the President would allow him to say, with respect, that he very strongly endorsed the reading of the rules and the interpretation of their power as given from the chair.

HON. W. T. LOTON, as one of the members of the Select Committee, said he had no objection, so far as his own convenience went, to sitting either at Perth or at Fremantle; but, looking at the motion from a Parliamentary point of view, he thought it would be a bad precedent to grant the permission asked for on this occasion. He saw no grounds whatever why the permission should be given.

Perth and Fremantle were only half an hour's ride apart, and unless some very strong and urgent reasons were given, the Select Committee should hold its sittings in the ordinary place.

HON. R. S. HAYNES: The chief witness was the Collector of Customs.

HON. W. T. LOTON; That witness might be summoned to attend at a particular hour under special arrangements, and sitting in Perth would not make more than an hour's difference in the time he would be taken from his duties. To pass the motion would create a precedent which might cause trouble hereafter.

HON. H. BRIGGS: As one of the members of the Select Committee, he had no feeling in the matter, and simply fell in with the suggestion of the Hon. R. S. Haynes, who had said it would be convenient for most of the shipping agents and others to be examined at Fremantle. Large fees had been paid to professional gentlemen in the past; for instance, a professional gentleman had to be paid so many guineas for giving evidence on the Select Committee on boilers.

HON. J. W. HACKETT: The same fees would have to be paid to professional gentlemen in Fremantle.

HON. R. S. HAYNES: The witnesses were coming willingly. He would not press the motion, but when it was suggested by hon. gentlemen on the Committee that the meeting should be held at Fremantle, he fell in with the suggestion. If attention had been drawn by the President to the fact that there was an objection to the Committee sitting at Fremantle, he would not have moved the motion, but he did not like to be induced to make a motion and then ask to withdraw it.

THE PRESIDENT said he instructed the Clerk to send a telegram, as soon as he heard that the Select Committee proposed to sit in Fremantle.

HON. R. S. HAYNES said that the President had subsequently pointed out to him that he should make a motion in reference to this matter; and if it had been pointed out to him then that such a motion should not be made, he would not have moved it.

Motion, by leave, withdrawn.

RIVERS POLLUTION BILL.

IN COMMITTEE.

Consideration in Committee resumed.

Clause 3—Prohibition as to drainage into streams and rivers:

HON. F. M. STONE: Progress was reported on this clause to enable him to look into the Bill, to see whether it could not be altered in some way so as not to press too heavily on the whole of the country. The Hon. J. W. Hackett had made certain suggestions as to confining the operations of the Bill within ten miles of the township, and it was with a view to considering that suggestion that progress was reported on the former occasion. On looking into the question he did not see very well how this suggestion would work. Since then he had consulted with the Surveyor-General on the matter, and a suggestion had come from that gentleman which he (Hon. F. M. Stone) thought would meet all the objections which had been made against the Bill. It was this, that the operations of the Bill should be confined only to the boundaries as defined in the Land Regulations of the South-Western Division. The South-Western Division would start somewhere about the Murchison; it went between York and Southern Cross, and then down the other side to Albany. That would take in all the main rivers of the colony, and all the more settled parts.

HON. R. G. BURGESS: The hon. member said main rivers.

HON. F. M. STONE: Yes, the main rivers.

HON. R. G. BURGESS: Then the hon. member did not know much about the colony.

HON. F. M. STONE said he meant the main rivers of the southern part of the colony. He proposed now to take the Bill as far as clause 7, and then ask leave to report progress so that he could put the amendments on the Notice Paper, and produce maps showing what part of the colony it was proposed the Bill should apply to.

HON. J. W. HACKETT said he had already assured the hon. member he was wholly with him in regard to the principle of the Bill, but there was a great deal to be said as to the suggestion thrown out, yet he would like to point out to the

Committee that it amounted to practically making the Bill a new one. The alterations might be good, but hon. members had not time to look into them at a moment's notice, and he suggested that progress be reported at once because there were only four or five clauses of a non-contentious character coming next, except perhaps clause 3, which might open up the whole question, and which we could not decide without the information which the hon. member promised to place on the table. He moved that progress be reported.

Put and passed.

Progress reported, and leave given to sit again on Tuesday, 16th August.

BANKRUPTCY ACT AMENDMENT BILL.

HON. F. T. CROWDER moved that the consideration of the Bankruptcy Bill in Committee be made an Order of the Day for Tuesday, 16th August. He wished to put the matter clearly before hon. members. It was the desire of the hon. member in charge of the Bill that it should have due consideration. He (Mr. Crowder) had received only that day from the merchants of Perth a list of 42 different amendments, and it would be better to have the amendments printed, so that members could see and consider them carefully. There was absolutely no reason why the Bill should be rushed through just now. It had been utterly impossible to get the amendments earlier; and, in asking for the adjournment until Tuesday, he did so with the hope that the Bill when brought forward would have been studied in all particulars. If the Bill were gone on with now, hon. members would not have an opportunity of following the purport of the 42 amendments which had been submitted to him by the merchants of Perth.

HON. S. J. HAYNES seconded the motion. The Hon. A. B. Kidson, in moving the second reading, had shown the great need there was for an amendment of the bankruptcy laws of this colony. No doubt the move might have been in the right direction; but the Hon. F. T. Crowder had come forward with a number of amendments, and it was only right that members should have a fair and reasonable time to look into them. It seemed to him that, so far as the present Bill was

concerned, the Hon. A. B. Kidson was endeavouring to engraft into the bankruptcy law of the colony something which would not fit in at all. He was endeavouring to patch one piece of cloth with a piece of cloth of another colour. The Bill was portion of the South Australian law, whereas the law under which this colony was now working was the English Act, which in some respects was opposed to the South Australian law. He hoped some delay would be granted, so that the amendments should be placed before the House, and reasonably considered by hon. members. There was no necessity why this Bill should be rushed through, especially when business men had suggested a number of amendments. It would be better for the House and the country that there should be fewer Bills, and that more attention should be paid to those Bills. We had before us yesterday one of the most absurd Bills ever brought before the House, and last session we had a Workmen's Lien Bill before us, which was now disgusting the people of the colony. It would be far better to bring in a proper Bankruptcy Bill than to try and patch up the law which was now in existence. There had been a lot of trouble in the past in amending the bankruptcy law, which was now in such a position that the members of the legal profession hardly knew where they were, and he hardly knew how laymen could understand the law.

HON. C. A. PRESSED: They had to pay, though.

HON. S. J. HAYNES: It was surprising that the public had not protested more than they had done. The bankruptcy law was a disgrace to the colony.

HON. A. B. KIDSON: Why not try to amend it, then?

HON. S. J. HAYNES: There had not been time to do it. The Hon. F. T. Crowder had asked for time to bring forward amendments suggested by the merchants of the city, and time should be given for those amendments to be printed. As to the Bill now before the Chamber, he did not think it would be a success. On looking at the Bill, what did it mean? Any debtor could call a meeting of his creditors.

THE PRESIDENT: The hon. member could not go into the merits of the Bill

on the motion to postpone its consideration.

HON. S. J. HAYNES: It was in the interests of the country that reasonable time should be given to enable members to consider those amendments. He would prefer to see the whole of the bankruptcy laws consolidated.

THE PRESIDENT: The hon. member could not refer to matters other than the adjournment.

HON. S. J. HAYNES said he would merely second the motion.

THE PRESIDENT said he would like to make a few remarks upon what had fallen from the Hon. S. J. Haynes as to the business being rushed through this House. As President, he would like to say, taking the case of the particular Bill, that the second reading was carried a fortnight ago; and, that being so, the accusation which the Hon. S. J. Haynes had used against the measure could not be used against the members of the Legislative Council, of trying to rush business through, when the second reading was passed a fortnight ago. He simply wished to draw attention to those remarks, and to say that, as far as he was concerned, he strongly objected to them.

HON. A. B. KIDSON: As to whether or not the consideration of this Bill in Committee should be adjourned until next Tuesday, was a matter for the House to decide. At the same time he might say that if such an adjournment did take place, there would be a great risk of the Bill not passing through another place. He might point out that the same thing occurred in the previous session with this very same Bill. Hon. members had stated that they desired to see a Bill of this nature pass into law, and in spite of what the Hon. S. J. Haynes had said that he did not think the measure would be a great success, he might say that personally he thought it would be a great success. The hon. member had been very free in his remarks, but had not given notice of any amendments he proposed in the Bill. He (Mr. Kidson) did not know whether he was right in saying that the hon. member had not looked at this Bill.

HON. S. J. HAYNES: The hon. member was absolutely wrong. He had read the Act long before the hon. member had come to the colony.

HON. A. B. KIDSON: The hon. member appeared not to have read this Bill.

HON. S. J. HAYNES: Read it twice.

HON. A. B. KIDSON: Then the hon. member must be well satisfied with it, as he had not any amendment to propose. The hon. member had come forward and made a statement that the Bill was not likely to be a success, yet there did not appear an amendment on the paper, although the hon. member had had the Bill under consideration for a fortnight. No doubt the hon. member could improve on the drafting of this Bill, which was drafted by one of the first draftsmen in Australia, but the hon. member had not done so. He hoped the adjournment would not take place, because the amendments in the hands of the Hon. F. T. Crowder, which he had the opportunity of looking through, were mostly verbal amendments. If there was any amendment which was not a verbal amendment, when we came to that the Committee could report progress.

THE PRESIDENT: Or postpone the clause.

HON. A. B. KIDSON said he did not see why the hon. member should not go on, as he had had the Bill before him for a whole fortnight.

HON. F. T. CROWDER: The amendments could not be got ready before. He might point out that there had been five meetings of the merchants, and that the whole of the amendments should be printed.

HON. A. B. KIDSON: If the House desired to have the adjournment, then there would be an end of it, but he hoped the House would not grant the adjournment. We could go on until we came to some clause which would compel us to stop, and then we could report progress. He would like to see the Bill taken in hand, and if that were not done, it would be impossible to get the Bill through another place.

THE COLONIAL SECRETARY said he must plead for getting on with the business of the House. The Bill had passed through the House once before. Virtually it was the same House as the present, only there were one or two new members. The measure had been approved of by the Perth and Fremantle Chambers of Commerce, and it had come to the House with strong recommendations as a most de-

sirable measure, which had worked admirably in South Australia. Generally speaking, we might accept the legislation of South Australia as being the best in the whole of the Australian colonies.

HON. W. T. LTON: That was open to question.

THE COLONIAL SECRETARY: The law had been in operation for some time in South Australia, and it had proved a success. The business sheet before us was very small. He did not propose to go on with the Education Bill until next Wednesday, for various reasons, and there would be very little business before the House, so that it was necessary to get on with this Bill. One argument had been used by the Hon. A. B. Kidson, that if the Bill did not get to the other House in reasonable time, probably it would be shelved. Bills coming from private members did not stand the same chance of passing either the Upper House or the Lower House as Government measures. He believed that the principle of this Bill was a very good one, introducing as it did a new feature into the bankruptcy law. It brought in the principle of assignments, and the amendment was much desired by the commercial community. Having gone through the Bill last session with a special committee, consisting of the Perth and Fremantle Chambers of Commerce, he thought the House might get on with the Bill to a large extent.

HON. F. T. CROWDER (in reply) said he had received most unfair treatment, both from—

THE PRESIDENT: The hon. member must not make statements of that kind in this House.

HON. F. T. CROWDER: Well, he had not been treated fairly. When the hon. member (Mr. Kidson) asked for adjournment of measures, the House had granted the adjournment cheerfully. It should have been sufficient for him (Mr. Crowder) to state he had only had the amendments in his hands half an hour, to obtain the adjournment. He simply said that if the adjournment were not granted he would merely throw the amendments on the table and not go on with them at all. The Colonial Secretary said he was not prepared to go on with the Education Bill that night. He (Mr. Crowder) would op-

pose any adjournment the Colonial Secretary asked for.

THE PRESIDENT: The hon. member must not make threats. He must withdraw such a statement.

HON. F. T. CROWDER withdrew the remark, but added something which was not heard distinctly.

THE PRESIDENT: The hon. member must not make such statements. He would be sorry to have to name any one in this House, but he could not allow remarks of that kind to be made.

HON. E. McLARTY: The Bill was an important one, and was recognised by the business community as such. The bankruptcy law required amending. As a number of amendments had been suggested by the merchants of the city, it was only right that we should see those amendments in print, and he would certainly support the adjournment until Tuesday.

HON. H. G. PARSONS appealed to the House not to rush this measure. Mature deliberation should be given to matters by hon. members. The House was not generally precipitate on matters of this kind. There was no reason why the adjournment should not be granted. There should be no wish to deprive hon. members of the opportunity of deliberating on amendments brought before the House. He did not think the country was likely to complain that that House sat too continuously, or that we did too much work. There was a feeling that that House did too little work, and adjourned too frequently. As the leader for the Government in this House had said that this Bill was taken from the South Australian law, it might be desirable for us to make this measure subject to the local requirements. The merchants of the city had submitted a number of amendments to make the Bill suit local requirements; those amendments should be considered. If it were necessary that that House and another place should sit for a few weeks longer to dispose of this legislation, then he thought if the business of the country demanded it we should sit longer. He did not think the way in which the business of that House had been conducted was satisfactory to the country. It was not considered that members took politics seriously enough. The Parliament only sat

to adjust the politics of the country, and he did not think this Chamber had done its duty so far. He thought the hon. member should have the opportunity of placing his amendments on the Notice Paper, and, therefore, he would strongly support an adjournment until Tuesday.

HON. F. WHITCOMBE: The object of the adjournment was that, when the Bill passed its second reading and was sent to Committee, communication was immediately opened with people in Adelaide, as to what amendments had been made in the original Bill, and as to how satisfactorily or otherwise the law had worked in South Australia. We should be guided by the experience of those who had been working under this law. The advice was expected from Adelaide next Monday, and the consideration of the Bill should be delayed until next Tuesday. It would be far more satisfactory to adjourn the consideration of the matter until then.

HON. A. P. MATHESON said he must oppose any motion for adjournment, at the present stage. We could fairly go on with the discussion of the Bill until some material amendment was reached.

HON. F. T. CROWDER said he would not go on if the consideration of the Bill was not adjourned.

HON. A. P. MATHESON: The House should not be asked, week after week, to adjourn the consideration of important measures. No one seemed prepared to face any discussion of Bills before the House, and if any question of an important nature arose, an adjournment was asked for, perhaps for a week or a fortnight. This Bill was practically agreed on by the House when it was under discussion on the previous occasion, and all these matters could have been ventilated then with the greatest ease. But the Bill might be proceeded with until the stage was reached at which the amendments arose.

Motion—that the order of the day be postponed until the next Tuesday—put, and division taken, with the following result:—

Ayes	...	...	...	13
Noes	...	...	...	5
				—
Majority for	...	...	...	8

Ayes.

Hon. H. Briggs
 Hon. F. T. Crowder
 Hon. J. W. Hackett
 Hon. S. J. Haynes
 Hon. W. T. Loton
 Hon. D. McKay
 Hon. H. G. Parsons
 Hon. C. A. Piessé
 Hon. J. E. Richardson
 Hon. W. Spencer
 Hon. F. M. Stone
 Hon. F. Whitcombe
 Hon. F. McLarty
 (Teller)

Noes.

Hon. R. G. Burges
 Hon. R. S. Haynes
 Hon. G. Randell
 Hon. A. P. Matheson
 Hon. A. B. Kidson
 (Teller)

Order postponed accordingly.

JURIES DETENTION BILL.

POSTPONEMENT.

Order of the day, for the second reading, read.

HON. R. S. HAYNES moved that the order of the day be postponed for a fortnight. The object was to keep the Bill alive, in case the Jury Bill, next on the Notice Paper, did not go through.

Put and passed, and the order postponed accordingly.

JURY (CONSOLIDATION) BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): In rising to move the second reading of the Bill, entitled "An Act to Consolidate the Acts relating to Juries," I ask the indulgence of this House for a while. The Bill has not been in my hands for long, but I have had time to compare it with the old Acts in force now. If hon. members refer to the schedule, they will see it is proposed to repeal no fewer than seven Acts and amendments of Acts in which we have to look for the law relating to juries. The Bill is to a large extent a consolidation of what, I may say, are the better parts of the old Acts. The Bill also, in my judgment simplifies many of the clauses, and makes the law much more easily understood, and, I should say, much more easy to work. There are some new features in the Bill to which I shall refer later on. The Bill which the Hon. R. S. Haynes has on the notice paper, to permit juries to separate in certain cases of felony is, I believe, covered by a provision in the Bill now before the House. Clause 5 provides that every man between the ages of 21 and 60 years, is liable to

serve on juries, and this is virtually a transcript of the section of the old Act, as amended by some of the subsequent Acts. There is nothing particularly new about clause 6, excepting that justices of the peace are exempted from serving on juries, and they may claim exemption, although their names are on the jury list. At the present time justices of the peace have to serve as well as other persons. I notice that bank directors, along with merchants who do not keep general retail shops, are liable to serve on special juries. I think I am correct in saying that, under the present Act, a bank director is exempt, and that it is highly desirable, in the interests of such institutions, that they should be exempted. In clause 8 there are some extensions of the old Act. One extension is in the case of journalists, who have managed, somehow or other, to obtain exemption along with schoolmasters and others from serving on juries. Most of the clauses, as I have said, are a repetition of the enactments now in force, only shortened and simplified in many cases, and made easier in the working. There is an extension of the radius within which juries can be summoned from 25 to 36 miles, and this is a detail which can be considered in Committee, and amended if necessary. But inasmuch as a fee of 10s. is now paid to jurors in pursuance of a recent Enabling Act, there will not be that disinclination to serve on juries that has been seen in the past. Travelling allowances are now made to jurors, and it may be taken for granted that the hardships will not now be so great as before on jurors generally who live at some distance from either the Supreme Court or the sessional court. One or two clauses are modifications of Imperial legislation. Under the old Act only seven days' notice is required to be given to a summoning officer, but in the Bill it is provided that every "order or precept shall be issued and delivered to the summoning officer at least fourteen clear days before the attendance of the jurors is required." And this, I think, is an improvement on the law. The term "summoning officer" is used throughout the Bill in the place of the sheriff or his officers. Challenges are permitted in exactly the same way as now, except that the clause is constructed differently.

HON. R. S. HAYNES: In the proviso of clause 21 there is an alteration of the law.

THE COLONIAL SECRETARY: The proviso reads: "Provided that when two or more accused persons are jointly indicted and jointly defended, they shall not sever any such peremptory challenges or objections." That is so highly technical that it escaped my notice. I have compared the Bill, as far as I can, with the old Acts, and where the clauses of the Bill are new they are, so far as I am able to judge, likely to accomplish the purposes for which they were drafted. Altogether the Bill may be taken as one which simplifies the law considerably, and also consolidates, which is a useful thing when Acts have been amended from time to time. The penalties seem to be the same as under the old Act. Clauses 25 and 26, limiting the attendance of jurors and allowing jurors to separate in certain cases, are, I think, new. The clauses which contain the alterations the hon. member (Mr. R. S. Haynes) sought to effect by the Bill are these:—

24. No juror shall be required to attend at any sittings of the Supreme Court in its criminal jurisdiction, or at any general sessions of the peace, for more than five days at the same sittings or sessions, as the case may be, except for the purpose of finishing a part-heard case.

Clause 25 says:—

Jurors for the trial of a person charged upon an information for an indictable offence, not punishable with death, may, after having been sworn, separate during the intervals of the trial, except when otherwise ordered by the judge.

There are one or two other clauses, though I cannot put my eye upon them just now, which are new. The 44th is one of the new ones, and says:—

In all civil actions, where the jury shall have retired to consider their verdict, and shall not have agreed upon their verdict after a lapse of three hours, the verdict of a majority of two-thirds of the jurors shall be deemed to be the verdict of the jury.

That is an important alteration, and I am informed that it is not the law in many countries at the present moment; I believe, however, that it is the law in Scotland. I believe this alteration has been desired in this colony for a considerable time. I know that a number of letters have appeared in the newspapers

from time to time on the subject, and a few cases have occurred in the courts in which justice has not been attained in consequence of the want of such a provision. My own opinion is that such an alteration is desirable. It seems to me absurd that one man standing out can prevent eleven other jurymen from giving their verdict, and this one man simply through prejudice or stubbornness will not agree with the others. I should think that a majority verdict of two-thirds of the jurors, after a lapse of three hours, would be satisfactory.

HON. J. E. RICHARDSON: That is only in civil actions.

HON. R. S. HAYNES: Yes.

THE COLONIAL SECRETARY: I took it that it referred to all cases. I need not say more on the Bill, therefore I will formally move the second reading.

HON. R. S. HAYNES: I understand that the Colonial Secretary, after the principle of the Bill has been affirmed, intends postponing the consideration of the measure in Committee until to-morrow night. I entirely concur with the measure, and I congratulate the Government in moving in a matter which has been required for many years. I shall give my best effort to see the Bill go through in as complete a form as possible, and shall, therefore, do all I can to assist it in Committee. There are one or two important matters which will need amendment in Committee, but which I will not refer to now. There is one important departure in reference to criminal cases; that is, if there are twelve men charged with an offence, and they employ one counsel only, they can challenge only six jurors, but if they employ separate counsel, each man can challenge six jurors, making 72 challenges. It might be that the men charged could not afford separate counsel, and they might club together and pay a certain fee to provide one counsel for all of them. Each of these persons might have a different defence; therefore, I think this provision requires some consideration. I ask the Minister in charge of the Bill to submit the matter to the consideration of his colleagues, and see if this provision cannot be amended. I say this after serious consideration. There is another important amendment which should be made in this Bill, and

that is, that a verdict of a jury that has been returned should not be set aside by the Supreme Court, unless the court is unanimous. I hope to bring forward, in Committee, good reasons for this amendment. At the present time the twelve jurymen have to be unanimous in their verdict, and it may be the judge before whom the case is tried approves of the verdict of these twelve gentlemen. They have heard the evidence, and they have seen the way in which the witnesses gave their evidence, and the judge, from the demeanour of the witnesses, and from the way in which the case has been conducted in court, approves of the verdict. But it may be that two judges who sit in appeal, and who have not heard the evidence, may upset the verdict of that jury, although the judge who tried the case agreed that the verdict was a proper one. That is a matter which should engage the serious attention of the House. Questions of fact should be tried by juries, and it is a dangerous thing to allow a tribunal afterwards, which is not so well able to judge as to matters of fact as jurymen are, because most of the judges pride themselves that they know nothing about matters of fact and business, to upset the verdict. When twelve gentlemen who are suitable to decide matters of fact decide a case, why should two judges come in and upset that verdict? The other point to which I wish to refer is that the general issue should be left to the jury. If a charge is brought against a person, the jury should say whether that person is guilty or not; but sometimes the judges take upon himself to put certain questions to the jury and to get answers, and thus decide whether the verdict is one of guilty or not. Inasmuch as a man has a right to be tried by his peers, the jury should say whether the man is guilty or not, unless counsel of both sides agree to the contrary. Very often questions are put to jurors which they do not understand. I have known five or six questions put to a jury which they did not understand, and the result is that there are arguments subsequently, and the case is carried on indefinitely. The jury who have seen the witnesses and heard the evidence should say whether or not the person is guilty, therefore I say that the general is-

sue should be put before the jury unless counsel agree otherwise. I speak after considerable experience in this particular I hope the Colonial Secretary will submit this question to his colleagues, because this is not a matter which he can thoroughly understand, although I have had the opportunity of appearing before the hon. gentleman as a justice, and of obtaining his opinion on many matters.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 6.30 p.m., until the next day.

Legislative Assembly,

Wednesday, 10th August, 1898.

Paper presented—Petition: Perth Deep Drainage and Medical Practitioners—Question: Inspection of Hoisting Tackle, etc.—Motion: Perth Water Supply and Administration—Motion: Alluvial Dispute and Compensation to Diggers; Division (negatived)—Motion: Government Contracts and Minimum Wage; Amendment, Division (negatived)—Motion: Women's Franchise. debate adjourned—Adjournment.

THE SPEAKER took the chair at 4.30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the MINISTER OF MINES: Alluvial Dispute in certain gold-mining centres, Correspondence.

PETITION: PERTH DEEP DRAINAGE AND MEDICAL PRACTITIONERS.

Presented by MR. WALTER JAMES, signed by medical practitioners in Perth, praying that the deep drainage of the city be undertaken. Petition read and ordered to be printed.

QUESTION: INSPECTION OF HOISTING TACKLE, etc.

MR. SOLOMON asked the Premier, whether, in view of recent accidents which had occurred in consequence of inferior gear and tackle being in use, the Government would take into consideration the advisability of the appointment of an inspector of tackle and gear of shipping, also that used in commercial circles.

THE PREMIER (Right Hon. Sir J. Forrest) replied:—Inquiries have been made, but so far no definite information has been obtained as to what is the usual practice in other places. As soon as that is ascertained, an announcement will be made on the subject.

MOTION: PERTH WATER SUPPLY AND ADMINISTRATION.

MR. WOOD (West Perth) moved:

That a Select Committee be appointed to consider the question of the Perth water supply and the administration of the Perth Waterworks Board.

He apologised to the Speaker and to the House for the serious risk he had run in being absent on two occasions when this motion should have been brought forward. On the previous day (Tuesday) he had made provision, but unfortunately the member to whom he sent the message did not receive it in time. The object in moving for a Select Committee of Inquiry was in no way antagonistic to the board which managed the Perth water supply, nor did he wish to cast any doubt upon the ability of its members, and he would like that to be clearly understood. It was recognised that the board was dealing with a large amount of public money in carrying on this water supply; and as there had been critical remarks made on the board's management, from time to time, it would be only fair to the board that an opportunity should be allowed, through the medium of this inquiry, for such explanations and statements to be made as the board could give in regard to its past and present management. The chairman of the board (Mr. E. Keane) was recognised as probably the ablest man in the colony for the position; and the other two salaried members of the board, though not experienced in works of this character, brought to bear